

**Representative Matthew H. Gwynn** proposes the following substitute bill:

**CRIMINAL CODE RECODIFICATION AND CROSS REFERENCES**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: Keith Grover

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**LONG TITLE**

**General Description:**

This bill modifies criminal provisions in Title 76, Utah Criminal Code, by redrafting offense statutes into a new structure and clarifying existing law.

**Highlighted Provisions:**

This bill:

▶ reorders language into a standardized format and clarifies existing law, including the offenses in Title 76, Chapter 8, Offenses Against the Administration of Government;

▶ for clarity, makes technical corrections to certain statutes resulting from the 2022 criminal code recodification:

• in Title 76, Chapter 1, General Provisions, to reflect separation of aggravated human trafficking and aggravated human smuggling into separate statutes; and

• in Section 76-5-404.1 to remove a conflicting provision that mandatory imprisonment was required for sexual abuse of a child;

▶ makes technical corrections to certain statutes resulting from the 2023 criminal code recodification:

• in Title 76, Chapter 6, Offenses Against Property, regarding erroneous inclusion of penalty provision in offense concerning unlawful dealing of property by a



26 fiduciary; and

27           • in Title 77, Chapter 36, Cohabitant Abuse Procedures Act, to reflect separation

28 of criminal mischief statute into two separate offenses;

29           ▶ reorganizes the following offenses to enact an embedded offense as a stand-alone

30 statute:

31           • offense concerning receiving bribe or bribery for endorsement of person as

32 public servant;

33           • offense of interference with public servant; and

34           • offense concerning obstruction of justice in a criminal investigation or

35 proceeding;

36           ▶ reorganizes and clarifies existing language in offense of escape and enacts

37 embedded offense of aggravated escape as stand-alone statute;

38           ▶ reorganizes existing statutes concerning secure areas, including enacting a number

39 of statutes to reflect separate stand-alone offenses;

40           ▶ reorganizes the offense of threatening an elected official;

41           ▶ reorganizes offenses concerning influencing, impeding, or retaliating against a judge

42 or a member of the Board of Pardons and Parole or a family member and enacts

43 several stand-alone statutes to reflect separate embedded offenses;

44           ▶ for clarity, revises offense concerning refusal to comply with an order to evacuate or

45 another order issued in a local or state emergency;

46           ▶ for clarity, reorganizes and revises offenses concerning aiding or concealing an

47 adjudicated minor and trespass of a secure care facility;

48           ▶ for clarity, revises statutes concerning misusing public money or public property;

49           ▶ reorganizes offenses concerning refusing to give tax assessor or tax or license

50 collector a list of, or denying access to, employees to enact embedded offense as a

51 stand-alone statute;

52           ▶ for clarity, revises language in offense concerning stealing, destroying, or mutilating

53 public records by a custodian;

54           ▶ reorganizes offenses concerning taking a toll or maintaining road, bridge, or ferry

55 without authority to enact an embedded offense as a stand-alone statute;

56           ▶ for clarity, revises statutes concerning false or inconsistent statements;

- 57           ▶ reorganizes offenses concerning tampering with a witness and receiving or
- 58 soliciting a bribe to enact embedded offense as a stand-alone statute;
- 59           ▶ reorganizes offenses concerning a wrongful attachment by a justice court to enact
- 60 embedded offense as a stand-alone statute;
- 61           ▶ for clarity, removes provisions from Title 76, Chapter 8, Part 7, Colleges and
- 62 Universities, and places them in Title 53B, State System of Higher Education;
- 63           ▶ for clarity, revises and reorganizes offenses:
- 64           • concerning criminal trespass upon an institution of higher education and willful
- 65 interference with lawful activities of students or faculty; and
- 66           • contained in Title 76, Chapter 8, Part 8, Sabotage Prevention;
- 67           ▶ for clarity, repeals duplicative language concerning criminal offenses and penalties
- 68 relating to revenue and taxation;
- 69           ▶ for clarity, revises and reorganizes offenses in:
- 70           • Title 76, Chapter 8, Part 12, Public Assistance Fraud; and
- 71           • Title 76, Chapter 8, Part 13, Unemployment Insurance Fraud; and
- 72           ▶ makes technical and conforming changes.

73 **Money Appropriated in this Bill:**

74           None

75 **Other Special Clauses:**

76           None

77 **Utah Code Sections Affected:**

78 AMENDS:

- 79           17-22-5, as last amended by Laws of Utah 2004, Chapter 301
- 80           26B-6-205, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 81           35A-3-603, as last amended by Laws of Utah 2023, Chapter 328
- 82           35A-3-604, as last amended by Laws of Utah 2015, Chapter 221
- 83           35A-4-304, as last amended by Laws of Utah 2012, Chapter 15
- 84           35A-4-305, as last amended by Laws of Utah 2012, Chapter 15
- 85           35A-4-312, as last amended by Laws of Utah 2016, Chapter 296
- 86           53-10-403, as last amended by Laws of Utah 2023, Chapters 328, 457
- 87           53B-3-103, as last amended by Laws of Utah 2021, First Special Session, Chapter 7

- 88            [59-1-401](#), as last amended by Laws of Utah 2023, Chapter 471
- 89            [63G-12-402](#), as last amended by Laws of Utah 2022, Chapters 328, 370
- 90            [64-13-14.5](#), as last amended by Laws of Utah 2015, Chapter 412
- 91            [76-1-301](#), as last amended by Laws of Utah 2022, Chapter 181
- 92            [76-3-203.1](#), as last amended by Laws of Utah 2023, Chapter 111
- 93            [76-3-203.3](#), as last amended by Laws of Utah 2023, Chapter 111
- 94            [76-3-203.5](#), as last amended by Laws of Utah 2023, Chapter 111
- 95            [76-3-406](#), as last amended by Laws of Utah 2023, Chapter 184
- 96            [76-5-203](#), as last amended by Laws of Utah 2022, Chapter 181
- 97            [76-5-404.1](#), as last amended by Laws of Utah 2022, Chapter 181
- 98            [76-6-513](#), as last amended by Laws of Utah 2023, Chapter 111
- 99            [76-8-101](#), as last amended by Laws of Utah 2019, Chapter 211
- 100           [76-8-102](#), as enacted by Laws of Utah 1973, Chapter 196
- 101           [76-8-103](#), as last amended by Laws of Utah 1998, Chapter 92
- 102           [76-8-104](#), as last amended by Laws of Utah 1991, Chapter 215
- 103           [76-8-105](#), as repealed and reenacted by Laws of Utah 1998, Chapter 92
- 104           [76-8-106](#), as enacted by Laws of Utah 1973, Chapter 196
- 105           [76-8-107](#), as last amended by Laws of Utah 1974, Chapter 32
- 106           [76-8-108](#), as last amended by Laws of Utah 1985, Chapter 21
- 107           [76-8-110](#), as last amended by Laws of Utah 1992, Chapter 128
- 108           [76-8-201](#), as enacted by Laws of Utah 1973, Chapter 196
- 109           [76-8-202](#), as last amended by Laws of Utah 1991, Chapter 241
- 110           [76-8-203](#), as last amended by Laws of Utah 2011, Chapter 336
- 111           [76-8-301](#), as last amended by Laws of Utah 2020, Chapter 165
- 112           [76-8-301.5](#), as last amended by Laws of Utah 2019, Chapter 411
- 113           [76-8-302](#), as enacted by Laws of Utah 1973, Chapter 196
- 114           [76-8-303](#), as enacted by Laws of Utah 1973, Chapter 196
- 115           [76-8-305](#), as last amended by Laws of Utah 2017, Chapter 312
- 116           [76-8-305.5](#), as last amended by Laws of Utah 2018, Chapter 133
- 117           [76-8-306](#), as last amended by Laws of Utah 2021, Chapter 262
- 118           [76-8-306.5](#), as enacted by Laws of Utah 2007, Chapter 155

119 76-8-307, as enacted by Laws of Utah 1973, Chapter 196  
120 76-8-308, as last amended by Laws of Utah 1991, Chapter 241  
121 76-8-309, as last amended by Laws of Utah 2022, Chapter 181  
122 76-8-311.1, as last amended by Laws of Utah 2023, Chapter 330  
123 76-8-311.3, as last amended by Laws of Utah 2023, Chapter 330  
124 76-8-312, as last amended by Laws of Utah 1974, Chapter 32  
125 76-8-313, as last amended by Laws of Utah 1996, Chapter 45  
126 76-8-316, as last amended by Laws of Utah 2022, Chapter 181  
127 76-8-317, as last amended by Laws of Utah 2013, Chapter 295  
128 76-8-318, as last amended by Laws of Utah 2022, Chapters 181, 335  
129 76-8-402, as last amended by Laws of Utah 2020, Chapter 61  
130 76-8-403, as last amended by Laws of Utah 2020, Chapter 61  
131 76-8-405, as enacted by Laws of Utah 1973, Chapter 196  
132 76-8-406, as enacted by Laws of Utah 1973, Chapter 196  
133 76-8-407, as enacted by Laws of Utah 1973, Chapter 196  
134 76-8-408, as enacted by Laws of Utah 1973, Chapter 196  
135 76-8-409, as last amended by Laws of Utah 1991, Chapter 5  
136 76-8-410, as enacted by Laws of Utah 1973, Chapter 196  
137 76-8-411, as enacted by Laws of Utah 1973, Chapter 196  
138 76-8-412, as enacted by Laws of Utah 1973, Chapter 196  
139 76-8-413, as enacted by Laws of Utah 1973, Chapter 196  
140 76-8-414, as enacted by Laws of Utah 1973, Chapter 196  
141 76-8-415, as enacted by Laws of Utah 1973, Chapter 196  
142 76-8-416, as enacted by Laws of Utah 1973, Chapter 196  
143 76-8-417, as enacted by Laws of Utah 1973, Chapter 196  
144 76-8-418, as last amended by Laws of Utah 2022, Chapter 335  
145 76-8-419, as last amended by Laws of Utah 2002, Chapter 166  
146 76-8-420, as last amended by Laws of Utah 2007, Chapter 229  
147 76-8-501, as last amended by Laws of Utah 2018, Chapter 298  
148 76-8-502, as last amended by Laws of Utah 1997, Chapter 324  
149 76-8-503, as last amended by Laws of Utah 2014, Chapter 167

- 150 [76-8-504](#), as last amended by Laws of Utah 2022, Chapter 328
- 151 [76-8-504.5](#), as enacted by Laws of Utah 1999, Chapter 215
- 152 [76-8-504.6](#), as last amended by Laws of Utah 2015, Chapter 131
- 153 [76-8-506](#), as last amended by Laws of Utah 2005, Chapter 92
- 154 [76-8-507](#), as last amended by Laws of Utah 2002, Chapter 42
- 155 [76-8-508](#), as last amended by Laws of Utah 2004, Chapter 140
- 156 [76-8-508.3](#), as enacted by Laws of Utah 2004, Chapter 140
- 157 [76-8-508.5](#), as last amended by Laws of Utah 1992, Chapter 219
- 158 [76-8-509](#), as enacted by Laws of Utah 1973, Chapter 196
- 159 [76-8-510.5](#), as last amended by Laws of Utah 2014, Chapter 167
- 160 [76-8-511](#), as last amended by Laws of Utah 2003, Chapter 238
- 161 [76-8-512](#), as last amended by Laws of Utah 2013, First Special Session, Chapter 4
- 162 [76-8-513](#), as enacted by Laws of Utah 1973, Chapter 196
- 163 [76-8-515](#), as enacted by Laws of Utah 2023, Chapter 179
- 164 [76-8-601](#), as last amended by Laws of Utah 2008, Chapter 3
- 165 [76-8-602](#), as last amended by Laws of Utah 1990, Chapter 59
- 166 [76-8-603](#), as last amended by Laws of Utah 1990, Chapter 59
- 167 [76-8-703](#), as repealed and reenacted by Laws of Utah 2013, Chapter 257
- 168 [76-8-705](#), as last amended by Laws of Utah 2013, Chapter 257
- 169 [76-8-802](#), as enacted by Laws of Utah 1973, Chapter 196
- 170 [76-8-803](#), as enacted by Laws of Utah 1973, Chapter 196
- 171 [76-8-804](#), as enacted by Laws of Utah 1973, Chapter 196
- 172 [76-8-805](#), as enacted by Laws of Utah 1973, Chapter 196
- 173 [76-8-807](#), as enacted by Laws of Utah 1973, Chapter 196
- 174 [76-8-809](#), as last amended by Laws of Utah 2023, Chapter 435
- 175 [76-8-810](#), as enacted by Laws of Utah 1973, Chapter 196
- 176 [76-8-811](#), as last amended by Laws of Utah 1995, Chapter 20
- 177 [76-8-901](#), as enacted by Laws of Utah 1973, Chapter 196
- 178 [76-8-902](#), as enacted by Laws of Utah 1973, Chapter 196
- 179 [76-8-903](#), as enacted by Laws of Utah 1973, Chapter 196
- 180 [76-8-904](#), as enacted by Laws of Utah 1973, Chapter 196

- 181 [76-8-1201](#), as last amended by Laws of Utah 2015, Chapter 221
- 182 [76-8-1203](#), as last amended by Laws of Utah 2010, Chapter 94
- 183 [76-8-1207](#), as last amended by Laws of Utah 2000, Chapter 48
- 184 [76-8-1301](#), as last amended by Laws of Utah 2010, Chapter 193
- 185 [76-8-1402](#), as enacted by Laws of Utah 2004, Chapter 107
- 186 [76-8-1403](#), as last amended by Laws of Utah 2018, Chapter 133
- 187 [76-9-802](#), as last amended by Laws of Utah 2021, Chapter 64
- 188 [76-9-902](#), as last amended by Laws of Utah 2020, Chapter 394
- 189 [76-9-1008](#), as last amended by Laws of Utah 2013, Chapter 278
- 190 [76-10-1602](#), as last amended by Laws of Utah 2023, Chapters 34, 111, 139, and 330
- 191 [77-23a-8](#), as last amended by Laws of Utah 2023, Chapter 111
- 192 [77-36-1](#), as last amended by Laws of Utah 2022, Chapters 185, 430
- 193 [77-36-1.1](#), as last amended by Laws of Utah 2023, Chapters 111, 184
- 194 [77-37-3](#), as last amended by Laws of Utah 2023, Chapter 448

195 ENACTS:

- 196 [53B-20-107](#), Utah Code Annotated 1953
- 197 [76-8-106.1](#), Utah Code Annotated 1953
- 198 [76-8-301.2](#), Utah Code Annotated 1953
- 199 [76-8-309.1](#), Utah Code Annotated 1953
- 200 [76-8-309.2](#), Utah Code Annotated 1953
- 201 [76-8-311.2](#), Utah Code Annotated 1953
- 202 [76-8-311.4](#), Utah Code Annotated 1953
- 203 [76-8-311.6](#), Utah Code Annotated 1953
- 204 [76-8-311.7](#), Utah Code Annotated 1953
- 205 [76-8-311.8](#), Utah Code Annotated 1953
- 206 [76-8-311.9](#), Utah Code Annotated 1953
- 207 [76-8-311.10](#), Utah Code Annotated 1953
- 208 [76-8-316.2](#), Utah Code Annotated 1953
- 209 [76-8-316.4](#), Utah Code Annotated 1953
- 210 [76-8-316.6](#), Utah Code Annotated 1953
- 211 [76-8-320](#), Utah Code Annotated 1953

- 212 [76-8-409.2](#), Utah Code Annotated 1953
- 213 [76-8-416.2](#), Utah Code Annotated 1953
- 214 [76-8-508.7](#), Utah Code Annotated 1953
- 215 [76-8-604](#), Utah Code Annotated 1953
- 216 [76-8-1203.1](#), Utah Code Annotated 1953
- 217 [76-8-1203.3](#), Utah Code Annotated 1953
- 218 [76-8-1203.5](#), Utah Code Annotated 1953
- 219 [76-8-1203.7](#), Utah Code Annotated 1953
- 220 [76-8-1302](#), Utah Code Annotated 1953
- 221 [76-8-1303](#), Utah Code Annotated 1953
- 222 [76-8-1304](#), Utah Code Annotated 1953

223 RENUMBERS AND AMENDS:

- 224 [76-8-319](#), (Renumbered from 76-8-311.5, as renumbered and amended by Laws of
- 225 Utah 2021, Chapter 261)

226 REPEALS:

- 227 [76-8-314](#), as last amended by Laws of Utah 1996, Chapter 45
- 228 [76-8-315](#), as enacted by Laws of Utah 1983, Chapter 330
- 229 [76-8-404](#), as last amended by Laws of Utah 2020, Chapter 61
- 230 [76-8-505](#), as last amended by Laws of Utah 1997, Chapter 324
- 231 [76-8-701](#), as last amended by Laws of Utah 2013, Chapters 10, 257
- 232 [76-8-702](#), as last amended by Laws of Utah 2013, Chapter 257
- 233 [76-8-707](#), as last amended by Laws of Utah 1993, Chapter 234
- 234 [76-8-709](#), as last amended by Laws of Utah 2013, Chapter 257
- 235 [76-8-716](#), as enacted by Laws of Utah 1973, Chapter 196
- 236 [76-8-717](#), as last amended by Laws of Utah 2013, Chapter 257
- 237 [76-8-801](#), as enacted by Laws of Utah 1973, Chapter 196
- 238 [76-8-806](#), as last amended by Laws of Utah 1997, Chapter 296
- 239 [76-8-808](#), as enacted by Laws of Utah 1973, Chapter 196
- 240 [76-8-1101](#), as last amended by Laws of Utah 2014, Chapter 52
- 241 [76-8-1202](#), as last amended by Laws of Utah 2023, Chapter 330
- 242 [76-8-1204](#), as last amended by Laws of Utah 2000, Chapter 48

243 [76-8-1205](#), as last amended by Laws of Utah 2015, Chapter 221

244 [76-8-1206](#), as last amended by Laws of Utah 2012, Chapter 41

245 [76-8-1401](#), as enacted by Laws of Utah 2004, Chapter 107

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247 *Be it enacted by the Legislature of the state of Utah:*

248 Section 1. Section **17-22-5** is amended to read:

249 **17-22-5. Sheriff's classification of jail inmates -- Classification criteria --**

250 **Alternative incarceration programs -- Limitation.**

251 (1) Except as provided in Subsection (4), the sheriff shall adopt and implement written  
252 policies for admission of prisoners to the county jail and the classification of persons  
253 incarcerated in the jail which shall provide for the separation of prisoners by gender and by  
254 such other factors as may reasonably provide for the safety and well-being of inmates and the  
255 community. To the extent authorized by law, any written admission policies shall be applied  
256 equally to all entities using the county correctional facilities.

257 (2) Except as provided in Subsection (4), each county sheriff shall assign prisoners to a  
258 facility or section of a facility based on classification criteria that the sheriff develops and  
259 maintains.

260 (3) (a) Except as provided in Subsection (4), a county sheriff may develop and  
261 implement alternative incarceration programs that may or may not involve housing a prisoner  
262 in a jail facility.

263 (b) A prisoner housed under an alternative incarceration program under Subsection  
264 (3)(a) shall be considered to be in the full custody and control of the sheriff for purposes of  
265 [Section] Sections [76-8-309](#) and [76-8-309.1](#).

266 (c) A prisoner may not be placed in an alternative incarceration program under  
267 Subsection (3)(a) unless:

268 (i) the jail facility is at maximum operating capacity, as established under Subsection  
269 [17-22-5.5\(2\)](#); or

270 (ii) ordered by the court.

271 (4) This section may not be construed to authorize a sheriff to modify provisions of a  
272 contract with the Department of Corrections to house in a county jail persons sentenced to the  
273 Department of Corrections.

274 Section 2. Section **26B-6-205** is amended to read:

275 **26B-6-205. Reporting requirements -- Investigation -- Exceptions -- Immunity --**  
276 **Penalties -- Nonmedical healing.**

277 (1) Except as provided in Subsection (4), if an individual has reason to believe that a  
278 vulnerable adult is, or has been, the subject of abuse, neglect, or exploitation, the individual  
279 shall immediately report the suspected abuse, neglect, or exploitation to Adult Protective  
280 Services or to the nearest peace officer or law enforcement agency.

281 (2) (a) If a peace officer or a law enforcement agency receives a report under  
282 Subsection (1), the peace officer or the law enforcement agency shall immediately notify Adult  
283 Protective Services.

284 (b) Adult Protective Services and the peace officer or the law enforcement agency shall  
285 coordinate, as appropriate, efforts to investigate the report under Subsection (1) and to provide  
286 protection to the vulnerable adult.

287 (3) When a report under Subsection (1), or a subsequent investigation by Adult  
288 Protective Services, indicates that a criminal offense may have occurred against a vulnerable  
289 adult:

290 (a) Adult Protective Services shall notify the nearest local law enforcement agency  
291 regarding the potential offense; and

292 (b) the law enforcement agency shall initiate an investigation in cooperation with Adult  
293 Protective Services.

294 (4) Subject to Subsection (5), the reporting requirement described in Subsection (1)  
295 does not apply to:

296 (a) a member of the clergy, with regard to any confession made to the member of the  
297 clergy while functioning in the ministerial capacity of the member of the clergy and without the  
298 consent of the individual making the confession, if:

299 (i) the perpetrator made the confession directly to the member of the clergy; and

300 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound  
301 to maintain the confidentiality of that confession; or

302 (b) an attorney, or an individual employed by the attorney, if knowledge of the  
303 suspected abuse, neglect, or exploitation of a vulnerable adult arises from the representation of  
304 a client, unless the attorney is permitted to reveal the suspected abuse, neglect, or exploitation

305 of the vulnerable adult to prevent reasonably certain death or substantial bodily harm in  
306 accordance with Utah Rules of Professional Conduct, Rule 1.6.

307 (5) (a) When a member of the clergy receives information about abuse, neglect, or  
308 exploitation of a vulnerable adult from any source other than confession of the perpetrator, the  
309 member of the clergy is required to report that information even though the member of the  
310 clergy may have also received information about abuse, neglect, or exploitation from the  
311 confession of the perpetrator.

312 (b) Exemption of the reporting requirement for an individual described in Subsection  
313 (4) does not exempt the individual from any other efforts required by law to prevent further  
314 abuse, neglect, or exploitation of a vulnerable adult by the perpetrator.

315 (6) (a) As used in this Subsection (6), "physician" means an individual licensed to  
316 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical  
317 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

318 (b) The physician-patient privilege does not:

319 (i) excuse a physician from reporting suspected abuse, neglect, or exploitation of a  
320 vulnerable adult under Subsection (1); or

321 (ii) constitute grounds for excluding evidence regarding a vulnerable adult's injuries, or  
322 the cause of the vulnerable adult's injuries, in any judicial or administrative proceeding  
323 resulting from a report under Subsection (1).

324 (7) (a) An individual who in good faith makes a report under Subsection (1), or who  
325 otherwise notifies Adult Protective Services or a peace officer or law enforcement agency, is  
326 immune from civil and criminal liability in connection with the report or notification.

327 (b) A covered provider or covered contractor, as defined in Section [26B-2-238](#), that  
328 knowingly fails to report suspected abuse, neglect, or exploitation of a vulnerable adult to  
329 Adult Protective Services, or to the nearest peace officer or law enforcement agency, under  
330 Subsection (1), is subject to a private right of action and liability for the abuse, neglect, or  
331 exploitation of a vulnerable adult that is committed by the individual who was not reported to  
332 Adult Protective Services or to the nearest peace officer or law enforcement agency.

333 (c) This Subsection (7) does not provide immunity with respect to acts or omissions of  
334 a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity  
335 Act of Utah.

336 (8) If Adult Protective Services has substantial grounds to believe that an individual  
337 has knowingly failed to report suspected abuse, neglect, or exploitation of a vulnerable adult in  
338 accordance with this section, Adult Protective Services shall file a complaint with:

339 (a) the Division of Professional Licensing if the individual is a health care provider, as  
340 defined in Section [80-2-603](#), or a mental health therapist, as defined in Section [58-60-102](#);

341 (b) the appropriate law enforcement agency if the individual is a law enforcement  
342 officer, as defined in Section [53-13-103](#); and

343 (c) the State Board of Education if the individual is an educator, as defined in Section  
344 [53E-6-102](#).

345 (9) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails  
346 to report suspected abuse, neglect, or exploitation of a vulnerable adult to Adult Protective  
347 Services, or to the nearest peace officer or law enforcement agency under Subsection (1).

348 (b) If an individual is convicted under Subsection (9)(a), the court may order the  
349 individual, in addition to any other sentence the court imposes, to:

350 (i) complete community service hours; or

351 (ii) complete a program on preventing abuse, neglect, and exploitation of vulnerable  
352 adults.

353 (c) In determining whether it would be appropriate to charge an individual with a  
354 violation of Subsection (9)(a), the prosecuting attorney shall take into account whether a  
355 reasonable individual would not have reported suspected abuse, neglect, or exploitation of a  
356 vulnerable adult because reporting would have placed the individual in immediate danger of  
357 death or serious bodily injury.

358 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use  
359 an individual's violation of Subsection (9)(a) as the basis for charging the individual with  
360 another offense.

361 (e) A prosecution for failure to report under Subsection (9)(a) shall be commenced  
362 within two years after the day on which the individual had knowledge of the suspected abuse,  
363 neglect, or exploitation and willfully failed to report.

364 (10) Under circumstances not amounting to a violation of Section [76-8-508](#) or  
365 [76-8-508.7](#), an individual is guilty of a class B misdemeanor if the individual threatens,  
366 intimidates, or attempts to intimidate a vulnerable adult who is the subject of a report under

367 Subsection (1), the individual who made the report under Subsection (1), a witness, or any  
368 other person cooperating with an investigation conducted in accordance with this chapter.

369 (11) An adult is not considered abused, neglected, or a vulnerable adult for the reason  
370 that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of  
371 medical care.

372 Section 3. Section **35A-3-603** is amended to read:

373 **35A-3-603. Civil liability for overpayment.**

374 (1) A provider, recipient, or other person who receives an overpayment shall,  
375 regardless of fault, return the overpayment or repay its value to the department immediately:

376 (a) upon receiving written notice of the overpayment from the department; or

377 (b) upon discovering the overpayment, if that occurs before receiving notice.

378 (2) (a) Except as provided under Subsection (2)(b), interest on the unreturned balance  
379 of the overpayment shall accrue at the rate of 1% a month.

380 (b) If the overpayment was not the fault of the person receiving it, that person is not  
381 liable for interest on the unreturned balance.

382 (c) In accordance with federal law and rules made by the department in accordance  
383 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, an overpayment may be  
384 recovered through deductions from cash assistance, General Assistance, SNAP benefits, other  
385 cash-related assistance provided to a recipient under this chapter, or other means provided by  
386 federal law.

387 (3) A person who knowingly assists a recipient, provider, or other person in obtaining  
388 an overpayment is jointly and severally liable for the overpayment.

389 (4) (a) In proving civil liability for overpayment under this section, or Section  
390 [35A-3-605](#), when fault is alleged, the department shall prove by clear and convincing evidence  
391 that the overpayment was obtained intentionally, knowingly, recklessly as "intentionally,  
392 knowingly, and recklessly" are defined in Section [76-2-103](#), by false statement,  
393 misrepresentation, impersonation, or other fraudulent means, including committing any of the  
394 acts or omissions described in Sections [~~[76-8-1203](#), [76-8-1204](#), or [76-8-1205](#)~~] [76-8-1203.1](#),  
395 [76-8-1203.3](#), [76-8-1203.5](#), or [76-8-1203.7](#).

396 (b) If fault is established under Subsection (4)(a), Section [35A-3-605](#), or Title 76,  
397 Chapter 8, Part 12, Public Assistance Fraud, a person who obtained or helped another obtain an

398 overpayment is subject to:

399 (i) a civil penalty of 10% of the amount of the overpayment, except for overpayments  
400 related to assistance for child care services;

401 (ii) a civil penalty of 50% of the amount of the overpayment for overpayments related  
402 to assistance for child care services;

403 (iii) disqualification from receiving cash assistance from the Family Employment  
404 Program created in Section 35A-3-302 and the General Assistance program under Section  
405 35A-3-401, if the overpayment was obtained from either of those programs, for the period  
406 described in Subsection (4)(c); and

407 (iv) disqualification from SNAP, if the overpayment was received from SNAP, for the  
408 period described in Subsection (4)(c).

409 (c) Unless otherwise provided by federal law, the period of a disqualification under  
410 Subsections (4)(b)(iii) and (iv) is for:

411 (i) 12 months for a first offense;

412 (ii) 24 months for a second offense; and

413 (iii) permanently for a third offense.

414 (5) (a) Except as provided under Subsection (5)(b), if an action is filed, the department  
415 may recover, in addition to the principal sum plus interest, reasonable attorney fees and costs.

416 (b) If the repayment obligation arose from an administrative error by the department,  
417 the department may not recover attorney fees and costs.

418 (6) If a court finds that funds or benefits were secured, in whole or part, by fraud by the  
419 person from whom repayment is sought, the court shall assess an additional sum as considered  
420 appropriate as punitive damages up to the amount of repayment being sought.

421 (7) A criminal action for public assistance fraud is governed by Title 76, Chapter 8,  
422 Part 12, Public Assistance Fraud.

423 (8) Jurisdiction over benefits is continuous.

424 (9) This chapter does not preclude the Department of Health and Human Services from  
425 carrying out its responsibilities under Title 26B, Chapter 3, Part 10, Medical Benefits  
426 Recovery, and Title 26B, Chapter 3, Part 11, Utah False Claims Act.

427 Section 4. Section 35A-3-604 is amended to read:

428 **35A-3-604. Obligor presumed to have notice of department's rights -- Authority**

429 **to administer oaths, issue subpoenas, and compel witnesses and production of documents**  
430 **-- Recovery of attorney fees, costs, and interest -- Rulemaking authority -- Administrative**  
431 **procedures.**

432 (1) An obligor is presumed to have received notice of the rights of the department  
433 under this part upon engaging in this state in any of the acts described in Subsections  
434 [35A-3-603](#)(3) and (4) or Section [~~76-8-1203~~, ~~76-8-1204~~, or ~~76-8-1205~~] [76-8-1203.1](#),  
435 [76-8-1203.3](#), [76-8-1203.5](#), or [76-8-1203.7](#).

436 (2) For the purposes of this part, the department may administer oaths and certify  
437 official acts, issue subpoenas, and compel witnesses and the production of business records,  
438 documents, and evidence.

439 (3) (a) Except when an overpayment results from administrative error, the department  
440 may recover from the obligor:

- 441 (i) reasonable [~~attorneys'~~] attorney fees;  
442 (ii) costs incurred in pursuing administrative remedies under this part; and  
443 (iii) interest at the rate of 1% a month accruing from the date an administrative or  
444 judicial order is issued determining the amount due under this part.

445 (b) The department may recover interest, attorney fees, and costs, if notice of the  
446 assessment has been included in a notice of agency action issued in compliance with Title 63G,  
447 Chapter 4, Administrative Procedures Act.

448 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
449 department may make, amend, and enforce rules to carry out the provisions of this part.

450 (5) Service of all notices and orders under this part shall comply with:

- 451 (a) Title 63G, Chapter 4, Administrative Procedures Act;  
452 (b) Utah Rules of Civil Procedure; or  
453 (c) rules made by the department under this part in accordance with Title 63G, Chapter  
454 3, Utah Administrative Rulemaking Act, that meet standards required by due process.

455 Section 5. Section **35A-4-304** is amended to read:

456 **35A-4-304. Special provisions regarding transfers of unemployment experience**  
457 **and assignment rates.**

458 (1) As used in this section:

- 459 (a) "Knowingly" means having actual knowledge of or acting with deliberate ignorance

460 or reckless disregard for the prohibition involved.

461 (b) "Person" has the meaning given that term by Section 7701(a)(1) of the Internal  
462 Revenue Code of 1986.

463 (c) "Trade or business" includes the employer's workforce.

464 (d) "Violate or attempt to violate" includes intent to evade, misrepresentation, or  
465 willful nondisclosure.

466 (2) Notwithstanding any other provision of this chapter, Subsections (3) and (4) shall  
467 apply regarding assignment of rates and transfers of unemployment experience.

468 (3) (a) If an employer transfers its trade or business, or a portion of its trade or  
469 business, to another employer and, at the time of the transfer, there is common ownership,  
470 management, or control of the employers, then the unemployment experience attributable to  
471 each employer shall be combined into a common experience rate calculation.

472 (b) The contribution rates of the employers shall be recalculated and made effective  
473 upon the date of the transfer of trade or business as determined by division rule in accordance  
474 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

475 (c) (i) If one or more of the employers is a qualified employer at the time of the  
476 transfer, then all employing units that are party to a transfer described in Subsection (3)(a) of  
477 this section shall be assigned an overall contribution rate under Subsection 35A-4-303(4),  
478 using combined unemployment experience rating factors, for the rate year during which the  
479 transfer occurred and for the subsequent three rate years.

480 (ii) If none of the employing units is a qualified employer at the time of the transfer,  
481 then all employing units that are party to the transfer described in Subsection (3)(a) shall be  
482 assigned the highest overall contribution rate applicable at the time of the transfer to any  
483 employer who is party to the acquisition for the rate year during which the transfer occurred  
484 and for subsequent rate years until the time when one or more of the employing units is a  
485 qualified employer.

486 (iii) Once one or more employing units described in Subsection (3)(c)(ii) is a qualified  
487 employer, all the employing units shall be assigned an overall rate under Subsection  
488 35A-4-303(4), using combined unemployment experience rating factors for subsequent rate  
489 years, not to exceed three years following the year of the transfer.

490 (d) The transfer of some or all of an employer's workforce to another employer shall be

491 considered a transfer of its trade or business when, as the result of the transfer, the transferring  
492 employer no longer performs trade or business with respect to the transferred workforce, and  
493 the trade or business is now performed by the employer to whom the workforce is transferred.

494 (4) (a) Whenever a person is not an employer under this chapter at the time it acquires  
495 the trade or business of an employer, the unemployment experience of the acquired business  
496 may not be transferred to that person if the division finds that the person acquired the business  
497 solely or primarily for the purpose of obtaining a lower rate of contributions.

498 (b) The person shall be assigned the applicable new employer rate under Subsection  
499 [35A-4-303\(5\)](#).

500 (c) In determining whether the business was acquired solely or primarily for the  
501 purpose of obtaining a lower rate of contributions, the division shall use objective factors  
502 which may include:

- 503 (i) the cost of acquiring the business;
- 504 (ii) whether the person continued the business enterprise of the acquired business;
- 505 (iii) how long the business enterprise was continued; or
- 506 (iv) whether a substantial number of new employees were hired for performance of  
507 duties unrelated to the business activity conducted prior to acquisition.

508 (5) (a) If a person knowingly violates or attempts to violate Subsection (3) or (4) or any  
509 other provision of this chapter related to determining the assignment of a contribution rate, or if  
510 a person knowingly advises another person in a way that results in a violation of any of those  
511 subsections or provisions, the person is subject to the following penalties:

512 (i) (A) If the person is an employer, then the employer shall be assigned an overall  
513 contribution rate of 5.4% for the rate year during which the violation or attempted violation  
514 occurred and for the subsequent rate year.

515 (B) If the person's business is already at 5.4% for any year, or if the amount of increase  
516 in the person's rate would be less than 2% for that year, then a penalty surcharge of  
517 contributions of 2% of taxable wages shall be imposed for the rate year during which the  
518 violation or attempted violation occurred and for the subsequent rate year.

519 (ii) (A) If the person is not an employer, the person shall be subject to a civil penalty of  
520 not more than \$5,000.

521 (B) The fine shall be deposited in the penalty and interest account established under

522 Section [35A-4-506](#).

523 (b) (i) In addition to the penalty imposed by Subsection (5)(a), a violation of this  
524 section may be prosecuted as unemployment insurance fraud.

525 (ii) The determination of the degree of an offense shall be measured by the total value  
526 of all contributions avoided or reduced or contributions sought to be avoided or reduced by the  
527 unlawful conduct as applied to the degrees listed under [~~Subsection 76-8-1301(2)(a)~~] Section  
528 [76-8-1302](#) or [76-8-1303](#).

529 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
530 division shall make rules to identify the transfer or acquisition of a business for purposes of this  
531 section.

532 (7) This section shall be interpreted and applied in a manner that meets the minimum  
533 requirements contained in any guidance or regulations issued by the United States Department  
534 of Labor.

535 Section 6. Section **35A-4-305** is amended to read:

536 **35A-4-305. Collection of contributions -- Unpaid contributions to bear interest --**  
537 **Offer to compromise.**

538 (1) (a) Contributions unpaid on the date on which they are due and payable, as  
539 prescribed by the division, shall bear interest at the rate of 1% per month from and after that  
540 date until payment plus accrued interest is received by the division.

541 (b) (i) Contribution reports not made and filed by the date on which they are due as  
542 prescribed by the division are subject to a penalty to be assessed and collected in the same  
543 manner as contributions due under this section equal to 5% of the contribution due if the failure  
544 to file on time was not more than 15 days, with an additional 5% for each additional 15 days or  
545 fraction thereof during which the failure continued, but not to exceed 25% in the aggregate and  
546 not less than \$25 with respect to each reporting period.

547 (ii) If a report is filed after the required time and it is shown to the satisfaction of the  
548 division or its authorized representative that the failure to file was due to a reasonable cause  
549 and not to willful neglect, no addition shall be made to the contribution.

550 (c) (i) If contributions are unpaid after 10 days from the date of the mailing or personal  
551 delivery by the division or its authorized representative, of a written demand for payment, there  
552 shall attach to the contribution, to be assessed and collected in the same manner as

553 contributions due under this section, a penalty equal to 5% of the contribution due.

554 (ii) A penalty may not attach if within 10 days after the mailing or personal delivery,  
555 arrangements for payment have been made with the division, or its authorized representative,  
556 and payment is made in accordance with those arrangements.

557 (d) The division shall assess as a penalty a service charge, in addition to any other  
558 penalties that may apply, in an amount not to exceed the service charge imposed by Section  
559 7-15-1 for dishonored instruments if:

560 (i) any amount due the division for contributions, interest, other penalties or benefit  
561 overpayments is paid by check, draft, order, or other instrument; and

562 (ii) the instrument is dishonored or not paid by the institution against which it is drawn.

563 (e) Except for benefit overpayments under Subsection 35A-4-405(5), benefit  
564 overpayments, contributions, interest, penalties, and assessed costs, uncollected three years  
565 after they become due, may be charged as uncollectible and removed from the records of the  
566 division if:

567 (i) no assets belonging to the liable person and subject to attachment can be found; and

568 (ii) in the opinion of the division there is no likelihood of collection at a future date.

569 (f) Interest and penalties collected in accordance with this section shall be paid into the  
570 Special Administrative Expense Account created by Section 35A-4-506.

571 (g) Action required for the collection of sums due under this chapter is subject to the  
572 applicable limitations of actions under Title 78B, Chapter 2, Statutes of Limitations.

573 (2) (a) If an employer fails to file a report when prescribed by the division for the  
574 purpose of determining the amount of the employer's contribution due under this chapter, or if  
575 the report when filed is incorrect or insufficient or is not satisfactory to the division, the  
576 division may determine the amount of wages paid for employment during the period or periods  
577 with respect to which the reports were or should have been made and the amount of  
578 contribution due from the employer on the basis of any information it may be able to obtain.

579 (b) The division shall give written notice of the determination to the employer.

580 (c) The determination is considered correct unless:

581 (i) the employer, within 10 days after mailing or personal delivery of notice of the  
582 determination, applies to the division for a review of the determination as provided in Section  
583 35A-4-508; or

584 (ii) unless the division or its authorized representative of its own motion reviews the  
585 determination.

586 (d) The amount of contribution determined under Subsection (2)(a) is subject to  
587 penalties and interest as provided in Subsection (1).

588 (3) (a) If, after due notice, an employer defaults in the payment of contributions,  
589 interest, or penalties on the contributions, or a claimant defaults in a repayment of benefit  
590 overpayments and penalties on the overpayments, the amount due shall be collectible by civil  
591 action in the name of the division, and the employer adjudged in default shall pay the costs of  
592 the action.

593 (b) Civil actions brought under this section to collect contributions, interest, or  
594 penalties from an employer, or benefit overpayments and penalties from a claimant shall be:

595 (i) heard by the court at the earliest possible date; and

596 (ii) entitled to preference upon the calendar of the court over all other civil actions  
597 except:

598 (A) petitions for judicial review under this chapter; and

599 (B) cases arising under the workers' compensation law of this state.

600 (c) (i) (A) To collect contributions, interest, or penalties, or benefit overpayments and  
601 penalties due from employers or claimants located outside Utah, the division may employ  
602 private collectors providing debt collection services outside Utah.

603 (B) Accounts may be placed with private collectors only after the employer or claimant  
604 has been given a final notice that the division intends to place the account with a private  
605 collector for further collection action.

606 (C) The notice shall advise the employer or claimant of the employer's or claimant's  
607 rights under this chapter and the applicable rules of the department.

608 (ii) (A) A private collector may receive as compensation up to 25% of the lesser of the  
609 amount collected or the amount due, plus the costs and fees of any civil action or postjudgment  
610 remedy instituted by the private collector with the approval of the division.

611 (B) The employer or claimant shall be liable to pay the compensation of the collector,  
612 costs, and fees in addition to the original amount due.

613 (iii) A private collector is subject to the federal Fair Debt Collection Practices Act, 15  
614 U.S.C. Sec. 1692 et seq.

615 (iv) (A) A civil action may not be maintained by a private collector without specific  
616 prior written approval of the division.

617 (B) When division approval is given for civil action against an employer or claimant,  
618 the division may cooperate with the private collector to the extent necessary to effect the civil  
619 action.

620 (d) (i) Notwithstanding Section [35A-4-312](#), the division may disclose the contribution,  
621 interest, penalties or benefit overpayments and penalties, costs due, the name of the employer  
622 or claimant, and the employer's or claimant's address and telephone number when any  
623 collection matter is referred to a private collector under Subsection (3)(c).

624 (ii) A private collector is subject to the confidentiality requirements and penalty  
625 provisions provided in ~~[Section]~~ [Sections 35A-4-312](#) and ~~[Subsection 76-8-1301(4)]~~  
626 [76-8-1304](#), except to the extent disclosure is necessary in a civil action to enforce collection of  
627 the amounts due.

628 (e) An action taken by the division under this section may not be construed to be an  
629 election to forego other collection procedures by the division.

630 (4) (a) In the event of a distribution of an employer's assets under an order of a court  
631 under the laws of Utah, including a receivership, assignment for benefits of creditors,  
632 adjudicated insolvency, composition, or similar proceedings, contributions then or thereafter  
633 due shall be paid in full prior to all other claims except taxes and claims for wages of not more  
634 than \$400 to each claimant, earned within five months of the commencement of the  
635 proceeding.

636 (b) If an employer commences a proceeding in the Federal Bankruptcy Court under a  
637 chapter of 11 U.S.C. 101 et seq., as amended by the Bankruptcy Abuse Prevention and  
638 Consumer Protection Act of 2005, contributions, interest, and penalties then or thereafter due  
639 shall be entitled to the priority provided for taxes, interest, and penalties in the Bankruptcy  
640 Abuse Prevention and Consumer Protection Act of 2005.

641 (5) (a) In addition and as an alternative to any other remedy provided by this chapter  
642 and provided that no appeal or other proceeding for review provided by this chapter is then  
643 pending and the time for taking it has expired, the division may issue a warrant in duplicate,  
644 under its official seal, directed to the sheriff of any county of the state, commanding the sheriff  
645 to levy upon and sell the real and personal property of a delinquent employer or claimant found

646 within the sheriff's county for the payment of the contributions due, with the added penalties,  
647 interest, or benefit overpayment and penalties, and costs, and to return the warrant to the  
648 division and pay into the fund the money collected by virtue of the warrant by a time to be  
649 specified in the warrant, not more than 60 days from the date of the warrant.

650 (b) (i) Immediately upon receipt of the warrant in duplicate, the sheriff shall file the  
651 duplicate with the clerk of the district court in the sheriff's county.

652 (ii) The clerk shall enter in the judgment docket, in the column for judgment debtors,  
653 the name of the delinquent employer or claimant mentioned in the warrant, and in appropriate  
654 columns the amount of the contribution, penalties, interest, or benefit overpayment and  
655 penalties, and costs, for which the warrant is issued and the date when the duplicate is filed.

656 (c) The amount of the docketed warrant shall:

657 (i) have the force and effect of an execution against all personal property of the  
658 delinquent employer; and

659 (ii) become a lien upon the real property of the delinquent employer or claimant in the  
660 same manner and to the same extent as a judgment duly rendered by a district court and  
661 docketed in the office of the clerk.

662 (d) After docketing, the sheriff shall:

663 (i) proceed in the same manner as is prescribed by law with respect to execution issued  
664 against property upon judgments of a court of record; and

665 (ii) be entitled to the same fees for the sheriff's services in executing the warrant, to be  
666 collected in the same manner.

667 (6) (a) Contributions imposed by this chapter are a lien upon the property of an  
668 employer liable for the contribution required to be collected under this section who shall sell  
669 out the employer's business or stock of goods or shall quit business, if the employer fails to  
670 make a final report and payment on the date subsequent to the date of selling or quitting  
671 business on which they are due and payable as prescribed by rule.

672 (b) (i) An employer's successor, successors, or assigns, if any, are required to withhold  
673 sufficient of the purchase money to cover the amount of the contributions and interest or  
674 penalties due and payable until the former owner produces a receipt from the division showing  
675 that they have been paid or a certificate stating that no amount is due.

676 (ii) If the purchaser of a business or stock of goods fails to withhold sufficient purchase

677 money, the purchaser is personally liable for the payment of the amount of the contributions  
678 required to be paid by the former owner, interest and penalties accrued and unpaid by the  
679 former owner, owners, or assignors.

680 (7) (a) If an employer is delinquent in the payment of a contribution, the division may  
681 give notice of the amount of the delinquency by registered mail to all persons having in their  
682 possession or under their control, any credits or other personal property belonging to the  
683 employer, or owing any debts to the employer at the time of the receipt by them of the notice.

684 (b) A person notified under Subsection (7)(a) shall neither transfer nor make any other  
685 disposition of the credits, other personal property, or debts until:

686 (i) the division has consented to a transfer or disposition; or

687 (ii) 20 days after the receipt of the notice.

688 (c) All persons notified under Subsection (7)(a) shall, within five days after receipt of  
689 the notice, advise the division of credits, other personal property, or other debts in their  
690 possession, under their control or owing by them, as the case may be.

691 (8) (a) (i) Each employer shall furnish the division necessary information for the proper  
692 administration of this chapter and shall include wage information for each employee, for each  
693 calendar quarter.

694 (ii) The information shall be furnished at a time, in the form, and to those individuals  
695 as the department may by rule require.

696 (b) (i) Each employer shall furnish each individual worker who is separated that  
697 information as the department may by rule require, and shall furnish within 48 hours of the  
698 receipt of a request from the division a report of the earnings of any individual during the  
699 individual's base-period.

700 (ii) The report shall be on a form prescribed by the division and contain all information  
701 prescribed by the division.

702 (c) (i) For each failure by an employer to conform to this Subsection (8) the division  
703 shall, unless good cause is shown, assess a \$50 penalty if the filing was not more than 15 days  
704 late.

705 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty  
706 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250  
707 per filing.

708 (iii) The penalty is to be collected in the same manner as contributions due under this  
709 chapter.

710 (d) (i) The division shall prescribe rules providing standards for determining which  
711 contribution reports shall be filed on magnetic or electronic media or in other machine-readable  
712 form.

713 (ii) In prescribing these rules, the division:

714 (A) may not require an employer to file contribution reports on magnetic or electronic  
715 media unless the employer is required to file wage data on at least 250 employees during any  
716 calendar quarter or is an authorized employer representative who files quarterly tax reports on  
717 behalf of 100 or more employers during any calendar quarter;

718 (B) shall take into account, among other relevant factors, the ability of the employer to  
719 comply at reasonable cost with the requirements of the rules; and

720 (C) may require an employer to post a bond for failure to comply with the rules  
721 required by this Subsection (8)(d).

722 (9) (a) (i) An employer liable for payments in lieu of contributions shall file  
723 Reimbursable Employment and Wage Reports.

724 (ii) The reports are due on the last day of the month that follows the end of each  
725 calendar quarter unless the division, after giving notice, changes the due date.

726 (iii) A report postmarked on or before the due date is considered timely.

727 (b) (i) Unless the employer can show good cause, the division shall assess a \$50  
728 penalty against an employer who does not file Reimbursable Employment and Wage Reports  
729 within the time limits set out in Subsection (9)(a) if the filing was not more than 15 days late.

730 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty  
731 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250  
732 per filing.

733 (iii) The division shall assess and collect the penalties referred to in this Subsection  
734 (9)(b) in the same manner as prescribed in Sections [35A-4-309](#) and [35A-4-311](#).

735 (10) If a person liable to pay a contribution or benefit overpayment imposed by this  
736 chapter neglects or refuses to pay it after demand, the amount, including any interest, additional  
737 amount, addition to contributions, or assessable penalty, together with any additional accruable  
738 costs, shall be a lien in favor of the division upon all property and rights to property, whether

739 real or personal belonging to the person.

740 (11) (a) The lien imposed by Subsection (10) arises at the time the assessment, as  
741 defined in the department rules, is made and continues until the liability for the amount  
742 assessed, or a judgment against the taxpayer arising out of the liability, is satisfied.

743 (b) (i) The lien imposed by Subsection (10) is not valid as against a purchaser, holder  
744 of a security interest, mechanics' lien holder, or judgment lien creditor until the division files a  
745 warrant with the clerk of the district court.

746 (ii) For the purposes of this Subsection (11)(b):

747 (A) "Judgment lien creditor" means a person who obtains a valid judgment of a court  
748 of record for recovery of specific property or a sum certain of money, and who in the case of a  
749 recovery of money, has a perfected lien under the judgment on the property involved. A  
750 judgment lien does not include inchoate liens such as attachment or garnishment liens until  
751 they ripen into a judgment. A judgment lien does not include the determination or assessment  
752 of a quasi-judicial authority, such as a state or federal taxing authority.

753 (B) "Mechanics' lien holder" means any person who has a lien on real property, or on  
754 the proceeds of a contract relating to real property, for services, labor, or materials furnished in  
755 connection with the construction or improvement of the property. A person has a lien on the  
756 earliest date the lien becomes valid against subsequent purchasers without actual notice, but not  
757 before the person begins to furnish the services, labor, or materials.

758 (C) "Person" means:

759 (I) an individual;

760 (II) a trust;

761 (III) an estate;

762 (IV) a partnership;

763 (V) an association;

764 (VI) a company;

765 (VII) a limited liability company;

766 (VIII) a limited liability partnership; or

767 (IX) a corporation.

768 (D) "Purchaser" means a person who, for adequate and full consideration in money or  
769 money's worth, acquires an interest, other than a lien or security interest, in property which is

770 valid under state law against subsequent purchasers without actual notice.

771 (E) "Security interest" means any interest in property acquired by contract for the  
772 purpose of securing payment or performance of an obligation or indemnifying against loss or  
773 liability. A security interest exists at any time:

774 (I) the property is in existence and the interest has become protected under the law  
775 against a subsequent judgment lien arising out of an unsecured obligation; and

776 (II) to the extent that, at that time, the holder has parted with money or money's worth.

777 (12) (a) Except in cases involving a violation of unemployment compensation  
778 provisions under Section [76-8-1301](#), [76-8-1302](#), [76-8-1303](#), [76-8-1304](#), Subsection  
779 [35A-4-304\(5\)](#), or Subsection [35A-4-405\(5\)](#), and at the discretion of the division, the division  
780 may accept an offer in compromise from an employer or claimant to reduce past due debt  
781 arising from contributions or benefit overpayments imposed under this chapter.

782 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
783 division shall make rules for allowing an offer in compromise provided under Subsection  
784 (12)(a).

785 Section 7. Section **35A-4-312** is amended to read:

786 **35A-4-312. Records.**

787 (1) (a) An employing unit shall keep true and accurate work records containing  
788 information the department may prescribe by rule.

789 (b) A record shall be open to inspection and subject to being copied by the division or  
790 its authorized representatives at a reasonable time and as often as necessary.

791 (c) An employing unit shall make a record available in the state for three years after the  
792 calendar year in which the services are rendered.

793 (2) The division may require from an employing unit a sworn or unsworn report with  
794 respect to a person employed by the employing unit that the division considers necessary for  
795 the effective administration of this chapter.

796 (3) Except as provided in this section or in Sections [35A-4-103](#) and [35A-4-106](#),  
797 information obtained under this chapter or obtained from an individual may not be published or  
798 open to public inspection in a manner revealing the employing unit's or individual's identity.

799 (4) (a) The information obtained by the division under this section may not be used in  
800 court or admitted into evidence in an action or proceeding, except:

- 801 (i) in an action or proceeding arising out of this chapter;
- 802 (ii) if the Labor Commission enters into a written agreement with the division under
- 803 Subsection (6)(b), in an action or proceeding by the Labor Commission to enforce:
- 804 (A) Title 34, Chapter 23, Employment of Minors;
- 805 (B) Title 34, Chapter 28, Payment of Wages;
- 806 (C) Title 34, Chapter 40, Utah Minimum Wage Act; or
- 807 (D) Title 34A, Utah Labor Code;
- 808 (iii) under the terms of a court order obtained under Subsection 63G-2-202(7) and
- 809 Section 63G-2-207; or
- 810 (iv) under the terms of a written agreement between the Office of State Debt Collection
- 811 and the division as provided in Subsection (5).
- 812 (b) The information obtained by the division under this section shall be disclosed to:
- 813 (i) a party to an unemployment insurance hearing before an administrative law judge of
- 814 the department or a review by the Workforce Appeals Board to the extent necessary for the
- 815 proper presentation of the party's case; or
- 816 (ii) an employer, upon request in writing for information concerning a claim for a
- 817 benefit with respect to a former employee of the employer.
- 818 (5) The information obtained by the division under this section may be disclosed to:
- 819 (a) an employee of the department in the performance of the employee's duties in
- 820 administering this chapter or other programs of the department;
- 821 (b) an employee of the Labor Commission for the purpose of carrying out the programs
- 822 administered by the Labor Commission;
- 823 (c) an employee of the Department of Commerce for the purpose of carrying out the
- 824 programs administered by the Department of Commerce;
- 825 (d) an employee of the governor's office or another state governmental agency
- 826 administratively responsible for statewide economic development, to the extent necessary for
- 827 economic development policy analysis and formulation;
- 828 (e) an employee of another governmental agency that is specifically identified and
- 829 authorized by federal or state law to receive the information for the purposes stated in the law
- 830 authorizing the employee of the agency to receive the information;
- 831 (f) an employee of a governmental agency or workers' compensation insurer to the

832 extent the information will aid in:

833 (i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:

834 (A) a workers' compensation program; or

835 (B) public assistance funds; or

836 (ii) the recovery of overpayments of workers' compensation or public assistance funds;

837 (g) an employee of a law enforcement agency to the extent the disclosure is necessary

838 to avoid a significant risk to public safety or in aid of a felony criminal investigation;

839 (h) an employee of the State Tax Commission or the Internal Revenue Service for the

840 purposes of:

841 (i) audit verification or simplification;

842 (ii) state or federal tax compliance;

843 (iii) verification of a code or classification of the:

844 (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of  
845 the President, Office of Management and Budget; or

846 (B) 2002 North American Industry Classification System of the federal Executive  
847 Office of the President, Office of Management and Budget; and

848 (iv) statistics;

849 (i) an employee or contractor of the department or an educational institution, or other  
850 governmental entity engaged in workforce investment and development activities under the  
851 Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq., for the purpose of:

852 (i) coordinating services with the department;

853 (ii) evaluating the effectiveness of those activities; and

854 (iii) measuring performance;

855 (j) an employee of the Governor's Office of Economic Opportunity, for the purpose of  
856 periodically publishing in the Directory of Business and Industry, the name, address, telephone  
857 number, number of employees by range, code or classification of an employer, and type of  
858 ownership of Utah employers;

859 (k) the public for any purpose following a written waiver by all interested parties of  
860 their rights to nondisclosure;

861 (l) an individual whose wage data is submitted to the department by an employer, if no  
862 information other than the individual's wage data and the identity of the employer who

863 submitted the information is provided to the individual;

864 (m) an employee of the Insurance Department for the purpose of administering Title  
865 31A, Chapter 40, Professional Employer Organization Licensing Act;

866 (n) an employee of the Office of State Debt Collection for the purpose of collecting  
867 state accounts receivable as provided in Section [63A-3-502](#); or

868 (o) a creditor, under a court order, to collect on a judgment as provided in Section  
869 [35A-4-314](#).

870 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5),  
871 with the exception of Subsections (5)(a), (g), and (o), may be made if:

872 (a) the division determines that the disclosure will not have a negative effect on:

873 (i) the willingness of employers to report wage and employment information; or

874 (ii) the willingness of individuals to file claims for unemployment benefits; and

875 (b) the agency enters into a written agreement with the division in accordance with  
876 rules made by the department.

877 (7) (a) The employees of a division of the department other than the Workforce  
878 Research and Analysis Division and the Unemployment Insurance Division or an agency  
879 receiving private information from the division under this chapter are subject to the same  
880 requirements of privacy and confidentiality and to the same penalties for misuse or improper  
881 disclosure of the information as employees of the division.

882 (b) Use of private information obtained from the department by a person or for a  
883 purpose other than one authorized in Subsection (4) or (5) violates [~~Subsection 76-8-1301(4)~~]  
884 Section [76-8-1304](#).

885 Section 8. Section **53-10-403** is amended to read:

886 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

887 (1) Sections [53-10-403.6](#), [53-10-404](#), [53-10-404.5](#), [53-10-405](#), and [53-10-406](#) apply to  
888 any person who:

889 (a) has pled guilty to or has been convicted of any of the offenses under Subsection  
890 (2)(a) or (b) on or after July 1, 2002;

891 (b) has pled guilty to or has been convicted by any other state or by the United States  
892 government of an offense which if committed in this state would be punishable as one or more  
893 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

- 894 (c) has been booked on or after January 1, 2011, through December 31, 2014, for any  
895 offense under Subsection (2)(c);
- 896 (d) has been booked:
- 897 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13,  
898 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or
- 899 (ii) on or after January 1, 2015, for any felony offense; or
- 900 (e) is a minor under Subsection (3).
- 901 (2) Offenses referred to in Subsection (1) are:
- 902 (a) any felony or class A misdemeanor under the Utah Code;
- 903 (b) any offense under Subsection (2)(a):
- 904 (i) for which the court enters a judgment for conviction to a lower degree of offense  
905 under Section 76-3-402; or
- 906 (ii) regarding which the court allows the defendant to enter a plea in abeyance as  
907 defined in Section 77-2a-1; or
- 908 (c) (i) any violent felony as defined in Section 53-10-403.5;
- 909 (ii) sale or use of body parts, Section 26B-8-315;
- 910 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;
- 911 (iv) operating a motor vehicle with any amount of a controlled substance in an  
912 individual's body and causing serious bodily injury or death, as codified before May 4, 2022,  
913 Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);
- 914 (v) a felony violation of enticing a minor, Section 76-4-401;
- 915 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 916 (vii) a felony violation of propelling a substance or object at a correctional officer, a  
917 peace officer, or an employee or a volunteer, including health care providers, Section  
918 76-5-102.6;
- 919 (viii) negligently operating a vehicle resulting in death, Subsection 76-5-207(2)(b);
- 920 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human  
921 smuggling, Section 76-5-310.1;
- 922 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 923 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 924 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;

- 925 (xiii) sale of a child, Section [76-7-203](#);
- 926 (xiv) aggravated escape, [~~Subsection 76-8-309(2)~~] Section [76-8-309.1](#);
- 927 (xv) a felony violation of [~~assault on an elected official~~] threatened or attempted assault  
 928 on an elected official, Section [~~76-8-315~~] [76-8-313](#);
- 929 (xvi) [~~influencing, impeding, or retaliating against a judge or member of the Board of~~  
 930 ~~Pardons and Parole~~] threat with intent to impede, intimidate, interfere, or retaliate against a  
 931 judge or a member of the Board of Pardons and Parole or acting against a family member of a  
 932 judge or a member of the Board of Pardons and Parole, Section [76-8-316](#);
- 933 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or  
 934 a member of the Board of Pardons and Parole or acting against a family member of a judge or a  
 935 member of the Board of Pardons and Parole, Section [76-8-316.2](#);
- 936 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate  
 937 against a judge or a member of the Board of Pardons and Parole or acting against a family  
 938 member of a judge or a member of the Board of Pardons and Parole, Section [76-8-316.4](#);
- 939 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against  
 940 a judge or a member of the Board of Pardons and Parole or acting against a family member of a  
 941 judge or a member of the Board of Pardons and Parole, Section [76-8-316.6](#);
- 942 [~~(xvii)~~] (xx) advocating criminal syndicalism or sabotage, Section [76-8-902](#);
- 943 [~~(xviii)~~] (xxi) [~~assembly~~] assembling for advocating criminal syndicalism or sabotage,  
 944 Section [76-8-903](#);
- 945 [~~(xix)~~] (xxii) a felony violation of sexual battery, Section [76-9-702.1](#);
- 946 [~~(xx)~~] (xxiii) a felony violation of lewdness involving a child, Section [76-9-702.5](#);
- 947 [~~(xxi)~~] (xxiv) a felony violation of abuse or desecration of a dead human body, Section  
 948 [76-9-704](#);
- 949 [~~(xxii)~~] (xxv) manufacture, possession, sale, or use of a weapon of mass destruction,  
 950 Section [76-10-402](#);
- 951 [~~(xxiii)~~] (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass  
 952 destruction, Section [76-10-403](#);
- 953 [~~(xxiv)~~] (xxvii) possession of a concealed firearm in the commission of a violent  
 954 felony, Subsection [76-10-504\(4\)](#);
- 955 [~~(xxv)~~] (xxviii) assault with the intent to commit bus hijacking with a dangerous

956 weapon, Subsection [76-10-1504\(3\)](#);  
957 [~~(xxvi)~~] [\(xxix\)](#) commercial obstruction, Subsection [76-10-2402\(2\)](#);  
958 [~~(xxvii)~~] [\(xxx\)](#) a felony violation of failure to register as a sex or kidnap offender,  
959 Section [77-41-107](#);  
960 [~~(xxviii)~~] [\(xxxii\)](#) repeat violation of a protective order, Subsection [77-36-1.1\(4\)](#); or  
961 [~~(xxix)~~] [\(xxxii\)](#) violation of condition for release after arrest under Section [78B-7-802](#).

962 (3) A minor under Subsection (1) is a minor 14 years old or older who is adjudicated  
963 by the juvenile court due to the commission of any offense described in Subsection (2), and  
964 who:

965 (a) committed an offense under Subsection (2) within the jurisdiction of the juvenile  
966 court on or after July 1, 2002; or

967 (b) is in the legal custody of the Division of Juvenile Justice and Youth Services on or  
968 after July 1, 2002, for an offense under Subsection (2).

969 Section 9. Section **53B-3-103** is amended to read:

970 **53B-3-103. Power of board to adopt rules and enact regulations.**

971 (1) The board may enact regulations governing the conduct of university and college  
972 students, faculty, and employees.

973 (2) (a) The board may:

974 (i) enact and authorize higher education institutions to enact traffic, parking, and  
975 related regulations governing all individuals on campuses and other facilities owned or  
976 controlled by the institutions or the board; and

977 (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at  
978 higher education institutions:

979 (A) authorize higher education institutions to establish no more than one secure area at  
980 each institution as a hearing room as prescribed in Section [76-8-311.1](#), but not otherwise  
981 restrict the lawful possession or carrying of firearms; and

982 (B) authorize a higher education institution to make a rule that allows a resident of a  
983 dormitory located at the institution to request only roommates who are not licensed to carry a  
984 concealed firearm under Section [53-5-704](#) or [53-5-705](#).

985 (b) In addition to the requirements and penalty prescribed in [~~Subsections~~  
986 [76-8-311.1\(3\)](#), [\(4\)](#), [\(5\)](#), and [\(6\)](#)] [Sections 76-8-311.1](#) and [76-8-311.2](#), the board shall make rules

987 to ensure that:

988 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used  
989 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or  
990 on the person of any individual attempting to enter a secure area hearing room;

991 (ii) an individual required or requested to attend a hearing in a secure area hearing  
992 room is notified in writing of the requirements related to entering a secured area hearing room  
993 under this Subsection (2)(b) and Section 76-8-311.1;

994 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area  
995 hearing room is in effect only during the time the secure area hearing room is in use for  
996 hearings and for a reasonable time before and after its use; and

997 (iv) reasonable space limitations are applied to the secure area hearing room as  
998 warranted by the number of individuals involved in a typical hearing.

999 (c) (i) The board may not require proof of vaccination as a condition for enrollment or  
1000 attendance within the system of higher education unless the board allows for the following  
1001 exemptions:

1002 (A) a medical exemption if the student provides to the institution a statement that the  
1003 claimed exemption is for a medical reason; and

1004 (B) a personal exemption if the student provides to the institution a statement that the  
1005 claimed exemption is for a personal or religious belief.

1006 (ii) An institution that offers both remote and in-person learning options may not deny  
1007 a student who is exempt from a requirement to receive a vaccine under Subsection (2)(c)(i) to  
1008 participate in an in-person learning option based upon the student's vaccination status.

1009 (iii) Subsections (2)(c)(i) and (ii) do not apply to a student studying in a medical setting  
1010 at an institution of higher education.

1011 (iv) Nothing in this section restricts a state or local health department from acting  
1012 under applicable law to contain the spread of an infectious disease.

1013 (d) (i) For purposes of this Subsection (2)(d), "face covering" means the same as that  
1014 term is defined in Section 53G-9-210.

1015 (ii) The board may not require an individual to wear a face covering as a condition of  
1016 attendance for in-person instruction, institution-sponsored athletics, institution-sponsored  
1017 extracurricular activities, in dormitories, or in any other place on a campus of an institution

1018 within the system of higher education at any time after the end of the spring semester in 2021.

1019 (iii) Subsection (2)(d)(ii) does not apply to an individual in a medical setting at an  
1020 institution of higher education.

1021 (3) The board shall enact regulations that require all testimony be given under oath  
1022 during an employee grievance hearing for a non-faculty employee of an institution of higher  
1023 education if the grievance hearing relates to the non-faculty employee's:

1024 (a) demotion; or

1025 (b) termination.

1026 (4) The board and institutions may enforce these rules and regulations in any  
1027 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of  
1028 which may be by withholding from money owed the violator, the imposition of probation,  
1029 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue  
1030 certificates, degrees, and diplomas, through judicial process or any reasonable combination of  
1031 these alternatives.

1032 Section 10. Section **53B-20-107** is enacted to read:

1033 **53B-20-107. Powers of chief administrative officer to order individuals off an**  
1034 **institution of higher education's property.**

1035 (1) As used in this section:

1036 (a) "Chief administrative officer" means the president of an institution or an individual  
1037 designated by the president.

1038 (b) "Institution of higher education" means:

1039 (i) a state institution of higher education as defined in Section [53B-3-102](#); or

1040 (ii) a private institution of higher education in the state accredited by a regional or  
1041 national accrediting agency recognized by the United States Department of Education.

1042 (2) It is the purpose of this section to:

1043 (a) supplement and clarify the power vested in the governing board of each institution  
1044 of higher education; and

1045 (b) regulate, conduct, and enforce law and order on property owned, operated, or  
1046 controlled by each institution of higher education.

1047 (3) A chief administrative officer may order an individual to leave property that is  
1048 owned, operated, or controlled by an institution of higher education if:

1049 (a) the individual acts, or if the chief administrative officer has reasonable cause to  
1050 believe that the individual intends to act, to:

1051 (i) cause injury to an individual;

1052 (ii) cause damage to property;

1053 (iii) commit a crime;

1054 (iv) interfere with the peaceful conduct of the activities of the institution of higher  
1055 education;

1056 (v) violate a rule or regulation of the institution of higher education if that rule or  
1057 regulation is not in conflict with state law; or

1058 (vi) disrupt the institution of higher education, the institution's pupils, or the institution  
1059 of higher education's activities; or

1060 (b) the individual is reckless as to whether the individual's actions will cause fear for  
1061 the safety of another individual.

1062 (4) (a) If a law enforcement agency or security department of an institution of higher  
1063 education lacks sufficient manpower to deal effectively with a condition of unrest existing or  
1064 developing on a campus or related facility of the institution of higher education in the judgment  
1065 of the chief administrative officer, the chief administrative officer may call for assistance from  
1066 the county sheriff of the county, a city law enforcement agency, or the Department of Public  
1067 Safety.

1068 (b) Upon receipt of the request under Subsection (4)(a), the county sheriff, a city law  
1069 enforcement agency, or the Department of Public Safety must render all necessary assistance  
1070 without expense to the institution of higher education.

1071 (c) All personnel while rendering assistance to the institution of higher education shall  
1072 serve under the general direction of the chief administrative officer.

1073 (5) Nothing in this section shall limit:

1074 (a) the right or duty of a local law enforcement agency to enforce the law which the  
1075 local law enforcement agency had prior to this enactment; or

1076 (b) the right of a state or local law enforcement agency to enforce the laws of this state.

1077 Section 11. Section **59-1-401** is amended to read:

1078 **59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute**  
1079 **of limitations -- Commission authority to waive, reduce, or compromise penalty or**

1080 **interest.**

1081 (1) As used in this section:

1082 (a) "Tax, fee, or charge" means:

1083 (i) a tax, fee, or charge the commission administers under:

1084 (A) this title;

1085 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1086 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

1087 (D) Section 19-6-410.5;

1088 (E) Section 19-6-714;

1089 (F) Section 19-6-805;

1090 (G) Section 34A-2-202;

1091 (H) Section 40-6-14; or

1092 (I) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

1093 or

1094 (ii) another amount that by statute is subject to a penalty imposed under this section.

1095 (b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

1096 (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;

1097 (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

1098 (iii) Chapter 2, Property Tax Act, except for Section 59-2-1309;

1099 (iv) Chapter 3, Tax Equivalent Property Act; or

1100 (v) Chapter 4, Privilege Tax.

1101 (2) (a) The due date for filing a return is:

1102 (i) if the person filing the return is not allowed by law an extension of time for filing

1103 the return, the day on which the return is due as provided by law; or

1104 (ii) if the person filing the return is allowed by law an extension of time for filing the

1105 return, the earlier of:

1106 (A) the date the person files the return; or

1107 (B) the last day of that extension of time as allowed by law.

1108 (b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a

1109 return after the due date described in Subsection (2)(a).

1110 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:

- 1111 (i) \$20; or
- 1112 (ii) (A) 2% of the unpaid tax, fee, or charge due on the return if the return is filed no
- 1113 later than five days after the due date described in Subsection (2)(a);
- 1114 (B) 5% of the unpaid tax, fee, or charge due on the return if the return is filed more
- 1115 than five days after the due date but no later than 15 days after the due date described in
- 1116 Subsection (2)(a); or
- 1117 (C) 10% of the unpaid tax, fee, or charge due on the return if the return is filed more
- 1118 than 15 days after the due date described in Subsection (2)(a).
- 1119 (d) This Subsection (2) does not apply to:
- 1120 (i) an amended return; or
- 1121 (ii) a return with no tax due.
- 1122 (3) (a) Except as provided in Subsection (15), a person is subject to a penalty for
- 1123 failure to pay a tax, fee, or charge if:
- 1124 (i) the person files a return on or before the due date for filing a return described in
- 1125 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due
- 1126 date;
- 1127 (ii) the person:
- 1128 (A) is subject to a penalty under Subsection (2)(b); and
- 1129 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the
- 1130 due date for filing a return described in Subsection (2)(a);
- 1131 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and
- 1132 (B) the commission estimates an amount of tax due for that person in accordance with
- 1133 Subsection [59-1-1406\(2\)](#);
- 1134 (iv) the person:
- 1135 (A) is mailed a notice of deficiency; and
- 1136 (B) within a 30-day period after the day on which the notice of deficiency described in
- 1137 Subsection (3)(a)(iv)(A) is mailed:
- 1138 (I) does not file a petition for redetermination or a request for agency action; and
- 1139 (II) fails to pay the tax, fee, or charge due on a return;
- 1140 (v) (A) the commission:
- 1141 (I) issues an order constituting final agency action resulting from a timely filed petition

1142 for redetermination or a timely filed request for agency action; or

1143 (II) is considered to have denied a request for reconsideration under Subsection  
1144 [63G-4-302](#)(3)(b) resulting from a timely filed petition for redetermination or a timely filed  
1145 request for agency action; and

1146 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day period  
1147 after the date the commission:

1148 (I) issues the order constituting final agency action described in Subsection  
1149 (3)(a)(v)(A)(I); or

1150 (II) is considered to have denied the request for reconsideration described in  
1151 Subsection (3)(a)(v)(A)(II); or

1152 (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date  
1153 of a final judicial decision resulting from a timely filed petition for judicial review.

1154 (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:

1155 (i) \$20; or

1156 (ii) (A) 2% of the unpaid tax, fee, or charge due on the return if the activated tax, fee,  
1157 or charge due on the return is paid no later than five days after the due date for filing a return  
1158 described in Subsection (2)(a);

1159 (B) 5% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or  
1160 charge due on the return is paid more than five days after the due date for filing a return  
1161 described in Subsection (2)(a) but no later than 15 days after that due date; or

1162 (C) 10% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or  
1163 charge due on the return is paid more than 15 days after the due date for filing a return  
1164 described in Subsection (2)(a).

1165 (4) (a) In the case of any underpayment of estimated tax or quarterly installments  
1166 required by Sections [59-5-107](#), [59-5-207](#), [59-7-504](#), and [59-9-104](#), there shall be added a  
1167 penalty in an amount determined by applying the interest rate provided under Section [59-1-402](#)  
1168 plus four percentage points to the amount of the underpayment for the period of the  
1169 underpayment.

1170 (b) (i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the  
1171 excess of the required installment over the amount, if any, of the installment paid on or before  
1172 the due date for the installment.

1173 (ii) The period of the underpayment shall run from the due date for the installment to  
1174 whichever of the following dates is the earlier:

1175 (A) the original due date of the tax return, without extensions, for the taxable year; or

1176 (B) with respect to any portion of the underpayment, the date on which that portion is  
1177 paid.

1178 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited  
1179 against unpaid required installments in the order in which the installments are required to be  
1180 paid.

1181 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a  
1182 person allowed by law an extension of time for filing a corporate franchise or income tax return  
1183 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return  
1184 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in  
1185 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not  
1186 including the extension of time, the person fails to pay:

1187 (i) for a person filing a corporate franchise or income tax return under Chapter 7,

1188 Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or

1189 (ii) for a person filing an individual income tax return under Chapter 10, Individual  
1190 Income Tax Act, the payment required by Subsection 59-10-516(2).

1191 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the  
1192 extension of time for filing the return is an amount equal to 2% of the tax due on the return,  
1193 unpaid as of the day on which the return is due as provided by law.

1194 (6) If a person does not file a return within an extension of time allowed by Section  
1195 59-7-505 or 59-10-516, the person:

1196 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and

1197 (b) is subject to a penalty in an amount equal to the sum of:

1198 (i) a late file penalty in an amount equal to the greater of:

1199 (A) \$20; or

1200 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as  
1201 provided by law, not including the extension of time; and

1202 (ii) a late pay penalty in an amount equal to the greater of:

1203 (A) \$20; or

1204 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is  
1205 due as provided by law, not including the extension of time.

1206 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided  
1207 in this Subsection (7)(a).

1208 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax,  
1209 fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that  
1210 is due to negligence.

1211 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a  
1212 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire  
1213 underpayment.

1214 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge,  
1215 the penalty is the greater of \$500 per period or 50% of the entire underpayment.

1216 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or  
1217 charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.

1218 (b) If the commission determines that a person is liable for a penalty imposed under  
1219 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed  
1220 penalty.

1221 (i) The notice of proposed penalty shall:

1222 (A) set forth the basis of the assessment; and

1223 (B) be mailed by certified mail, postage prepaid, to the person's last-known address.

1224 (ii) Upon receipt of the notice of proposed penalty, the person against whom the  
1225 penalty is proposed may:

1226 (A) pay the amount of the proposed penalty at the place and time stated in the notice;

1227 or

1228 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).

1229 (iii) A person against whom a penalty is proposed in accordance with this Subsection  
1230 (7) may contest the proposed penalty by filing a petition for an adjudicative proceeding with  
1231 the commission.

1232 (iv) (A) If the commission determines that a person is liable for a penalty under this  
1233 Subsection (7), the commission shall assess the penalty and give notice and demand for  
1234 payment.

1235 (B) The commission shall mail the notice and demand for payment described in  
1236 Subsection (7)(b)(iv)(A):  
1237 (I) to the person's last-known address; and  
1238 (II) in accordance with Section 59-1-1404.  
1239 (c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not  
1240 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:  
1241 (i) a court of competent jurisdiction issues a final unappealable judgment or order  
1242 determining that:  
1243 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
1244 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
1245 59-12-107(2)(b) or (2)(c); and  
1246 (B) the commission or a county, city, or town may require the seller to collect a tax  
1247 under Subsections 59-12-103(2)(a) through (e); or  
1248 (ii) the commission issues a final unappealable administrative order determining that:  
1249 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
1250 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
1251 59-12-107(2)(b) or (2)(c); and  
1252 (B) the commission or a county, city, or town may require the seller to collect a tax  
1253 under Subsections 59-12-103(2)(a) through (e).  
1254 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not  
1255 subject to the penalty under Subsection (7)(a)(ii) if:  
1256 (i) (A) a court of competent jurisdiction issues a final unappealable judgment or order  
1257 determining that:  
1258 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
1259 or is a seller required to pay or collect and remit sales and use taxes under Subsection  
1260 59-12-107(2)(b) or (2)(c); and  
1261 (II) the commission or a county, city, or town may require the seller to collect a tax  
1262 under Subsections 59-12-103(2)(a) through (e); or  
1263 (B) the commission issues a final unappealable administrative order determining that:  
1264 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)  
1265 or is a seller required to pay or collect and remit sales and use taxes under Subsection

1266 59-12-107(2)(b) or (2)(c); and

1267 (II) the commission or a county, city, or town may require the seller to collect a tax  
1268 under Subsections 59-12-103(2)(a) through (e); and

1269 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by a  
1270 nonfrivolous argument for the extension, modification, or reversal of existing law or the  
1271 establishment of new law.

1272 (8) (a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an  
1273 information return, information report, or a complete supporting schedule is \$50 for each  
1274 information return, information report, or supporting schedule up to a maximum of \$1,000.

1275 (b) If an employer is subject to a penalty under Subsection (13), the employer may not  
1276 be subject to a penalty under Subsection (8)(a).

1277 (c) If an employer is subject to a penalty under this Subsection (8) for failure to file a  
1278 return in accordance with Subsection 59-10-406(3) on or before the due date described in  
1279 Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this  
1280 Subsection (8) unless the return is filed more than 14 days after the due date described in  
1281 Subsection 59-10-406(3)(b)(ii).

1282 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay  
1283 or impede administration of a law relating to a tax, fee, or charge and files a purported return  
1284 that fails to contain information from which the correctness of reported tax, fee, or charge  
1285 liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is  
1286 substantially incorrect, the penalty is \$500.

1287 (10) (a) A seller that fails to remit a tax, fee, or charge monthly as required by  
1288 Subsection 59-12-108(1)(a):

1289 (i) is subject to a penalty described in Subsection (2); and

1290 (ii) may not retain the percentage of sales and use taxes that would otherwise be  
1291 allowable under Subsection 59-12-108(2).

1292 (b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as  
1293 required by Subsection 59-12-108(1)(a)(ii)(B):

1294 (i) is subject to a penalty described in Subsection (2); and

1295 (ii) may not retain the percentage of sales and use taxes that would otherwise be  
1296 allowable under Subsection 59-12-108(2).

1297 (11) (a) A person is subject to the penalty provided in Subsection (11)(c) if that person:  
1298 (i) commits an act described in Subsection (11)(b) with respect to one or more of the  
1299 following documents:  
1300 (A) a return;  
1301 (B) an affidavit;  
1302 (C) a claim; or  
1303 (D) a document similar to Subsections (11)(a)(i)(A) through (C);  
1304 (ii) knows or has reason to believe that the document described in Subsection (11)(a)(i)  
1305 will be used in connection with any material matter administered by the commission; and  
1306 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection  
1307 with any material matter administered by the commission, would result in an understatement of  
1308 another person's liability for a tax, fee, or charge.  
1309 (b) The following acts apply to Subsection (11)(a)(i):  
1310 (i) preparing any portion of a document described in Subsection (11)(a)(i);  
1311 (ii) presenting any portion of a document described in Subsection (11)(a)(i);  
1312 (iii) procuring any portion of a document described in Subsection (11)(a)(i);  
1313 (iv) advising in the preparation or presentation of any portion of a document described  
1314 in Subsection (11)(a)(i);  
1315 (v) aiding in the preparation or presentation of any portion of a document described in  
1316 Subsection (11)(a)(i);  
1317 (vi) assisting in the preparation or presentation of any portion of a document described  
1318 in Subsection (11)(a)(i); or  
1319 (vii) counseling in the preparation or presentation of any portion of a document  
1320 described in Subsection (11)(a)(i).  
1321 (c) For purposes of Subsection (11)(a), the penalty:  
1322 (i) shall be imposed by the commission;  
1323 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which  
1324 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and  
1325 (iii) is in addition to any other penalty provided by law.  
1326 (d) The commission may seek a court order to enjoin a person from engaging in  
1327 conduct that is subject to a penalty under this Subsection (11).

1328 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1329 commission may make rules prescribing the documents that are similar to Subsections  
1330 (11)(a)(i)(A) through (C).

1331 (12) (a) [~~As provided in Section 76-8-1101, criminal~~] Criminal offenses and penalties  
1332 are [as] provided in Subsections (12)(b) through (e).

1333 (b) (i) A person who is required by this title or any laws the commission administers or  
1334 regulates to register with or obtain a license or permit from the commission, who operates  
1335 without having registered or secured a license or permit, or who operates when the registration,  
1336 license, or permit is expired or not current, is guilty of a class B misdemeanor.

1337 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the  
1338 penalty may not:

1339 (A) be less than \$500; or

1340 (B) exceed \$1,000.

1341 (c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,  
1342 and without a reasonable good faith basis, fails to make, render, sign, or verify a return within  
1343 the time required by law or to supply information within the time required by law, or who  
1344 makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false  
1345 or fraudulent information, is guilty of a third degree felony.

1346 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the  
1347 penalty may not:

1348 (A) be less than \$1,000; or

1349 (B) exceed \$5,000.

1350 (d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or  
1351 charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law,  
1352 guilty of a second degree felony.

1353 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the  
1354 penalty may not:

1355 (A) be less than \$1,500; or

1356 (B) exceed \$25,000.

1357 (e) (i) A person is guilty of a second degree felony if that person commits an act:

1358 (A) described in Subsection (12)(e)(ii) with respect to one or more of the following

1359 documents:

1360 (I) a return;

1361 (II) an affidavit;

1362 (III) a claim; or

1363 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and

1364 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described in

1365 Subsection (12)(e)(i)(A):

1366 (I) is false or fraudulent as to any material matter; and

1367 (II) could be used in connection with any material matter administered by the

1368 commission.

1369 (ii) The following acts apply to Subsection (12)(e)(i):

1370 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);

1371 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);

1372 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);

1373 (D) advising in the preparation or presentation of any portion of a document described

1374 in Subsection (12)(e)(i)(A);

1375 (E) aiding in the preparation or presentation of any portion of a document described in

1376 Subsection (12)(e)(i)(A);

1377 (F) assisting in the preparation or presentation of any portion of a document described

1378 in Subsection (12)(e)(i)(A); or

1379 (G) counseling in the preparation or presentation of any portion of a document

1380 described in Subsection (12)(e)(i)(A).

1381 (iii) This Subsection (12)(e) applies:

1382 (A) regardless of whether the person for which the document described in Subsection

1383 (12)(e)(i)(A) is prepared or presented:

1384 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or

1385 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and

1386 (B) in addition to any other penalty provided by law.

1387 (iv) Notwithstanding Section [76-3-301](#), for purposes of this Subsection (12)(e), the

1388 penalty may not:

1389 (A) be less than \$1,500; or

1390 (B) exceed \$25,000.

1391 (v) The commission may seek a court order to enjoin a person from engaging in  
1392 conduct that is subject to a penalty under this Subsection (12)(e).

1393 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
1394 the commission may make rules prescribing the documents that are similar to Subsections  
1395 (12)(e)(i)(A)(I) through (III).

1396 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is  
1397 the later of six years:

1398 (i) from the date the tax should have been remitted; or

1399 (ii) after the day on which the person commits the criminal offense.

1400 (13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with  
1401 the commission in accordance with Subsection 59-10-406(8) or (9) is subject to a penalty  
1402 described in Subsection (13)(b) if the employer:

1403 (i) fails to file the form with the commission in an electronic format approved by the  
1404 commission as required by Subsection 59-10-406(8) or (9);

1405 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406(8)  
1406 or (9);

1407 (iii) fails to provide accurate information on the form; or

1408 (iv) fails to provide all of the information required by the Internal Revenue Service to  
1409 be contained on the form.

1410 (b) For purposes of Subsection (13)(a), the penalty is:

1411 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the  
1412 form in accordance with Subsection 59-10-406(8) or (9), more than 14 days after the due date  
1413 provided in Subsection 59-10-406(8) or (9) but no later than 30 days after the due date  
1414 provided in Subsection 59-10-406(8) or (9);

1415 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the  
1416 form in accordance with Subsection 59-10-406(8) or (9), more than 30 days after the due date  
1417 provided in Subsection 59-10-406(8) or (9) but on or before June 1; or

1418 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

1419 (A) files the form in accordance with Subsection 59-10-406(8) or (9) after June 1; or

1420 (B) fails to file the form.

1421 (14) Upon making a record of the commission's actions, and upon reasonable cause  
1422 shown, the commission may waive, reduce, or compromise any of the penalties or interest  
1423 imposed under this part.

1424 (15) Failure to pay a tax described in Subsection 59-10-1403.2(2) shall be subject to a  
1425 penalty as described in Subsection (3) except that the penalty shall be:

1426 (a) assessed only if the pass-through entity reports tax paid on a Utah Schedule K-1 but  
1427 does not pay some or all of the tax reported; and

1428 (b) calculated based on the difference between the amount of tax reported and the  
1429 amount of tax paid.

1430 Section 12. Section 63G-12-402 is amended to read:

1431 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**  
1432 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

1433 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an  
1434 agency or political subdivision of the state shall verify the lawful presence in the United States  
1435 of an individual at least 18 years old who applies for:

1436 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

1437 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an  
1438 agency or political subdivision of this state.

1439 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction  
1440 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of  
1441 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United  
1442 States of each individual who:

1443 (i) owns an interest in the contractor that is an unincorporated entity; and

1444 (ii) engages, or will engage, in a construction trade in Utah as an owner of the  
1445 contractor described in Subsection (1)(b)(i).

1446 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or  
1447 national origin.

1448 (3) Verification of lawful presence under this section is not required for:

1449 (a) any purpose for which lawful presence in the United States is not restricted by law,  
1450 ordinance, or regulation;

1451 (b) assistance for health care items and services that:

- 1452 (i) are necessary for the treatment of an emergency medical condition, as defined in 42  
1453 U.S.C. Sec. 1396b(v)(3), of the individual involved; and
- 1454 (ii) are not related to an organ transplant procedure;
- 1455 (c) short-term, noncash, in-kind emergency disaster relief;
- 1456 (d) public health assistance for immunizations with respect to immunizable diseases  
1457 and for testing and treatment of symptoms of communicable diseases whether or not the  
1458 symptoms are caused by the communicable disease;
- 1459 (e) programs, services, or assistance such as soup kitchens, crisis counseling and  
1460 intervention, and short-term shelter, specified by the United States Attorney General, in the  
1461 sole and unreviewable discretion of the United States Attorney General after consultation with  
1462 appropriate federal agencies and departments, that:
- 1463 (i) deliver in-kind services at the community level, including through public or private  
1464 nonprofit agencies;
- 1465 (ii) do not condition the provision of assistance, the amount of assistance provided, or  
1466 the cost of assistance provided on the income or resources of the individual recipient; and
- 1467 (iii) are necessary for the protection of life or safety;
- 1468 (f) the exemption for paying the nonresident portion of total tuition as set forth in  
1469 Section [53B-8-106](#);
- 1470 (g) an applicant for a license under Section [61-1-4](#), if the applicant:
- 1471 (i) is registered with the Financial Industry Regulatory Authority; and
- 1472 (ii) files an application with the state Division of Securities through the Central  
1473 Registration Depository;
- 1474 (h) a state public benefit to be given to an individual under Title 49, Utah State  
1475 Retirement and Insurance Benefit Act;
- 1476 (i) a home loan that will be insured, guaranteed, or purchased by:
- 1477 (i) the Federal Housing Administration, the Veterans Administration, or any other  
1478 federal agency; or
- 1479 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;
- 1480 (j) a subordinate loan or a grant that will be made to an applicant in connection with a  
1481 home loan that does not require verification under Subsection (3)(i);
- 1482 (k) an applicant for a license issued by the Department of Commerce or individual

1483 described in Subsection (1)(b), if the applicant or individual provides the Department of  
1484 Commerce:

1485 (i) certification, under penalty of perjury, that the applicant or individual is:

1486 (A) a United States citizen;

1487 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

1488 (C) lawfully present in the United States; and

1489 (ii) (A) the number assigned to a driver license or identification card issued under Title  
1490 53, Chapter 3, Uniform Driver License Act; or

1491 (B) the number assigned to a driver license or identification card issued by a state other  
1492 than Utah if, as part of issuing the driver license or identification card, the state verifies an  
1493 individual's lawful presence in the United States; and

1494 (l) an applicant for:

1495 (i) an Opportunity scholarship described in Title 53B, Chapter 8, Part 2, Regents'  
1496 Scholarship Program;

1497 (ii) a New Century scholarship described in Section [53B-8-105](#);

1498 (iii) a promise grant described in Section [53B-13a-104](#); or

1499 (iv) a scholarship:

1500 (A) for an individual who is a graduate of a high school located within Utah; and

1501 (B) administered by an institution of higher education as defined in Section [53B-2-101](#).

1502 (4) (a) An agency or political subdivision required to verify the lawful presence in the  
1503 United States of an applicant under this section shall require the applicant to certify under  
1504 penalty of perjury that:

1505 (i) the applicant is a United States citizen; or

1506 (ii) the applicant is:

1507 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

1508 (B) lawfully present in the United States.

1509 (b) The certificate required under this Subsection (4) shall include a statement advising  
1510 the signer that providing false information subjects the signer to penalties for perjury.

1511 (5) An agency or political subdivision shall verify a certification required under  
1512 Subsection (4)(a)(ii) through the federal SAVE program.

1513 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or

1514 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject  
1515 to the criminal penalties applicable in this state for:

1516 (i) making a written false statement under Section [76-8-504](#); and

1517 (ii) fraudulently obtaining:

1518 (A) public assistance program benefits under [~~Sections [76-8-1205](#) and [76-8-1206](#)~~]

1519 [Section 76-8-1203.1](#); or

1520 (B) unemployment compensation under Section [76-8-1301](#), [76-8-1302](#), [76-8-1303](#), or  
1521 [76-8-1304](#).

1522 (b) If the certification constitutes a false claim of United States citizenship under 18  
1523 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United  
1524 States Attorney General for the applicable district based upon the venue in which the  
1525 application was made.

1526 (c) If an agency or political subdivision receives verification that a person making an  
1527 application for a benefit, service, or license is not a qualified alien, the agency or political  
1528 subdivision shall provide the information to the Office of the Attorney General unless  
1529 prohibited by federal mandate.

1530 (7) An agency or political subdivision may adopt variations to the requirements of this  
1531 section that:

1532 (a) clearly improve the efficiency of or reduce delay in the verification process; or

1533 (b) provide for adjudication of unique individual circumstances where the verification  
1534 procedures in this section would impose an unusual hardship on a legal resident of Utah.

1535 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,  
1536 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

1537 (9) A state agency or department that administers a program of state or local public  
1538 benefits shall:

1539 (a) provide an annual report to the governor, the president of the Senate, and the  
1540 speaker of the House regarding its compliance with this section; and

1541 (b) (i) monitor the federal SAVE program for application verification errors and  
1542 significant delays;

1543 (ii) provide an annual report on the errors and delays to ensure that the application of  
1544 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident

1545 of the state; and

1546 (iii) report delays and errors in the federal SAVE program to the United States

1547 Department of Homeland Security.

1548 Section 13. Section **64-13-14.5** is amended to read:

1549 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**

1550 (1) The department may extend the limits of the place of confinement of an inmate

1551 when, as established by department policies and procedures, there is cause to believe the

1552 inmate will honor the trust, by authorizing the inmate under prescribed conditions:

1553 (a) to leave temporarily for purposes specified by department policies and procedures

1554 to visit specifically designated places for a period not to exceed 30 days;

1555 (b) to participate in a voluntary training program in the community while housed at a

1556 correctional facility or to work at paid employment;

1557 (c) to be housed in a nonsecure community correctional center operated by the

1558 department; or

1559 (d) to be housed in any other facility under contract with the department.

1560 (2) The department shall establish rules governing offenders on release status. A copy

1561 of the rules shall be furnished to the offender and to any employer or other person participating

1562 in the offender's release program. Any employer or other participating person shall agree in

1563 writing to abide by the rules and to notify the department of the offender's discharge or other

1564 release from a release program activity, or of any violation of the rules governing release status.

1565 (3) The willful failure of an inmate to remain within the extended limits of his

1566 confinement or to return within the time prescribed to an institution or facility designated by

1567 the department is an escape from custody.

1568 (4) If an offender is arrested for the commission of a crime, the arresting authority shall

1569 immediately notify the department of the arrest.

1570 (5) The department may impose appropriate sanctions pursuant to Section [64-13-21](#)

1571 upon offenders who violate guidelines established by the Utah Sentencing Commission,

1572 including prosecution for escape under Section [76-8-309](#) or [76-8-309.1](#) and for unauthorized

1573 absence.

1574 (6) An inmate who is housed at a nonsecure correctional facility and on work release

1575 may not be required to work for less than the current federally established minimum wage, or

1576 under substandard working conditions.

1577 Section 14. Section **76-1-301** is amended to read:

1578 **76-1-301. Offenses for which prosecution may be commenced at any time.**

1579 (1) As used in this section:

1580 (a) "Aggravating offense" means any offense incident to which a homicide was  
1581 committed as described in Subsection [76-5-202\(2\)\(a\)\(iv\)](#) or (v) or Subsection [76-5-202\(2\)\(b\)](#).

1582 (b) "Predicate offense" means an offense described in Subsection [76-5-203\(1\)\(a\)](#) if a  
1583 person other than a party as defined in Section [76-2-202](#) was killed in the course of the  
1584 commission, attempted commission, or immediate flight from the commission or attempted  
1585 commission of the offense.

1586 (2) Notwithstanding any other provisions of this code, prosecution for the following  
1587 offenses may be commenced at any time:

1588 (a) an offense classified as a capital felony under Section [76-3-103](#);

1589 (b) aggravated murder under Section [76-5-202](#);

1590 (c) murder under Section [76-5-203](#);

1591 (d) manslaughter under Section [76-5-205](#);

1592 (e) child abuse homicide under Section [76-5-208](#);

1593 (f) aggravated kidnapping under Section [76-5-302](#);

1594 (g) child kidnapping under Section [76-5-301.1](#);

1595 (h) rape under Section [76-5-402](#);

1596 (i) rape of a child under Section [76-5-402.1](#);

1597 (j) object rape under Section [76-5-402.2](#);

1598 (k) object rape of a child under Section [76-5-402.3](#);

1599 (l) forcible sodomy under Section [76-5-403](#);

1600 (m) sodomy on a child under Section [76-5-403.1](#);

1601 (n) sexual abuse of a child under Section [76-5-404.1](#);

1602 (o) aggravated sexual abuse of a child under Section [76-5-404.3](#);

1603 (p) aggravated sexual assault under Section [76-5-405](#);

1604 (q) any predicate offense to a murder or aggravating offense to an aggravated murder;

1605 (r) aggravated human trafficking [~~or aggravated human smuggling in violation of]~~

1606 under Section [76-5-310](#);

1607 (s) aggravated human smuggling under Section 76-5-310.1;

1608 [~~s~~] (t) aggravated exploitation of prostitution involving a child[;] under Section

1609 76-10-1306; or

1610 [~~t~~] (u) human trafficking of a child[;] under Section 76-5-308.5.

1611 Section 15. Section 76-3-203.1 is amended to read:

1612 **76-3-203.1. Offenses committed in concert with three or more persons or in**

1613 **relation to a criminal street gang -- Notice -- Enhanced penalties.**

1614 (1) As used in this section:

1615 (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.

1616 (b) "In concert with three or more persons" means:

1617 (i) the defendant was aided or encouraged by at least three other persons in committing

1618 the offense and was aware of this aid or encouragement; and

1619 (ii) each of the other persons:

1620 (A) was physically present; and

1621 (B) participated as a party to any offense listed in Subsection (4), (5), or (6).

1622 (c) "In concert with three or more persons" means, regarding intent:

1623 (i) other persons participating as parties need not have the intent to engage in the same

1624 offense or degree of offense as the defendant; and

1625 (ii) a minor is a party if the minor's actions would cause the minor to be a party if the

1626 minor were an adult.

1627 (2) A person who commits any offense in accordance with this section is subject to an

1628 enhanced penalty as provided in Subsection (4), (5), or (6) if the trier of fact finds beyond a

1629 reasonable doubt that the person acted:

1630 (a) in concert with three or more persons;

1631 (b) for the benefit of, at the direction of, or in association with any criminal street gang

1632 as defined in Section 76-9-802; or

1633 (c) to gain recognition, acceptance, membership, or increased status with a criminal

1634 street gang as defined in Section 76-9-802.

1635 (3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to

1636 be subscribed upon the information or indictment notice that the defendant is subject to the

1637 enhanced penalties provided under this section.

- 1638 (4) (a) For an offense listed in Subsection (4)(b), a person may be charged as follows:
- 1639 (i) for a class B misdemeanor, as a class A misdemeanor; and
- 1640 (ii) for a class A misdemeanor, as a third degree felony.
- 1641 (b) The following offenses are subject to Subsection (4)(a):
- 1642 (i) criminal mischief as described in Section [76-6-106](#);
- 1643 (ii) property damage or destruction as described in Section [76-6-106.1](#); and
- 1644 (iii) defacement by graffiti as described in Section [76-6-107](#).
- 1645 (5) (a) For an offense listed in Subsection (5)(b), a person may be charged as follows:
- 1646 (i) for a class B misdemeanor, as a class A misdemeanor;
- 1647 (ii) for a class A misdemeanor, as a third degree felony; and
- 1648 (iii) for a third degree felony, as a second degree felony.
- 1649 (b) The following offenses are subject to Subsection (5)(a):
- 1650 (i) burglary, if committed in a dwelling as defined in Subsection [76-6-202\(3\)\(b\)](#);
- 1651 (ii) any offense of obstructing government operations under Chapter 8, Part 3,
- 1652 Obstructing Governmental Operations, except Sections [76-8-302](#), [76-8-303](#), [76-8-307](#),
- 1653 [76-8-308](#), and [76-8-312](#);
- 1654 (iii) tampering with a witness [~~or other violation of~~] under Section [76-8-508](#);
- 1655 (iv) retaliation against a witness, victim, or informant, or other violation of Section
- 1656 [76-8-508.3](#);
- 1657 (v) receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);
- 1658 [~~(vi)~~] (vi) extortion or bribery to dismiss a criminal proceeding as defined in Section
- 1659 [76-8-509](#);
- 1660 [~~(vii)~~] (vii) any weapons offense under Chapter 10, Part 5, Weapons; and
- 1661 [~~(viii)~~] (viii) any violation of Chapter 10, Part 16, Pattern of Unlawful Activity Act.
- 1662 (6) (a) For an offense listed in Subsection (6)(b), a person may be charged as follows:
- 1663 (i) for a class B misdemeanor, as a class A misdemeanor;
- 1664 (ii) for a class A misdemeanor, as a third degree felony;
- 1665 (iii) for a third degree felony, as a second degree felony; and
- 1666 (iv) for a second degree felony, as a first degree felony.
- 1667 (b) The following offenses are subject to Subsection (6)(a):
- 1668 (i) assault and related offenses under Chapter 5, Part 1, Assault and Related Offenses;

- 1669 (ii) any criminal homicide offense under Chapter 5, Part 2, Criminal Homicide;  
1670 (iii) kidnapping and related offenses under Chapter 5, Part 3, Kidnapping, Trafficking,  
1671 and Smuggling;  
1672 (iv) any felony sexual offense under Chapter 5, Part 4, Sexual Offenses;  
1673 (v) sexual exploitation of a minor as defined in Section 76-5b-201;  
1674 (vi) aggravated sexual exploitation of a minor as defined in Section 76-5b-201.1;  
1675 (vii) robbery and aggravated robbery under Chapter 6, Part 3, Robbery; and  
1676 (viii) aggravated exploitation of prostitution under Section 76-10-1306.  
1677 (7) The sentence imposed under Subsection (4), (5), or (6) may be suspended and the  
1678 individual placed on probation for the higher level of offense.  
1679 (8) It is not a bar to imposing the enhanced penalties under this section that the persons  
1680 with whom the actor is alleged to have acted in concert are not identified, apprehended,  
1681 charged, or convicted, or that any of those persons are charged with or convicted of a different  
1682 or lesser offense.

1683 Section 16. Section 76-3-203.3 is amended to read:

1684 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

1685 As used in this section:

- 1686 (1) "Primary offense" means those offenses provided in Subsection (4).  
1687 (2) (a) A person who commits any primary offense with the intent to intimidate or  
1688 terrorize another person or with reason to believe that his action would intimidate or terrorize  
1689 that person is subject to Subsection (2)(b).  
1690 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and  
1691 (ii) a class B misdemeanor primary offense is a class A misdemeanor.  
1692 (3) "Intimidate or terrorize" means an act which causes the person to fear for his  
1693 physical safety or damages the property of that person or another. The act must be  
1694 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to  
1695 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the  
1696 Constitution or laws of the United States.  
1697 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:  
1698 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,  
1699 76-5-107, and 76-5-108;

- 1700 (b) any misdemeanor property destruction offense under Sections 76-6-102 and
- 1701 76-6-104, and Subsection 76-6-106(2)(a);
- 1702 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
- 1703 (d) any misdemeanor theft offense under Section 76-6-412;
- 1704 (e) any offense of obstructing government operations under Sections 76-8-301,
- 1705 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and 76-8-313;
- 1706 (f) any offense of interfering or intending to interfere with activities of colleges and
- 1707 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
- 1708 (g) any misdemeanor offense against public order and decency as defined in Title 76,
- 1709 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
- 1710 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
- 1711 Communication and Telephone Abuse;
- 1712 (i) any cruelty to animals offense under Section 76-9-301;
- 1713 (j) any weapons offense under Section 76-10-506; or
- 1714 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.
- 1715 (5) This section does not affect or limit any individual's constitutional right to the
- 1716 lawful expression of free speech or other recognized rights secured by the Constitution or laws
- 1717 of the state or by the Constitution or laws of the United States.

1718 Section 17. Section 76-3-203.5 is amended to read:

1719 **76-3-203.5. Habitual violent offender -- Definition -- Procedure -- Penalty.**

1720 (1) As used in this section:

1721 (a) "Felony" means any violation of a criminal statute of the state, any other state, the

1722 United States, or any district, possession, or territory of the United States for which the

1723 maximum punishment the offender may be subjected to exceeds one year in prison.

1724 (b) "Habitual violent offender" means a person convicted within the state of any violent

1725 felony and who on at least two previous occasions has been convicted of a violent felony and

1726 committed to either prison in Utah or an equivalent correctional institution of another state or

1727 of the United States either at initial sentencing or after revocation of probation.

1728 (c) "Violent felony" means:

1729 (i) any of the following offenses, or any attempt, solicitation, or conspiracy to commit

1730 any of the following offenses punishable as a felony:

- 1731 (A) [~~aggravated arson, arson,~~] arson as described in Section 76-6-102;  
 1732 (B) [~~knowingly causing a catastrophe,~~] causing a catastrophe as described in  
 1733 Subsection 76-6-105(3)(a) or (3)(b);  
 1734 (C) [~~and criminal mischief, Chapter 6, Part 1, Property Destruction]~~ criminal mischief  
 1735 as described in Section 76-6-106;  
 1736 (D) aggravated arson as described in Section 76-6-103;  
 1737 [(B)] (E) assault by prisoner[;] as described in Section 76-5-102.5;  
 1738 [(C)] (F) disarming a police officer[;] as described in Section 76-5-102.8;  
 1739 [(D)] (G) aggravated assault[;] as described in Section 76-5-103;  
 1740 [(E)] (H) aggravated assault by prisoner[;] as described in Section 76-5-103.5;  
 1741 [(F)] (I) mayhem[;] as described in Section 76-5-105;  
 1742 [(G)] (J) stalking[;] as described in Subsection 76-5-106.5(2);  
 1743 [(H)] (K) threat of terrorism[;] as described in Section 76-5-107.3;  
 1744 [(I)] (L) aggravated child abuse[;] as described in Subsection 76-5-109.2(3)(a) or (b);  
 1745 [(J)] (M) commission of domestic violence in the presence of a child[;] as described in  
 1746 Section 76-5-114;  
 1747 [(K)] (N) abuse or neglect of a child with a disability[;] as described in Section  
 1748 76-5-110;  
 1749 [(L)] (O) abuse or exploitation of a vulnerable adult[;] as described in Section  
 1750 76-5-111, 76-5-111.2, 76-5-111.3, or 76-5-111.4;  
 1751 [(M)] (P) endangerment of a child or vulnerable adult[;] as described in Section  
 1752 76-5-112.5;  
 1753 [(N)] (Q) [~~criminal homicide offenses under]~~ an offense described in Chapter 5, Part 2,  
 1754 Criminal Homicide;  
 1755 [(O)] (R) [~~kidnapping,~~] kidnapping as described in Section 76-5-301;  
 1756 (S) [~~child kidnapping, and]~~ child kidnapping as described in Section 76-5-301.1;  
 1757 (T) [~~aggravated kidnapping under Chapter 5, Part 3, Kidnapping, Trafficking, and~~  
 1758 ~~Smuggling]~~ aggravated kidnapping as described in Section 76-5-302;  
 1759 [(P)] (U) rape[;] as described in Section 76-5-402;  
 1760 [(Q)] (V) rape of a child[;] as described in Section 76-5-402.1;  
 1761 [(R)] (W) object rape[;] as described in Section 76-5-402.2;

1762           ~~[(S)]~~ (X) object rape of a child~~;~~ as described in Section 76-5-402.3;

1763           ~~[(T)]~~ (Y) forcible sodomy~~;~~ as described in Section 76-5-403;

1764           ~~[(U)]~~ (Z) sodomy on a child~~;~~ as described in Section 76-5-403.1;

1765           ~~[(V)]~~ (AA) forcible sexual abuse~~;~~ as described in Section 76-5-404;

1766           ~~[(W)]~~ (BB) sexual abuse of a child~~;~~ as described in Section 76-5-404.1~~;~~~~or~~;

1767           (CC) aggravated sexual abuse of a child~~;~~ as described in Section 76-5-404.3;

1768           ~~[(X)]~~ (DD) aggravated sexual assault~~;~~ as described in Section 76-5-405;

1769           ~~[(Y)]~~ (EE) sexual exploitation of a minor~~;~~ as described in Section 76-5b-201;

1770           ~~[(Z)]~~ (FF) aggravated sexual exploitation of a minor~~;~~ as described in Section

1771 76-5b-201.1;

1772           ~~[(AA)]~~ (GG) sexual exploitation of a vulnerable adult~~;~~ as described in Section

1773 76-5b-202;

1774           ~~[(BB)]~~ (HH) ~~[aggravated burglary and burglary of a dwelling under Chapter 6, Part 2,~~

1775 ~~Burglary and Criminal Trespass]~~ burglary as described in Subsection 76-6-202(3)(b);

1776           (II) aggravated burglary as described in Section 76-6-203;

1777           ~~[(CC)]~~ (JJ) ~~[aggravated robbery and robbery under Chapter 6, Part 3, Robbery]~~ robbery

1778 as described in Section 76-6-301;

1779           (KK) aggravated robbery as described in Section 76-6-302;

1780           ~~[(DD)]~~ (LL) theft by extortion ~~[under Section 76-6-406 under the circumstances~~

1781 ~~described in]~~ as described in Subsection 76-6-406(1)(a)(i) or [(ii)] (1)(a)(ii);

1782           ~~[(EE)]~~ (MM) tampering with a witness ~~[under Subsection 76-8-508(1)]~~ as described in

1783 Section 76-8-508;

1784           ~~[(FF)]~~ (NN) retaliation against a witness, victim, or informant ~~[under]~~ as described in

1785 Section 76-8-508.3;

1786           ~~[(GG)]~~ (OO) tampering ~~[with]~~ or retaliating against a juror ~~[under]~~ as described in

1787 Subsection [76-8-508.5(2)(e)] 76-8-508.5(2)(a)(iii);

1788           ~~[(HH)]~~ (PP) extortion to dismiss a criminal proceeding ~~[under Section 76-8-509 if by~~

1789 ~~any threat or by use of force theft by extortion has been committed under Section 76-6-406~~

1790 ~~under the circumstances]~~ as described in Subsection 76-6-406(1)(a)(i), (ii), or (ix);

1791           ~~[(I)]~~ (QQ) possession, use, or removal of explosive, chemical, or incendiary devices

1792 ~~[under]~~ as described in Subsections 76-10-306(3) through (6);

1793           ~~[(JJ)]~~ (RR) unlawful delivery of explosive, chemical, or incendiary devices ~~[under]~~ as  
1794 described in Section 76-10-307;

1795           ~~[(KK)]~~ (SS) purchase or possession of a dangerous weapon or handgun by a restricted  
1796 person ~~[under]~~ as described in Section 76-10-503;

1797           ~~[(LL)]~~ ~~unlawful discharge of a firearm under Section 76-10-508;~~

1798           ~~[(MM)]~~ (TT) aggravated exploitation of prostitution ~~[under]~~ as described in Subsection  
1799 76-10-1306(1)(a);

1800           ~~[(NN)]~~ (UU) bus hijacking ~~[under]~~ as described in Section 76-10-1504; and

1801           ~~[(OO)]~~ (VV) discharging firearms and hurling missiles ~~[under]~~ as described in Section  
1802 76-10-1505; or

1803           (ii) any felony violation of a criminal statute of any other state, the United States, or  
1804 any district, possession, or territory of the United States which would constitute a violent  
1805 felony as defined in this Subsection (1) if committed in this state.

1806           (2) If a person is convicted in this state of a violent felony by plea or by verdict and the  
1807 trier of fact determines beyond a reasonable doubt that the person is a habitual violent offender  
1808 under this section, the penalty for a:

1809           (a) third degree felony is as if the conviction were for a first degree felony;

1810           (b) second degree felony is as if the conviction were for a first degree felony; or

1811           (c) first degree felony remains the penalty for a first degree penalty except:

1812           (i) the convicted person is not eligible for probation; and

1813           (ii) the Board of Pardons and Parole shall consider that the convicted person is a  
1814 habitual violent offender as an aggravating factor in determining the length of incarceration.

1815           (3) (a) The prosecuting attorney, or grand jury if an indictment is returned, shall  
1816 provide notice in the information or indictment that the defendant is subject to punishment as a  
1817 habitual violent offender under this section. Notice shall include the case number, court, and  
1818 date of conviction or commitment of any case relied upon by the prosecution.

1819           (b) (i) The defendant shall serve notice in writing upon the prosecutor if the defendant  
1820 intends to deny that:

1821           (A) the defendant is the person who was convicted or committed;

1822           (B) the defendant was represented by counsel or had waived counsel; or

1823           (C) the defendant's plea was understandingly or voluntarily entered.

1824 (ii) The notice of denial shall be served not later than five days prior to trial and shall  
1825 state in detail the defendant's contention regarding the previous conviction and commitment.

1826 (4) (a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to  
1827 a jury, the jury may not be told, until after it returns its verdict on the underlying felony charge,  
1828 of the:

1829 (i) defendant's previous convictions for violent felonies, except as otherwise provided  
1830 in the Utah Rules of Evidence; or

1831 (ii) allegation against the defendant of being a habitual violent offender.

1832 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of  
1833 being an habitual violent offender by the same jury, if practicable, unless the defendant waives  
1834 the jury, in which case the allegation shall be tried immediately to the court.

1835 (c) (i) Before or at the time of sentencing the trier of fact shall determine if this section  
1836 applies.

1837 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution  
1838 and the defendant shall be afforded an opportunity to present any necessary additional  
1839 evidence.

1840 (iii) Before sentencing under this section, the trier of fact shall determine whether this  
1841 section is applicable beyond a reasonable doubt.

1842 (d) If any previous conviction and commitment is based upon a plea of guilty or no  
1843 contest, there is a rebuttable presumption that the conviction and commitment were regular and  
1844 lawful in all respects if the conviction and commitment occurred after January 1, 1970. If the  
1845 conviction and commitment occurred prior to January 1, 1970, the burden is on the prosecution  
1846 to establish by a preponderance of the evidence that the defendant was then represented by  
1847 counsel or had lawfully waived the right to have counsel present, and that the defendant's plea  
1848 was understandingly and voluntarily entered.

1849 (e) If the trier of fact finds this section applicable, the court shall enter that specific  
1850 finding on the record and shall indicate in the order of judgment and commitment that the  
1851 defendant has been found by the trier of fact to be a habitual violent offender and is sentenced  
1852 under this section.

1853 (5) (a) The sentencing enhancement provisions of Section [76-3-407](#) supersede the  
1854 provisions of this section.

1855 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in  
 1856 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part 4, Sexual  
 1857 Offenses, to determine if the convicted person is a habitual violent offender.

1858 (6) The sentencing enhancement described in this section does not apply if:

1859 (a) the offense for which the person is being sentenced is:

1860 (i) a grievous sexual offense;

1861 (ii) child kidnapping, Section [76-5-301.1](#);

1862 (iii) aggravated kidnapping, Section [76-5-302](#); or

1863 (iv) forcible sexual abuse, Section [76-5-404](#); and

1864 (b) applying the sentencing enhancement provided for in this section would result in a  
 1865 lower maximum penalty than the penalty provided for under the section that describes the  
 1866 offense for which the person is being sentenced.

1867 Section 18. Section **76-3-406** is amended to read:

1868 **76-3-406. Crimes for which probation, suspension of sentence, lower category of**  
 1869 **offense, or hospitalization may not be granted.**

1870 (1) Notwithstanding Sections [76-3-201](#) and [77-18-105](#) and Title 77, Chapter 16a,  
 1871 Commitment and Treatment of Individuals with a Mental Condition, except as provided in  
 1872 Section [76-5-406.5](#) or Subsection [77-16a-103](#)(6) or (7), probation may not be granted, the  
 1873 execution or imposition of sentence may not be suspended, the court may not enter a judgment  
 1874 for a lower category of offense, and hospitalization may not be ordered, the effect of which  
 1875 would in any way shorten the prison sentence for an individual who commits a capital felony or  
 1876 a first degree felony involving:

1877 (a) [~~Section [76-5-202](#);~~] aggravated murder as described in Section [76-5-202](#);

1878 (b) [~~Section [76-5-203](#);~~] murder as described in Section [76-5-203](#);

1879 (c) [~~Section [76-5-301.1](#), child kidnapping]~~ child kidnapping as described in Section  
 1880 [76-5-301.1](#);

1881 (d) [~~Section [76-5-302](#), aggravated kidnapping]~~ aggravated kidnapping as described in  
 1882 Subsection [76-5-302](#)(3)(b);

1883 (e) [~~Section [76-5-402](#), rape, if the individual is sentenced under]~~ rape as described in  
 1884 Subsection [76-5-402](#)(3)(b), (3)(c), or (4);

1885 (f) [~~Section [76-5-402.1](#);~~] rape of a child as described in Section [76-5-402.1](#);

- 1886 (g) [~~Section 76-5-402.2, object rape, if the individual is sentenced under~~] object rape as  
1887 described in Subsection 76-5-402.2(3)(b), (3)(c), or (4);
- 1888 (h) [~~Section 76-5-402.3,~~] object rape of a child as described in Section 76-5-402.3;
- 1889 (i) [~~Section 76-5-403, forcible sodomy, if the individual is sentenced under~~] forcible  
1890 sodomy as described in Subsection 76-5-403(3)(b), (3)(c), or (4);
- 1891 (j) [~~Section 76-5-403.1,~~] sodomy on a child as described in Section 76-5-403.1;
- 1892 (k) [~~Section 76-5-404, forcible sexual abuse, if the individual is sentenced under~~]  
1893 forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);
- 1894 (l) [~~Section 76-5-404.3,~~] aggravated sexual abuse of a child as described in Section  
1895 76-5-404.3;
- 1896 (m) [~~Section 76-5-405,~~] aggravated sexual assault[~~;~~ or] as described in Section  
1897 76-5-405; or
- 1898 (n) any attempt to commit a felony listed in Subsection (1)(f), (h), or (j).
- 1899 (2) Except for an offense before the district court in accordance with Section 80-6-502  
1900 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the  
1901 defendant:
- 1902 (a) was under 18 years old at the time of the offense; and
- 1903 (b) could have been adjudicated in the juvenile court but for the delayed reporting or  
1904 delayed filing of the information.
- 1905 Section 19. Section 76-5-203 is amended to read:
- 1906 **76-5-203. Murder -- Penalties-- Affirmative defense and special mitigation --**  
1907 **Separate offenses.**
- 1908 (1) (a) As used in this section, "predicate offense" means:
- 1909 (i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;
- 1910 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused  
1911 individual is younger than 18 years old;
- 1912 (iii) kidnapping under Section 76-5-301;
- 1913 (iv) child kidnapping under Section 76-5-301.1;
- 1914 (v) aggravated kidnapping under Section 76-5-302;
- 1915 (vi) rape under Section 76-5-402;
- 1916 (vii) rape of a child under Section 76-5-402.1;

- 1917 (viii) object rape under Section [76-5-402.2](#);
- 1918 (ix) object rape of a child under Section [76-5-402.3](#);
- 1919 (x) forcible sodomy under Section [76-5-403](#);
- 1920 (xi) sodomy upon a child under Section [76-5-403.1](#);
- 1921 (xii) forcible sexual abuse under Section [76-5-404](#);
- 1922 (xiii) sexual abuse of a child under Section [76-5-404.1](#);
- 1923 (xiv) aggravated sexual abuse of a child under Section [76-5-404.3](#);
- 1924 (xv) aggravated sexual assault under Section [76-5-405](#);
- 1925 (xvi) arson under Section [76-6-102](#);
- 1926 (xvii) aggravated arson under Section [76-6-103](#);
- 1927 (xviii) burglary under Section [76-6-202](#);
- 1928 (xix) aggravated burglary under Section [76-6-203](#);
- 1929 (xx) robbery under Section [76-6-301](#);
- 1930 (xxi) aggravated robbery under Section [76-6-302](#);
- 1931 (xxii) escape [~~or aggravated escape~~] under Section [76-8-309](#);
- 1932 (xxiii) aggravated escape under Section [76-8-309.1](#); or
- 1933 [~~(xxiii)~~] (xxiv) a felony violation of Section [76-10-508](#) or [76-10-508.1](#) regarding
- 1934 discharge of a firearm or dangerous weapon.
- 1935 (b) Terms defined in Section [76-1-101.5](#) apply to this section.
- 1936 (2) An actor commits murder if:
- 1937 (a) the actor intentionally or knowingly causes the death of another individual;
- 1938 (b) intending to cause serious bodily injury to another individual, the actor commits an
- 1939 act clearly dangerous to human life that causes the death of the other individual;
- 1940 (c) acting under circumstances evidencing a depraved indifference to human life, the
- 1941 actor knowingly engages in conduct that creates a grave risk of death to another individual and
- 1942 thereby causes the death of the other individual;
- 1943 (d) (i) the actor is engaged in the commission, attempted commission, or immediate
- 1944 flight from the commission or attempted commission of any predicate offense, or is a party to
- 1945 the predicate offense;
- 1946 (ii) an individual other than a party described in Section [76-2-202](#) is killed in the
- 1947 course of the commission, attempted commission, or immediate flight from the commission or

1948 attempted commission of any predicate offense; and  
1949 (iii) the actor acted with the intent required as an element of the predicate offense;  
1950 (e) the actor recklessly causes the death of a peace officer or military service member  
1951 in uniform while in the commission or attempted commission of:  
1952 (i) an assault against a peace officer under Section 76-5-102.4;  
1953 (ii) interference with a peace officer while making a lawful arrest under Section  
1954 76-8-305 if the actor uses force against the peace officer; or  
1955 (iii) an assault against a military service member in uniform under Section 76-5-102.4;  
1956 or  
1957 (f) the actor commits a homicide that would be aggravated murder, but the offense is  
1958 reduced in accordance with Subsection 76-5-202(4).  
1959 (3) (a) (i) A violation of Subsection (2) is a first degree felony.  
1960 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for an  
1961 indeterminate term of not less than 15 years and which may be for life.  
1962 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,  
1963 or alternatively, attempted murder, as described in this section are proved beyond a reasonable  
1964 doubt, and also finds that the existence of special mitigation is established by a preponderance  
1965 of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of  
1966 conviction as follows:  
1967 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a  
1968 judgment of conviction for manslaughter; or  
1969 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,  
1970 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c)(i), enter a judgment of  
1971 conviction for attempted manslaughter.  
1972 (4) (a) It is an affirmative defense to a charge of murder or attempted murder that the  
1973 defendant caused the death of another individual or attempted to cause the death of another  
1974 individual under a reasonable belief that the circumstances provided a legal justification or  
1975 excuse for the conduct although the conduct was not legally justifiable or excusable under the  
1976 existing circumstances.  
1977 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from  
1978 the viewpoint of a reasonable person under the then existing circumstances.

1979 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,  
1980 or alternatively, attempted murder, as described in this section are proved beyond a reasonable  
1981 doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven  
1982 beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:

1983 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a  
1984 judgment of conviction for manslaughter; or

1985 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall  
1986 enter a judgment of conviction for attempted manslaughter.

1987 (5) (a) Any predicate offense that constitutes a separate offense does not merge with  
1988 the crime of murder.

1989 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a  
1990 separate offense, may also be convicted of, and punished for, the separate offense.

1991 Section 20. Section **76-5-404.1** is amended to read:

1992 **76-5-404.1. Sexual abuse of a child -- Penalties -- Limitations.**

1993 (1) (a) As used in this section:

1994 (i) "Adult" means an individual 18 years old or older.

1995 (ii) "Child" means an individual younger than 14 years old.

1996 (iii) "Indecent liberties" means the same as that term is defined in Section [76-5-401.1](#).

1997 (iv) "Position of special trust" means:

1998 (A) an adoptive parent;

1999 (B) an athletic manager who is an adult;

2000 (C) an aunt;

2001 (D) a babysitter;

2002 (E) a coach;

2003 (F) a cohabitant of a parent if the cohabitant is an adult;

2004 (G) a counselor;

2005 (H) a doctor or physician;

2006 (I) an employer;

2007 (J) a foster parent;

2008 (K) a grandparent;

2009 (L) a legal guardian;

- 2010 (M) a natural parent;
- 2011 (N) a recreational leader who is an adult;
- 2012 (O) a religious leader;
- 2013 (P) a sibling or a stepsibling who is an adult;
- 2014 (Q) a scout leader who is an adult;
- 2015 (R) a stepparent;
- 2016 (S) a teacher or any other individual employed by or volunteering at a public or private
- 2017 elementary school or secondary school, and who is 18 years old or older;
- 2018 (T) an instructor, professor, or teaching assistant at a public or private institution of
- 2019 higher education;
- 2020 (U) an uncle;
- 2021 (V) a youth leader who is an adult; or
- 2022 (W) any individual in a position of authority, other than those individuals listed in
- 2023 Subsections (1)(a)(iv)(A) through (V), which enables the individual to exercise undue
- 2024 influence over the child.
- 2025 (b) Terms defined in Section [76-1-101.5](#) apply to this section.
- 2026 (2) (a) Under circumstances not amounting to an offense listed in Subsection (4), an
- 2027 actor commits sexual abuse of a child if the actor:
- 2028 (i) (A) touches the anus, buttocks, pubic area, or genitalia of any child;
- 2029 (B) touches the breast of a female child; or
- 2030 (C) otherwise takes indecent liberties with a child; and
- 2031 (ii) the actor's conduct is with intent to:
- 2032 (A) cause substantial emotional or bodily pain to any individual; or
- 2033 (B) to arouse or gratify the sexual desire of any individual.
- 2034 (b) Any touching, even if accomplished through clothing, is sufficient to constitute the
- 2035 relevant element of a violation of Subsection (2)(a).
- 2036 (3) A violation of Subsection (2) is a second degree felony.
- 2037 (4) The offenses referred to in Subsection (2)(a) are:
- 2038 (a) rape of a child, in violation of Section [76-5-402.1](#);
- 2039 (b) object rape of a child, in violation of Section [76-5-402.3](#);
- 2040 (c) sodomy on a child, in violation of Section [76-5-403.1](#); or

- 2041 (d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).  
2042 [~~(5) Imprisonment under this section is mandatory in accordance with Section~~  
2043 ~~76-3-406.~~]  
2044 Section 21. Section **76-6-513** is amended to read:  
2045 **76-6-513. Unlawful dealing of property by a fiduciary.**  
2046 (1) (a) As used in this section:  
2047 (i) "Fiduciary" means the same as that term is defined in Section 22-1-1.  
2048 (ii) "Financial institution" means "depository institution" and "trust company" as  
2049 defined in Section 7-1-103.  
2050 (iii) "Governmental entity" is as defined in Section 63G-7-102.  
2051 (iv) "Person" does not include a financial institution whose fiduciary functions are  
2052 supervised by the Department of Financial Institutions or a federal regulatory agency.  
2053 (v) "Property" means the same as that term is defined in Section 76-6-401.  
2054 (b) Terms defined in Section 76-1-101.5 apply to this section.  
2055 (2) An actor commits unlawfully dealing with property by a fiduciary if the actor:  
2056 (a) deals with property:  
2057 (i) that has been entrusted to the actor as a fiduciary, or property of a governmental  
2058 entity, public money, or of a financial institution; and  
2059 (ii) in a manner which:  
2060 (A) the actor knows is a violation of the actor's duty; and  
2061 (B) involves substantial risk of loss or detriment to the property owner or to a person  
2062 for whose benefit the property was entrusted; or  
2063 (b) acting as a fiduciary pledges:  
2064 (i) as collateral for a personal loan, or as collateral for the benefit of some party, other  
2065 than the owner or the person for whose benefit the property was entrusted, the property that has  
2066 been entrusted to the fiduciary; and  
2067 (ii) without permission of the owner of the property or some other authorized person.  
2068 (3) (a) A violation of Subsection (2)(a) is:  
2069 (i) a second degree felony if the:  
2070 (A) value of the property is or exceeds \$5,000; or  
2071 (B) property is stolen from the person of another;

2072 (ii) a third degree felony if:  
2073 (A) the value of the property is or exceeds \$1,500 but is less than \$5,000;  
2074 (B) the value of the property is or exceeds \$500 and the actor has been twice before  
2075 convicted of any of the following offenses, if each prior offense was committed within 10 years  
2076 before the date of the current conviction or the date of the offense upon which the current  
2077 conviction is based and at least one of those convictions is for a class A misdemeanor:  
2078 (I) any theft, any robbery, or any burglary with intent to commit theft;  
2079 (II) any offense under Part 5, Fraud; or  
2080 (III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II); or  
2081 [~~(C) the value of property is or exceeds \$500 but is less than \$1,500; or~~]  
2082 [~~(D)~~] (C) the actor has been previously convicted of a felony violation of any of the  
2083 offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was  
2084 committed within 10 years before the date of the current conviction or the date of the offense  
2085 upon which the current conviction is based;  
2086 (iii) a class A misdemeanor if:  
2087 (A) the value of the property stolen is or exceeds \$500 but is less than \$1,500; or  
2088 (B) the actor has been twice before convicted of any of the offenses listed in  
2089 Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed  
2090 within 10 years before the date of the current conviction or the date of the offense upon which  
2091 the current conviction is based; or  
2092 (iv) a class B misdemeanor if the value of the property stolen is less than \$500 and the  
2093 theft is not an offense under Subsection (3)(a)(iii)(B).  
2094 (b) A violation of Subsection (2)(b) is:  
2095 (i) a second degree felony if the value of the property wrongfully pledged is or exceeds  
2096 \$5,000;  
2097 (ii) a third degree felony if the value of the property wrongfully pledged is or exceeds  
2098 \$1,500 but is less than \$5,000;  
2099 (iii) a class A misdemeanor if the value of the property is or exceeds \$500, but is less  
2100 than \$1,500 or the actor has been twice before convicted of theft, robbery, burglary with intent  
2101 to commit theft, or unlawful dealing with property by a fiduciary; or  
2102 (iv) a class B misdemeanor if the value of the property is less than \$500.

2103 (4) This section may not be construed to impose criminal or civil liability on any law  
2104 enforcement officer acting within the scope of a criminal investigation.

2105 (5) The forfeiture of property under this section, including any seizure and disposition  
2106 of the property and any related judicial or administrative proceeding, shall be conducted in  
2107 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter  
2108 11c, Retention of Evidence.

2109 Section 22. Section **76-8-101** is amended to read:

2110 **76-8-101. Definitions.**

2111 As used in this chapter:

2112 [~~(1)~~] "~~Candidate for electoral office~~" means ~~a person who files as a candidate for office~~  
2113 ~~under the laws of the state.~~]

2114 [~~(2)~~]

2115 (1) "Party official" means ~~[a person]~~ an individual holding any post in a political party  
2116 whether by election, appointment, or otherwise.

2117 [~~(3)~~] (2) "Peace officer" means an employee of a police or law enforcement agency that  
2118 is part of or administered by the state or ~~[any of its political subdivisions]~~ a political  
2119 subdivision of the state, and whose duties consist primarily of the prevention and detection of  
2120 crime and the enforcement of criminal statutes or ordinances of this state or ~~[any of its political~~  
2121 ~~subdivisions]~~ a political subdivision of the state.

2122 [~~(4)~~] (3) (a) "Pecuniary benefit" means ~~[any]~~ an advantage in the form of money,  
2123 property, commercial interest, or anything else, the primary significance of which is economic  
2124 gain.

2125 (b) "Pecuniary benefit" does not include economic advantage applicable to the public  
2126 generally, such as tax reduction or increased prosperity generally.

2127 [~~(5)~~] (4) (a) "Public property" means real or personal property that is owned, held, or  
2128 managed by a public entity.

2129 (b) "Public property" includes real or personal property that is owned, held, or managed  
2130 by a public entity after the real or personal property is transferred by the public entity to an  
2131 independent contractor of the public entity.

2132 (c) "Public property" remains public property while in the possession of an independent  
2133 contractor of a public entity for the purpose of providing a program or service for, or on behalf

2134 of, the public entity.

2135 Section 23. Section **76-8-102** is amended to read:

2136 **76-8-102. Campaign contributions not prohibited.**

2137 (1) Nothing in this chapter shall be construed to prohibit the giving or receiving of  
2138 campaign contributions made for the purpose of defraying the costs of a political campaign.

2139 (2) No person shall be convicted of an offense solely on the evidence that a campaign  
2140 contribution was made and that an appointment or nomination was subsequently made by the  
2141 person to whose campaign or political party the contribution was made.

2142 Section 24. Section **76-8-103** is amended to read:

2143 **76-8-103. Bribery or offering a bribe.**

2144 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2145 (2) ~~[A person is guilty of]~~ An actor commits bribery or offering a bribe if ~~[that person]~~  
2146 the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to  
2147 another with the purpose or intent to influence an action, decision, opinion, recommendation,  
2148 judgment, vote, nomination, or exercise of discretion of a public servant, party official, or  
2149 voter.

2150 (3) A violation of Subsection (2) is:

2151 (a) a second degree felony if the value of the benefit is \$1,000 or more; or

2152 (b) a third degree felony if the value of the benefit is less than \$1,000.

2153 ~~[(2)]~~ (4) It is not a defense to a prosecution under this statute that:

2154 (a) the person sought to be influenced was not qualified to act in the desired way,  
2155 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2156 (b) the person sought to be influenced did not act in the desired way; or

2157 (c) the benefit is not conferred, solicited, or accepted until after:

2158 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or  
2159 exercise of discretion, has occurred; or

2160 (ii) the public servant ceases to be a public servant.

2161 ~~[(3) Bribery or offering a bribe is:]~~

2162 ~~[(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or~~  
2163 ~~conferred is less than \$1,000; and]~~

2164 ~~[(b) a second degree felony when the value of the benefit asked for, solicited, accepted,~~

2165 ~~or conferred is \$1,000 or more.]~~

2166 Section 25. Section **76-8-104** is amended to read:

2167 **76-8-104. Threat to influence official or political action.**

2168 (1) (a) As used in this section:

2169 (i) "Harm" means any disadvantage or injury, pecuniary or otherwise, including  
2170 disadvantage or injury to any other person or entity in whose welfare the public servant, party  
2171 official, or voter is interested.

2172 (ii) "Public servant" does not include a juror.

2173 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2174 (2) [A person is guilty of a class A misdemeanor if he threatens any harm to a public  
2175 servant, party official, or voter] An actor commits threat to influence official or political action  
2176 if the actor, with a purpose of influencing [his] an action, decision, opinion, recommendation,  
2177 nomination, vote, or other exercise of discretion of a public servant, party official, or voter,  
2178 threatens harm to:

2179 (a) the public servant, party official, or voter; or

2180 (b) a person or entity in whose welfare the public servant, party official, or voter is  
2181 interested.

2182 (3) A violation of Subsection (2) is a class A misdemeanor.

2183 ~~[(2) As used in this section:]~~

2184 ~~[(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including~~  
2185 ~~disadvantage or injury to any other person or entity in whose welfare the public servant, party~~  
2186 ~~official, or voter is interested.]~~

2187 ~~[(b) "Public servant" does not include jurors.]~~

2188 Section 26. Section **76-8-105** is amended to read:

2189 **76-8-105. Receiving or soliciting bribe or bribery by public servant.**

2190 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2191 (2) [A person is guilty of] An actor commits receiving or soliciting a bribe if [that  
2192 person] the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with  
2193 the understanding or agreement that the purpose or intent is to influence an action, decision,  
2194 opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public  
2195 servant, party official, or voter.

2196 (3) A violation of Subsection (2) is:

2197 (a) a second degree felony if the value of the benefit asked for, solicited, accepted, or  
2198 conferred is more than \$1,000; or

2199 (b) a third degree felony if the value of the benefit asked for, solicited, accepted, or  
2200 conferred is \$1,000 or less.

2201 ~~[(2)]~~ (4) It is not a defense to a prosecution under this statute that:

2202 (a) the person sought to be influenced was not qualified to act in the desired way,  
2203 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2204 (b) the person sought to be influenced did not act in the desired way; or

2205 (c) the benefit is not asked for, conferred, solicited, or accepted until after:

2206 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or  
2207 exercise of discretion, has occurred; or

2208 (ii) the public servant ceases to be a public servant.

2209 ~~[(3) Receiving or soliciting a bribe is:]~~

2210 ~~[(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or~~  
2211 ~~conferred is \$1,000 or less; and]~~

2212 ~~[(b) a second degree felony when the value of the benefit asked for, solicited, accepted,~~  
2213 ~~or conferred exceeds \$1,000.]~~

2214 Section 27. Section **76-8-106** is amended to read:

2215 **76-8-106. Receiving bribe for endorsement of person as a public servant.**

2216 ~~[A person is guilty of a class B misdemeanor if:]~~

2217 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2218 (2) ~~[He]~~ An actor commits receiving a bribe for endorsement of a person as a public  
2219 servant if the actor solicits, accepts, agrees to accept for ~~[himself]~~ the actor's self, another  
2220 person, or a political party, money or any other pecuniary benefit as compensation for ~~[his]~~ the  
2221 actor's endorsement, nomination, appointment, approval, or disapproval of any person for a  
2222 position as a public servant or for the advancement of any public servant~~[-or]~~.

2223 ~~[(2)]~~ (3) ~~[He knowingly gives, offers, or promises any pecuniary benefit prohibited by~~  
2224 ~~paragraph (1).]~~ A violation of Subsection (2) is a class B misdemeanor.

2225 Section 28. Section **76-8-106.1** is enacted to read:

2226 **76-8-106.1. Bribery for endorsement of person as public servant.**

2227 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2228 (2) An actor commits bribery for endorsement of a person as a public servant if the  
2229 actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or  
2230 a political party as compensation for the person's or political party's endorsement, nomination,  
2231 appointment, approval, or disapproval of any person for a position as a public servant or for the  
2232 advancement of any public servant.

2233 (3) A violation of Subsection (2) is a class B misdemeanor.

2234 Section 29. Section **76-8-107** is amended to read:

2235 **76-8-107. Alteration of proposed legislative bill or resolution.**

2236 [~~Every person who~~]

2237 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2238 (2) An actor commits alteration of proposed legislative bill or resolution if the actor  
2239 fraudulently alters the draft of [~~any~~] a bill or resolution [~~which~~] that has been presented to  
2240 either of the houses composing the Legislature to be passed or adopted, with intent to procure  
2241 [~~its~~] the proposed legislative bill or resolution being passed or adopted by either house, or  
2242 certified by the presiding officer of either house in language different from that intended by  
2243 [~~such~~] either house[~~, is guilty of a felony of the third degree~~].

2244 Section 30. Section **76-8-108** is amended to read:

2245 **76-8-108. Alteration of enrolled legislative bill or resolution.**

2246 [~~Every person who~~]

2247 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2248 (2) An actor commits alteration of enrolled legislative bill or resolution if the actor  
2249 fraudulently alters the enrolled copy of [~~any~~] a bill or resolution [~~which~~] that has been passed  
2250 or adopted by the Legislature with intent to procure [~~it~~] the enrolled bill or resolution to be  
2251 approved by the governor or certified by the Division of Archives, or printed or published by  
2252 the printer of statutes, in language different from that in which [~~it~~] the enrolled bill or  
2253 resolution was passed or adopted by the Legislature[~~, is guilty of a felony of the third degree~~].

2254 (3) A violation of Subsection (2) is a third degree felony.

2255 Section 31. Section **76-8-110** is amended to read:

2256 **76-8-110. Prohibited action by peace officer for collection agency or creditor.**

2257 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2258           ~~(2) [A peace officer may not have any]~~ An actor commits prohibited action by peace  
2259 officer for collection agency or creditor if the actor:

2260           (a) is a peace officer; and

2261           (b) (i) has an interest in [any] a collection agency; or [act]

2262           (ii) acts as a compensated collection agent for [any] a creditor or collection agency.

2263           ~~[(2)] (3) [A person that violates this section is guilty of]~~ A violation of Subsection (2)  
2264 is a class C misdemeanor.

2265           Section 32. Section **76-8-201** is amended to read:

2266           **76-8-201. Official misconduct -- Unauthorized acts or failure of duty.**

2267           ~~[A public servant is guilty of a class B misdemeanor if,]~~

2268           (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2269           (2) An actor commits official misconduct based on an unauthorized act or failure of  
2270 duty if the actor:

2271           (a) is a public servant; and

2272           (b) with an intent to benefit [himself] the actor or another or to harm another, [he] the  
2273 actor knowingly;

2274           (i) commits an unauthorized act [which] that purports to be an act of [his] the actor's  
2275 office[;]; or

2276           (ii) knowingly refrains from performing a duty imposed on [him] the actor by law or  
2277 clearly inherent in the nature of [his] the actor's office.

2278           (3) A violation of Subsection (2) is a class B misdemeanor.

2279           Section 33. Section **76-8-202** is amended to read:

2280           **76-8-202. Official misconduct concerning inside information.**

2281           ~~[A public servant is guilty of a class A misdemeanor if, knowing that official action is~~  
2282 ~~contemplated or in reliance on information which he has acquired by virtue of his office or~~  
2283 ~~from another public servant, which information has not been made public, he:]~~

2284           (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2285           (2) An actor commits official misconduct concerning inside information if:

2286           (a) the actor is a public servant; and

2287           (b) knowing that official action is contemplated, or in reliance on information that the  
2288 actor has acquired by virtue of the actor's office or from another public servant, which

2289 information has not been made public, the actor:

2290 (i) acquires or divests [~~himself~~] the actor's self of a pecuniary interest in any property,  
2291 transaction, or enterprise [~~which~~] that may be affected by such action or information;

2292 [~~(2)~~] (ii) speculates or wagers on the basis of such action or information; or

2293 [~~(3)~~] (iii) knowingly aids another person to do [~~any of the foregoing~~] an action  
2294 described in Subsection (2)(b)(i) or (2)(b)(ii).

2295 (3) A violation of Subsection (2) is a class A misdemeanor.

2296 Section 34. Section **76-8-203** is amended to read:

2297 **76-8-203. Unofficial misconduct.**

2298 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2299 (2) [~~A person is guilty of~~] An actor commits unofficial misconduct if the [~~person~~] actor  
2300 exercises or attempts to exercise any of the functions of a public office when the [~~person~~] actor:

2301 (a) has not taken and filed the required oath of office;

2302 (b) has failed to execute and file a required bond;

2303 (c) has not been elected or appointed to office;

2304 (d) exercises any of the functions of [~~his~~] the actor's office after [~~his~~] the actor's term  
2305 has expired and the successor has been elected or appointed and has qualified, or after [~~his~~] the  
2306 actor's office has been legally removed; or

2307 (e) knowingly:

2308 (i) withholds or retains from [~~his~~] the actor's successor in office, or other person  
2309 entitled to possession, the official seal or [~~any records, papers, documents, or other writings~~] a  
2310 record, paper, document, or other writing appertaining or belonging to [~~his~~] the actor's office  
2311 [~~or mutilates or destroys or takes away the same.]; or~~

2312 (ii) mutilates, destroys, or takes away the official seal or a record, paper, document, or  
2313 other writing appertaining or belonging to the actor's office.

2314 [~~(2)~~] (3) [~~Unofficial misconduct~~] A violation of Subsection (2) is a class B  
2315 misdemeanor.

2316 Section 35. Section **76-8-301** is amended to read:

2317 **76-8-301. Interference with public servant.**

2318 (1) (a) [~~An individual is guilty of~~] As used in this section, "public servant" does not  
2319 include a juror.

2320           **(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.**  
2321           **(2) An actor commits interference with a public servant if the [individual] actor:**  
2322           **(a) uses force, violence, intimidation, or engages in any other unlawful act with a**  
2323 **purpose to interfere with a public servant performing or purporting to perform an official**  
2324 **function; or**  
2325           **(b) obstructs, hinders, conceals, or prevents the lawful service of any civil or criminal**  
2326 **legal process[, civil or criminal, by any] by a sheriff, constable, deputy sheriff, deputy**  
2327 **constable, peace officer, private investigator, or any other person authorized to serve legal**  
2328 **process[; or].**  
2329           ~~**(c) on property that is owned, operated, or controlled by the state or a political**~~  
2330 ~~**subdivision of the state, willfully denies to a public servant lawful:**~~  
2331           ~~**(i) freedom of movement;**~~  
2332           ~~**(ii) use of the property or facilities; or**~~  
2333           ~~**(iii) entry into or exit from the facilities.**~~  
2334           ~~**(2) Interference with a public servant:**~~  
2335           ~~**(a) under Subsection (1)(a) or (b) is a class B misdemeanor; and**~~  
2336           ~~**(b) under Subsection (1)(c) is a class C misdemeanor.**~~  
2337           ~~**(3) For purposes of this section, "public servant" does not include jurors.**~~  
2338           **(3) A violation of Subsection (2) is a class B misdemeanor.**  
2339           Section 36. Section **76-8-301.2** is enacted to read:  
2340           **76-8-301.2. Denial of public servant's use of public property.**  
2341           **(1) (a) As used in this section, "public servant" does not include a juror.**  
2342           **(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.**  
2343           **(2) An actor commits denial of public servant's use of public property if the actor, on**  
2344 **property that is owned, operated, or controlled by the state or a political subdivision of the**  
2345 **state, willfully denies to a public servant lawful:**  
2346           **(a) freedom of movement;**  
2347           **(b) use of the property or facility; or**  
2348           **(c) entry into or exit from the facility.**  
2349           **(3) A violation of Subsection (2) is a class C misdemeanor.**  
2350           Section 37. Section **76-8-301.5** is amended to read:

2351 **76-8-301.5. Failure to disclose identity.**2352 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2353 (2) ~~[A person is guilty of]~~ An actor commits failure to disclose identity if, during the  
2354 period of time that the ~~[person]~~ actor is lawfully subjected to a stop as described in Section  
2355 77-7-15:2356 (a) a peace officer demands that the ~~[person]~~ actor disclose the ~~[person's]~~ actor's name  
2357 or date of birth;2358 (b) the demand described in Subsection ~~[(1)(a)]~~ (2)(a) is reasonably related to the  
2359 circumstances justifying the stop;2360 (c) the disclosure of the ~~[person's]~~ actor's name or date of birth by the ~~[person]~~ actor  
2361 does not present a reasonable danger of self-incrimination in the commission of a crime; and2362 (d) the ~~[person]~~ actor fails to disclose the ~~[person's]~~ actor's name or date of birth.2363 ~~[(2)]~~ (3) ~~[Failure to disclose identity]~~ A violation of Subsection (2) is a class B  
2364 misdemeanor.2365 Section 38. Section **76-8-302** is amended to read:2366 **76-8-302. Picketing or parading in or near court.**2367 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2368 (2) ~~[A person is guilty of a class B misdemeanor if he]~~ An actor commits picketing or  
2369 parading in or near a court if the actor pickets or parades in or near a building [which] that  
2370 houses a court of this state with intent to:2371 (a) obstruct access to that court; or [to]2372 (b) affect the outcome of a case pending before that court.2373 (3) A violation of Subsection (2) is a class B misdemeanor.2374 Section 39. Section **76-8-303** is amended to read:2375 **76-8-303. Prevention of Legislature or public servant from meeting or**  
2376 **organizing.**2377 ~~[A person is guilty of a felony of the third degree if he intentionally and by force or~~  
2378 ~~fraud:]~~2379 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2380 (2) An actor commits prevention of Legislature or public servant from meeting or  
2381 organizing if the actor intentionally and by force or fraud:

2382 (a) ~~[Prevents]~~ prevents the Legislature, ~~[or]~~ either of the houses composing ~~[it]~~ the  
2383 Legislature, or any of the members ~~[thereof]~~ of the Legislature, from meeting or organizing; or

2384 ~~[(2)]~~ (b) ~~[Prevents]~~ prevents any other public servant from meeting or organizing to  
2385 perform a lawful governmental function.

2386 (3) A violation of Subsection (2) is a third degree felony.

2387 Section 40. Section **76-8-305** is amended to read:

2388 **76-8-305. Interference with a peace officer.**

2389 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2390 ~~(2) [A person is guilty of a class B misdemeanor if the person]~~ actor commits  
2391 interference with a peace officer if the actor:

2392 (a) knows, or by the exercise of reasonable care should have known, that a peace  
2393 officer is seeking to effect a lawful arrest or detention of ~~[that person]~~ the actor or another  
2394 ~~[person]~~ individual; and

2395 (b) interferes with the arrest or detention by:

2396 ~~[(a)]~~ (i) use of force or ~~[any]~~ a weapon;

2397 ~~[(b)]~~ (ii) refusing to perform ~~[any]~~ an act required by lawful order:

2398 ~~[(i)]~~ (A) necessary to effect the arrest or detention; and

2399 ~~[(ii)]~~ (B) made by a peace officer involved in the arrest or detention; or

2400 ~~[(c)]~~ (iii) refusing to refrain from performing ~~[any]~~ an act that would impede the arrest  
2401 or detention.

2402 ~~[(2)]~~ (3) A violation of Subsection (2) is a class B misdemeanor.

2403 (4) Recording the actions of a [law enforcement] peace officer with a camera, mobile  
2404 phone, or other photographic device, while the peace officer is performing official duties in  
2405 plain view, does not by itself constitute:

2406 (a) interference with the peace officer;

2407 (b) willful resistance;

2408 (c) disorderly conduct; or

2409 (d) obstruction of justice.

2410 Section 41. Section **76-8-305.5** is amended to read:

2411 **76-8-305.5. Failure to stop at the command of a peace officer.**

2412 ~~[A person is guilty of a class A misdemeanor who flees from or otherwise attempts to~~

2413 elude a peace officer:]

2414 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2415 (2) An actor commits failure to stop at the command of a peace officer if, after the

2416 peace officer has issued a verbal or visual command to stop[;], the actor flees from or

2417 otherwise attempts to elude a peace officer:

2418 [~~2~~] (a) for the purpose of avoiding arrest; and

2419 [~~3~~] (b) by any means other than a violation of Section 41-6a-210 regarding failure to

2420 stop a vehicle at the command of a law enforcement officer.

2421 (3) A violation of Subsection (2) is a class A misdemeanor.

2422 Section 42. Section **76-8-306** is amended to read:

2423 **76-8-306. Obstruction of justice in a criminal investigation or proceeding.**

2424 (1) (a) As used in this section:

2425 (i) (A) "Conduct that constitutes a criminal offense" means conduct that would be

2426 punishable as a crime and is separate from a violation of this section.

2427 (B) "Conduct that constitutes a criminal offense" includes:

2428 (I) any violation of a criminal statute or ordinance of this state or a political subdivision

2429 of this state, any other state, or any district, possession, or territory of the United States; and

2430 (II) conduct committed by a juvenile that would be a crime if committed by an adult.

2431 (ii) "Juvenile offender" means the same as that term is defined in Section 80-1-102.

2432 (iii) "Official custody" means the same as that term is defined in Section 76-8-309.

2433 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2434 (2) [~~An~~] Except as provided in Subsection (5), an actor commits obstruction of justice

2435 in a criminal investigation or proceeding if the actor, with intent to hinder, delay, or prevent the

2436 investigation, apprehension, prosecution, conviction, or punishment of any person regarding

2437 conduct that constitutes a criminal offense:

2438 (a) provides any person with a weapon;

2439 (b) prevents by force, intimidation, or deception, [any] a person from performing [any]

2440 an act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of

2441 any person;

2442 (c) alters, destroys, conceals, or removes [any] an item or other thing;

2443 (d) makes, presents, or uses [any] an item or thing known by the actor to be false;

2444 (e) harbors or conceals a person;

2445 (f) provides a person with transportation, disguise, or other means of avoiding  
2446 discovery or apprehension;

2447 (g) warns ~~[any]~~ a person of impending discovery or apprehension;

2448 (h) warns ~~[any]~~ a person of an order authorizing the interception of wire  
2449 communications or of a pending application for an order authorizing the interception of wire  
2450 communications;

2451 (i) conceals information that is not privileged and that concerns the offense, after a  
2452 judge or magistrate has ordered the actor to provide the information; or

2453 (j) provides false information regarding a suspect, a witness, the conduct constituting  
2454 an offense, or any other material aspect of the investigation.

2455 ~~[(2)(a) As used in this section, "conduct that constitutes a criminal offense" means  
2456 conduct that would be punishable as a crime and is separate from a violation of this section,  
2457 and includes:]~~

2458 ~~[(i) any violation of a criminal statute or ordinance of this state, its political  
2459 subdivisions, any other state, or any district, possession, or territory of the United States; and]~~

2460 ~~[(ii) conduct committed by a juvenile which would be a crime if committed by an  
2461 adult.]~~

2462 ~~[(b) A violation of a criminal statute that is committed in another state, or any district,  
2463 possession, or territory of the United States, is a:]~~

2464 ~~[(i) capital felony if the penalty provided includes death or life imprisonment without  
2465 parole;]~~

2466 ~~[(ii) a first degree felony if the penalty provided includes life imprisonment with parole  
2467 or a maximum term of imprisonment exceeding 15 years;]~~

2468 ~~[(iii) a second degree felony if the penalty provided exceeds five years;]~~

2469 ~~[(iv) a third degree felony if the penalty provided includes imprisonment for any period  
2470 exceeding one year; and]~~

2471 ~~[(v) a misdemeanor if the penalty provided includes imprisonment for any period of  
2472 one year or less.]~~

2473 (3) ~~[Obstruction of justice]~~ A violation of Subsection (2) is:

2474 (a) a second degree felony if the conduct ~~[which]~~ that constitutes an offense would be a

2475 capital felony or first degree felony;

2476 (b) a third degree felony if:

2477 (i) the conduct that constitutes an offense would be a second or third degree felony and  
2478 the actor violates Subsection ~~[(1)(b)]~~ (2)(b), (c), (d), (e), or (f);

2479 (ii) the conduct that constitutes an offense would be any offense other than a capital or  
2480 first degree felony and the actor violates Subsection ~~[(1)(a)]~~ (2)(a);

2481 (iii) the obstruction of justice is presented or committed before a court of law; or

2482 (iv) a violation of Subsection ~~[(1)(h)]~~ (2)(h); or

2483 (c) a class A misdemeanor for any violation of this section that is not enumerated under  
2484 Subsection (3)(a) or (b).

2485 (4) It is not a defense that the actor was unaware of the level of penalty for the conduct  
2486 constituting an offense.

2487 ~~[(5) Subsection (1)(e) does not apply to harboring a juvenile offender, as defined in~~  
2488 ~~Section 80-1-102, which is governed by Section 76-8-311.5.]~~

2489 ~~[(6) (5) (a) Subsection (2) does not apply to harboring or concealing an offender who~~  
2490 ~~has escaped from official custody, which is governed by Section 76-8-309.2.~~

2491 (b) Subsection ~~[(1)(b)]~~ (2)(b) does not apply to:

2492 ~~[(a) tampering with a juror, which is governed by Section 76-8-508.5;]~~

2493 ~~[(b) (i) [influencing, impeding, or retaliating against a judge or member of the Board~~  
2494 ~~of Pardons and Parole, which is governed by] threat with intent to impede, intimidate, interfere,~~  
2495 ~~or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a~~  
2496 ~~family member of a judge or a member of the Board of Pardons and Parole under Section~~  
2497 ~~76-8-316;~~

2498 (ii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a  
2499 member of the Board of Pardons and Parole or acting against a family member of a judge or a  
2500 member of the Board of Pardons and Parole under Section 76-8-316.2;

2501 (iii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a  
2502 judge or a member of the Board of Pardons and Parole or acting against a family member of a  
2503 judge or a member of the Board of Pardons and Parole under Section 76-8-316.4;

2504 (iv) attempted murder with intent to impede, intimidate, interfere, or retaliate against a  
2505 judge or a member of the Board of Pardons and Parole or acting against a family member of a

2506 judge or a member of the Board of Pardons and Parole under Section 76-8-316.6;  
2507 ~~[(e)] (v) tampering with a witness [or soliciting or receiving a bribe, which is governed~~  
2508 ~~by] under Section 76-8-508;~~  
2509 ~~[(d)] (vi) retaliation against a witness, victim, or informant[, which is governed by]~~  
2510 ~~under Section 76-8-508.3; [or]~~  
2511 (vii) tampering or retaliating against a juror under Section 76-8-508.5;  
2512 (viii) receiving or soliciting a bribe as a witness under Section 76-8-508.7; or  
2513 ~~[(e)] (ix) extortion or bribery to dismiss a criminal proceeding[, which is governed by]~~  
2514 ~~under Section 76-8-509.~~  
2515 (c) Subsection (2)(e) does not apply to harboring a juvenile offender, which is  
2516 governed by Section 76-8-319.  
2517 ~~[(7) Notwithstanding Subsection (1), (2), or (3), an actor commits a third degree felony~~  
2518 ~~if the actor harbors or conceals an offender who has escaped from official custody as defined in~~  
2519 ~~Section 76-8-309.]~~  
2520 (6) For purposes of Subsection (3), a violation of a criminal statute that is committed in  
2521 another state, or any district, possession, or territory of the United States, is:  
2522 (a) a capital felony if the penalty provided includes death or life imprisonment without  
2523 parole;  
2524 (b) a first degree felony if the penalty provided includes life imprisonment with parole  
2525 or a maximum term of imprisonment exceeding 15 years;  
2526 (c) a second degree felony if the penalty provided exceeds five years;  
2527 (d) a third degree felony if the penalty provided includes imprisonment for any period  
2528 exceeding one year; or  
2529 (e) a misdemeanor if the penalty provided includes imprisonment for any period of one  
2530 year or less.  
2531 Section 43. Section **76-8-306.5** is amended to read:  
2532 **76-8-306.5. Obstructing service of a Board of Pardons and Parole warrant or a**  
2533 **probationer order to show cause.**  
2534 ~~[A person is guilty of a third degree felony who:]~~  
2535 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.  
2536 (2) An actor commits obstructing service of a Board of Pardons and Parole warrant or a

2537 probationer order to show cause if the actor:

2538 (a) knows that:

2539 (i) the Board of Pardons and Parole has issued a warrant for a parolee; or ~~[that]~~

2540 (ii) a court has issued an order to show cause regarding a defendant's violation of the

2541 terms of probation; and

2542 ~~[(2)]~~ (b) ~~[(a)]~~ (i) harbors or conceals the parolee or probationer;

2543 ~~[(b)]~~ (ii) provides the parolee or probationer with transportation, disguise, or other

2544 means or assistance to avoid discovery; or

2545 ~~[(c)]~~ (iii) warns the parolee or probationer of ~~[his]~~ the parolee's or probationer's

2546 impending discovery.

2547 (3) A violation of Subsection (2) is a third degree felony.

2548 Section 44. Section **76-8-307** is amended to read:

2549 **76-8-307. Failure to aid a peace officer.**

2550 ~~[A person is guilty of a class B misdemeanor]~~

2551 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2552 (2) An actor commits failure to aid a peace officer if, upon command by a peace officer

2553 identifiable or identified by ~~[him]~~ the peace officer as such, ~~[he]~~ the actor unreasonably fails or

2554 refuses to aid the peace officer in effecting an arrest or in preventing the commission of any

2555 offense by another person.

2556 (3) A violation of Subsection (2) is a class B misdemeanor.

2557 Section 45. Section **76-8-308** is amended to read:

2558 **76-8-308. Acceptance of bribe or bribery to prevent criminal prosecution.**

2559 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2560 (2) ~~[A person is guilty of a class A misdemeanor if he]~~ An actor commits acceptance of

2561 bribe or bribery to prevent criminal prosecution if the actor:

2562 (a) solicits, accepts, or agrees to accept any benefit as consideration for ~~[his]~~ the actor's

2563 refraining from initiating or aiding in a criminal prosecution; or

2564 (b) confers, offers, or agrees to confer any benefit upon ~~[another]~~ a person as

2565 consideration for the person refraining from initiating or aiding in a criminal prosecution.

2566 (3) A violation of Subsection (2) is a class A misdemeanor.

2567 ~~[(2)]~~ (4) It is an affirmative defense that the value of the benefit did not exceed an

2568 amount [which] that the actor believed to be due as restitution or indemnification for the loss  
2569 caused or to be caused by the offense.

2570 Section 46. Section **76-8-309** is amended to read:

2571 **76-8-309. Escape.**

2572 (1) (a) As used in this section:

2573 (i) "Confinement" means a prisoner is:

2574 (A) housed in a state prison or another facility pursuant to a contract with the Utah  
2575 Department of Corrections after being sentenced and committed and the sentence has not been  
2576 terminated or voided or the prisoner is not on parole;

2577 (B) lawfully detained in a county jail prior to trial or sentencing or housed in a county  
2578 jail after sentencing and commitment and the sentence has not been terminated or voided or the  
2579 prisoner is not on parole; or

2580 (C) lawfully detained following arrest.

2581 (ii) "Confinement in a state prison" means that an individual:

2582 (A) is in prehearing custody after arrest for parole violation;

2583 (B) is being housed in a county jail, after felony commitment, pursuant to a contract  
2584 with the Department of Corrections; or

2585 (C) is being transported as a prisoner in the state prison by a correctional officer.

2586 (iii) "Escape" is considered to be a continuing activity commencing with the  
2587 conception of the design to escape and continuing until the escaping prisoner is returned to  
2588 official custody or the prisoner's attempt to escape is thwarted or abandoned.

2589 (iv) "Lawful authorization" does not include authorization to leave official custody that  
2590 is obtained by a prisoner by means of deceit, fraud, or other artifice.

2591 (v) "Official custody" means:

2592 (A) arrest, whether with or without a warrant;

2593 (B) confinement in a state prison, jail, or institution for secure confinement of juvenile  
2594 offenders;

2595 (C) released from a prison or jail for work release or home visit subject to a designated  
2596 time for return; or

2597 (D) any confinement pursuant to an order of a court or sentenced and committed and  
2598 the sentence has not been terminated or voided or the prisoner is not on parole.

2599 (vi) "Prisoner" means any person who is in official custody and includes persons under  
 2600 trusty status.

2601 (vii) "Volunteer" means a person who donates service without pay or other  
 2602 compensation except expenses actually and reasonably incurred as approved by the supervising  
 2603 agency.

2604 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2605 ~~[(a)] (2) [(i) A prisoner is guilty of escape if the prisoner]~~ An actor commits escape if  
 2606 the actor:

2607 (a) (i) is a prisoner; and

2608 (ii) leaves official custody without lawful authorization[-]; or

2609 (b) (i) is convicted as a party to an offense under this section, as defined in Section  
 2610 [76-2-202](#); and

2611 (ii) is an employee at or a volunteer of:

2612 (A) a law enforcement agency, the Department of Corrections, a county or district  
 2613 attorney's office, the Office of the Attorney General, the Board of Pardons and Parole; or

2614 (B) a court, the Judicial Council, the Administrative Office of the Courts, or a similar  
 2615 administrative unit in the judicial branch of government.

2616 ~~[(ii) If a prisoner obtains authorization to leave official custody by means of deceit,~~  
 2617 ~~fraud, or other artifice, the prisoner has not received lawful authorization.]~~

2618 ~~[(b)] (3) (a) [Escape under this Subsection (1) is a]~~ Except as provided by Subsection  
 2619 (3)(b) or Section [76-8-309.1](#), a violation of Subsection (2) is a third degree felony [except as  
 2620 provided under Subsection (1)(c)].

2621 ~~[(c)] (b) [Escape under this Subsection (1)]~~ Except as provided by Section [76-8-309.1](#),  
 2622 a violation of Subsection (2) is a second degree felony if:

2623 (i) the actor escapes [from] confinement in a state prison; [or]

2624 (ii) the actor violates Subsection (2)(b); or

2625 (iii) the prisoner left official custody by failing to return from work release or home  
 2626 visit by the time designated for return.

2627 ~~[(ii) (A) the actor is convicted as a party to the offense, as defined in Section [76-2-202](#);~~  
 2628 ~~and]~~

2629 ~~[(B) the actor is an employee at or a volunteer of a law enforcement agency, the~~

2630 Department of Corrections, a county or district attorney's office, the office of the state attorney  
2631 general, the Board of Pardons and Parole, or the courts, the Judicial Council, the  
2632 Administrative Office of the Courts, or similar administrative units in the judicial branch of  
2633 government.]

2634 [(2) (a) A prisoner is guilty of aggravated escape if in the commission of an escape the  
2635 prisoner uses a dangerous weapon, as defined in Section ~~76-1-101.5~~, or causes serious bodily  
2636 injury to another.]

2637 [(b) Aggravated escape is a first degree felony.]

2638 [(3)] (4) [Any prison term imposed upon a prisoner for escape under this section shall  
2639 run consecutively with] A court sentencing an actor for a violation of this section shall impose  
2640 a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

2641 [(4) For the purposes of this section:]

2642 [(a) "Confinement" means the prisoner is:]

2643 [(i) housed in a state prison or any other facility pursuant to a contract with the Utah  
2644 Department of Corrections after being sentenced and committed and the sentence has not been  
2645 terminated or voided or the prisoner is not on parole;]

2646 [(ii) lawfully detained in a county jail prior to trial or sentencing or housed in a county  
2647 jail after sentencing and commitment and the sentence has not been terminated or voided or the  
2648 prisoner is not on parole; or]

2649 [(iii) lawfully detained following arrest.]

2650 [(b) "Escape" is considered to be a continuing activity commencing with the  
2651 conception of the design to escape and continuing until the escaping prisoner is returned to  
2652 official custody or the prisoner's attempt to escape is thwarted or abandoned.]

2653 [(c) "Official custody" means arrest, whether with or without warrant, or confinement  
2654 in a state prison, jail, institution for secure confinement of juvenile offenders, or any  
2655 confinement pursuant to an order of the court or sentenced and committed and the sentence has  
2656 not been terminated or voided or the prisoner is not on parole. A person is considered confined  
2657 in the state prison if the person:]

2658 [(i) without authority fails to return to the person's place of confinement from work  
2659 release or home visit by the time designated for return;]

2660 [(ii) is in prehearing custody after arrest for parole violation;]

2661 ~~[(iii) is being housed in a county jail, after felony commitment, pursuant to a contract~~  
2662 ~~with the Department of Corrections; or]~~

2663 ~~[(iv) is being transported as a prisoner in the state prison by correctional officers.]~~

2664 ~~[(d) "Prisoner" means any person who is in official custody and includes persons under~~  
2665 ~~trustee status.]~~

2666 ~~[(e) "Volunteer" means any person who donates service without pay or other~~  
2667 ~~compensation except expenses actually and reasonably incurred as approved by the supervising~~  
2668 ~~agency.]~~

2669 Section 47. Section **76-8-309.1** is enacted to read:

2670 **76-8-309.1. Aggravated escape.**

2671 (1) (a) As used in this section, "escape" means an offense under Section [76-8-309](#).

2672 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2673 (2) An actor commits aggravated escape if, during the course of the commission of an  
2674 escape, the actor:

2675 (a) uses a dangerous weapon; or

2676 (b) causes serious bodily injury to another.

2677 (3) A violation of Subsection (2) is a first degree felony.

2678 (4) A court sentencing an actor for a violation of this section shall impose a  
2679 consecutive sentence to any other sentence the actor is either serving or ordered to serve.

2680 Section 48. Section **76-8-309.2** is enacted to read:

2681 **76-8-309.2. Harboring or concealing an offender who has escaped from official**  
2682 **custody.**

2683 (1) (a) As used in this section, "official custody" means the same as that term is defined  
2684 in Section [76-8-309](#).

2685 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2686 (2) An actor commits harboring or concealing an offender who has escaped from  
2687 official custody if the actor harbors or conceals an offender who has escaped from official  
2688 custody.

2689 (3) A violation of Subsection (2) is a third degree felony.

2690 Section 49. Section **76-8-311.1** is amended to read:

2691 **76-8-311.1. Establishment of secure areas -- Items prohibited -- References to**

2692 **penalty provisions.**

2693 (1) [~~In addition to the definitions in Section 76-10-501, as~~]

2694 (a) As used in this section:

2695 [~~(a)~~] (i) "Correctional facility" [~~has the same meaning as~~] means the same as that term  
2696 is defined in Section 76-8-311.3.

2697 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

2698 [~~(b)~~] (iii) "Explosive" [~~has the same meaning as defined for~~] means the same as the  
2699 term "explosive, chemical, or incendiary device" defined in Section 76-10-306.

2700 (iv) "Firearm" means the same as that term is defined in Section 76-10-501.

2701 [~~(c)~~] (v) "Law enforcement facility" means a facility [~~which~~] that is owned, leased, or  
2702 operated by a law enforcement agency.

2703 [~~(d)~~] (vi) "Mental health facility" [~~has the same meaning as~~] means the same as that  
2704 term is defined in Section 26B-5-301.

2705 [~~(e)~~] (vii) [~~(i)~~] (A) "Secure area" means [~~any~~] an area created under this section into  
2706 which certain persons are restricted from transporting [~~any~~] a firearm or other dangerous  
2707 weapon, ammunition, [~~dangerous weapon,~~] or explosive.

2708 [~~(i)~~] (B) A "secure area" may not include any area normally accessible to the public.

2709 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2710 (2) (a) [~~A person in charge of the~~] The State Tax Commission or a correctional, law  
2711 enforcement, or mental health facility may establish secure areas within the facility and may  
2712 prohibit or control by rule any firearm or other dangerous weapon, ammunition, [~~dangerous~~  
2713 weapon,] or explosive.

2714 (b) Subsections (2)(a), (3), (4), [~~(5), and (6)~~] and (5) apply to a higher education secure  
2715 area hearing [~~rooms~~] room referred to in Subsections 53B-3-103(2)(a)(ii) and (b).

2716 (3) [~~At~~] An entity that creates a secure area under this section shall ensure that at least  
2717 one notice [~~shall be~~] is prominently displayed at each entrance to [~~an~~] the secure area in which  
2718 a firearm, ammunition, dangerous weapon, or explosive is restricted.

2719 (4) (a) [~~Provisions shall be made to~~] An entity that creates a secure area under this  
2720 section shall provide a secure weapons storage area so that [~~persons~~] an individual entering the  
2721 secure area may store [~~their weapons prior to~~] the individual's weapon before entering the  
2722 secure area.

2723 (b) The entity operating the facility shall be responsible for ~~[weapons]~~ a weapon while  
2724 ~~[they are]~~ the weapon is stored in the storage area described in Subsection (4)(a).

2725 ~~[(5) It is a defense to any prosecution under this section that the accused, in committing~~  
2726 ~~the act made criminal by this section, acted in conformity with the facility's rule or policy~~  
2727 ~~established pursuant to this section.]~~

2728 ~~[(6)] (5) (a) [Any person who knowingly or intentionally transports into a secure area~~  
2729 ~~of a facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony]~~  
2730 An actor who transports a firearm or other dangerous weapon or ammunition into a secure area  
2731 created under this section or a higher education secure area hearing room created under this  
2732 section may be punished under Section [76-8-311.2](#).

2733 (b) ~~[Any person violates Section [76-10-306](#)]~~ An actor who knowingly or intentionally  
2734 transports, possesses, distributes, or sells ~~[any]~~ an explosive in a secure area ~~[of a facility]~~ or a  
2735 higher education secure area hearing room created under this section may be punished under  
2736 Section [76-10-306](#).

2737 (c) It is a defense to a prosecution related to this section that the actor acted in  
2738 conformity with the facility's rule or policy established pursuant to this section.

2739 Section 50. Section [76-8-311.2](#) is enacted to read:

2740 **[76-8-311.2. Prohibited dangerous weapon or ammunition in a secure area.](#)**

2741 (1) (a) As used in this section:

2742 (i) "Correctional facility" means the same as that term is defined in Section [76-8-311.3](#).

2743 (ii) "Dangerous weapon" means the same as that term is defined in Section [76-10-501](#).

2744 (iii) "Firearm" means the same as that term is defined in Section [76-10-501](#).

2745 (iv) "Higher education secure area" means a higher education secure area hearing room  
2746 created under Section [76-8-311.1](#).

2747 (v) "Law enforcement facility" means the same as that term is defined in Section  
2748 [76-8-311.1](#).

2749 (vi) "Secure area" means the same as that term is defined in Section [76-8-311.1](#).

2750 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2751 (2) An actor commits prohibited dangerous weapon or ammunition in a secure area if  
2752 the actor knowingly or intentionally transports a firearm or other dangerous weapon or  
2753 ammunition into:

- 2754 (a) a correctional facility;
- 2755 (b) a secure area created by the State Tax Commission;
- 2756 (c) a secure area in a law enforcement facility or a mental health facility; or
- 2757 (d) a higher education secure area.
- 2758 (3) Except as provided in Section [76-8-311.4](#), [76-8-311.6](#), or [76-8-311.7](#), a violation of
- 2759 Subsection (2) is a third degree felony.

2760 (4) It is a defense to a prosecution under this section that the actor acted in conformity  
 2761 with the facility's rule or policy established under Section [76-8-311.1](#).

2762 Section 51. Section **76-8-311.3** is amended to read:

2763 **76-8-311.3. Establishment of prohibited item policy in a correctional or mental**  
 2764 **health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.**

2765 (1) (a) As used in this section:

2766 [~~(a)~~] "Contraband" means any item not specifically prohibited for possession by  
 2767 ~~offenders under this section or Title 58, Chapter 37, Utah Controlled Substances Act.]~~

2768 [~~(b)~~] (i) "Controlled substance" means [~~any~~] a substance defined as a controlled  
 2769 substance under Title 58, Chapter 37, Utah Controlled Substances Act.

2770 [~~(c)~~] (ii) "Correctional facility" means:

2771 [~~(i)~~] (A) [~~any~~] a facility operated by or contracting with the Department of Corrections  
 2772 to house [~~offenders~~] an offender in either a secure or nonsecure setting;

2773 [~~(ii)~~] (B) [~~any~~] a facility operated by a municipality or a county to house or detain  
 2774 [~~criminal offenders~~] a criminal offender;

2775 [~~(iii)~~] (C) [~~any~~] a juvenile detention facility; [~~and~~] or

2776 [~~(iv)~~] (D) [~~any~~] a building or grounds appurtenant to [~~the~~] a facility or [~~lands~~] land  
 2777 granted to the state, municipality, or county for use as a correctional facility.

2778 [~~(d)~~] (iii) "Dangerous weapon" means the same as that term is defined in Section  
 2779 [76-10-501](#).

2780 (iv) "Electronic cigarette product" means the same as that term is defined in Section  
 2781 [76-10-101](#).

2782 (v) "Firearm" means the same as that term is defined in Section [76-10-501](#).

2783 [~~(e)~~] (vi) "Medicine" means [~~any~~] a prescription drug as defined in Title 58, Chapter  
 2784 17b, Pharmacy Practice Act, but does not include [~~any~~] a controlled [~~substances~~] substance as

2785 defined in Title 58, Chapter 37, Utah Controlled Substances Act.

2786 [(f)] (vii) "Mental health facility" means the same as that term is defined in Section  
2787 26B-5-301.

2788 [(g)] (viii) "Nicotine product" means the same as that term is defined in Section  
2789 76-10-101.

2790 [(h)] (ix) "Offender" means ~~a person~~ an individual in custody at a correctional  
2791 facility.

2792 [(i)] (x) "Secure area" means the same as that term is defined in Section 76-8-311.1.

2793 [(j)] (xi) "Tobacco product" means the same as that term is defined in Section  
2794 76-10-101.

2795 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2796 (2) Notwithstanding Section 76-10-500, a correctional facility or a mental health  
2797 facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of  
2798 escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in  
2799 any quantity may be:

2800 (a) transported to or ~~upon~~ within a correctional facility or a mental health facility;

2801 (b) sold or given away at ~~any~~ a correctional facility or a mental health facility;

2802 (c) given to or used by ~~any~~ an offender at a correctional facility or a mental health  
2803 facility; or

2804 (d) knowingly or intentionally possessed at a correctional facility or a mental health  
2805 facility.

2806 (3) It is a defense to ~~any~~ a prosecution ~~under~~ related to this section ~~[if the accused~~  
2807 is] that the actor, in committing the act made criminal by this section with respect to:

2808 (a) a correctional facility operated by the Department of Corrections, acted in  
2809 conformity with departmental rule or policy;

2810 (b) a correctional facility operated by a municipality, acted in conformity with the  
2811 policy of the municipality;

2812 (c) a correctional facility operated by a county, acted in conformity with the policy of  
2813 the county; or

2814 (d) a mental health facility, acted in conformity with the policy of the mental health  
2815 facility.

2816 ~~[(4) (a) An individual who transports to or upon a correctional facility, or into a secure~~  
2817 ~~area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of~~  
2818 ~~escape with intent to provide or sell it to any offender, is guilty of a second degree felony.]~~

2819 ~~[(b) An individual who provides or sells to any offender at a correctional facility, or~~  
2820 ~~any detainee at a secure area of a mental health facility, any firearm, ammunition, dangerous~~  
2821 ~~weapon, or implement of escape is guilty of a second degree felony.]~~

2822 ~~[(c) An offender who possesses at a correctional facility, or a detainee who possesses at~~  
2823 ~~a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or~~  
2824 ~~implement of escape is guilty of a second degree felony.]~~

2825 ~~[(d) An individual who, without the permission of the authority operating the~~  
2826 ~~correctional facility or the secure area of a mental health facility, knowingly possesses at a~~  
2827 ~~correctional facility or a secure area of a mental health facility any firearm, ammunition,~~  
2828 ~~dangerous weapon, or implement of escape is guilty of a third degree felony.]~~

2829 ~~[(e) An individual violates Section 76-10-306 who knowingly or intentionally~~  
2830 ~~transports, possesses, distributes, or sells any explosive in a correctional facility or mental~~  
2831 ~~health facility.]~~

2832 ~~[(5) (a) An individual is guilty of a third degree felony who, without the permission of~~  
2833 ~~the authority operating the correctional facility or secure area of a mental health facility,~~  
2834 ~~knowingly transports to or upon a correctional facility or into a secure area of a mental health~~  
2835 ~~facility any:]~~

2836 ~~[(i) spirituous or fermented liquor;]~~

2837 ~~[(ii) medicine, whether or not lawfully prescribed for the offender; or]~~

2838 ~~[(iii) poison in any quantity.]~~

2839 ~~[(b) An individual is guilty of a third degree felony who knowingly violates~~  
2840 ~~correctional or mental health facility policy or rule by providing or selling to any offender at a~~  
2841 ~~correctional facility or detainee within a secure area of a mental health facility any:]~~

2842 ~~[(i) spirituous or fermented liquor;]~~

2843 ~~[(ii) medicine, whether or not lawfully prescribed for the offender; or]~~

2844 ~~[(iii) poison in any quantity.]~~

2845 ~~[(c) An inmate is guilty of a third degree felony who, in violation of correctional or~~  
2846 ~~mental health facility policy or rule, possesses at a correctional facility or in a secure area of a~~

2847 mental health facility any:]

2848       ~~[(i) spirituous or fermented liquor;]~~

2849       ~~[(ii) medicine, other than medicine provided by the facility's health care providers in~~  
2850 ~~compliance with facility policy; or]~~

2851       ~~[(iii) poison in any quantity.]~~

2852       ~~[(d) An individual is guilty of a class A misdemeanor who, with the intent to directly or~~  
2853 ~~indirectly provide or sell any tobacco product, electronic cigarette product, or nicotine product~~  
2854 ~~to an offender, directly or indirectly:]~~

2855       ~~[(i) transports, delivers, or distributes any tobacco product, electronic cigarette product,~~  
2856 ~~or nicotine product to an offender or on the grounds of any correctional facility;]~~

2857       ~~[(ii) solicits, requests, commands, coerces, encourages, or intentionally aids another~~  
2858 ~~person to transport any tobacco product, electronic cigarette product, or nicotine product to an~~  
2859 ~~offender or on any correctional facility, if the person is acting with the mental state required for~~  
2860 ~~the commission of an offense; or]~~

2861       ~~[(iii) facilitates, arranges, or causes the transport of any tobacco product, electronic~~  
2862 ~~cigarette product, or nicotine product in violation of this section to an offender or on the~~  
2863 ~~grounds of any correctional facility.]~~

2864       ~~[(e) An individual is guilty of a class A misdemeanor who, without the permission of~~  
2865 ~~the authority operating the correctional or mental health facility, fails to declare or knowingly~~  
2866 ~~possesses at a correctional facility or in a secure area of a mental health facility any:]~~

2867       ~~[(i) spirituous or fermented liquor;]~~

2868       ~~[(ii) medicine; or]~~

2869       ~~[(iii) poison in any quantity.]~~

2870       ~~[(f)(i) Except as provided in Subsection (5)(f)(ii), an individual is guilty of a class B~~  
2871 ~~misdemeanor who, without the permission of the authority operating the correctional facility,~~  
2872 ~~knowingly engages in any activity that would facilitate the possession of any contraband by an~~  
2873 ~~offender in a correctional facility.]~~

2874       ~~[(ii) The provisions of Subsection (5)(d) regarding any tobacco product, electronic~~  
2875 ~~cigarette product, or nicotine product take precedence over this Subsection (5)(f).]~~

2876       ~~[(g) (4) (a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged~~  
2877 ~~under Section [76-8-311.4](#), [76-8-311.6](#), [76-8-311.7](#), [76-8-311.8](#), [76-8-311.9](#), or [76-8-311.10](#) for~~

2878 a violation of a policy or rule created under this section.

2879 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells  
2880 an explosive in a correctional facility or a mental health facility may be punished under Section  
2881 76-10-306.

2882 (c) The possession, distribution, or use of a controlled substance at a correctional  
2883 facility or in a secure area of a mental health facility shall be charged under Title 58, Chapter  
2884 37, Utah Controlled Substances Act.

2885 (5) Exemptions may be granted for worship for Native American inmates pursuant to  
2886 Section 64-13-40.

2887 ~~[(6) The possession, distribution, or use of a controlled substance at a correctional~~  
2888 ~~facility or in a secure area of a mental health facility shall be prosecuted in accordance with~~  
2889 ~~Title 58, Chapter 37, Utah Controlled Substances Act.]~~

2890 ~~[(7)]~~ (6) The ~~[department]~~ Department of Corrections shall make rules under Title  
2891 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing  
2892 written notice to visitors that providing any tobacco product, electronic cigarette product, or  
2893 nicotine product to offenders is a class A misdemeanor.

2894 Section 52. Section **76-8-311.4** is enacted to read:

2895 **76-8-311.4. Prohibited item in correctional or mental health facility for use by**  
2896 **offender or detainee.**

2897 (1) (a) As used in this section:

2898 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

2899 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

2900 (iii) "Mental health facility" means the same as that term is defined in Section  
2901 76-8-311.3.

2902 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.

2903 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.

2904 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2905 (2) An actor commits prohibited item in correctional or mental health facility for use  
2906 by offender or detainee if the actor:

2907 (a) transports a dangerous weapon, ammunition, or implement of escape to or within a  
2908 correctional facility, or into a secure area of a mental health facility, with the intent to provide

2909 or sell to an offender or detainee the dangerous weapon, ammunition, or implement of escape;

2910 or

2911 (b) provides or sells a dangerous weapon, ammunition, or implement of escape to:

2912 (i) an offender at a correctional facility; or

2913 (ii) a detainee at a secure area of a mental health facility.

2914 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second

2915 degree felony.

2916 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.

2917 Section 53. Section **76-8-311.6** is enacted to read:

2918 **76-8-311.6. Possession of prohibited item by offender or detainee in correctional**

2919 **or mental health facility.**

2920 (1) (a) As used in this section:

2921 (i) "Correctional facility" means the same as that term is defined in Section [76-8-311.3](#).

2922 (ii) "Dangerous weapon" means the same as that term is defined in Section [76-10-501](#).

2923 (iii) "Mental health facility" means the same as that term is defined in Section

2924 [76-8-311.3](#).

2925 (iv) "Offender" means the same as that term is defined in Section [76-8-311.3](#).

2926 (v) "Secure area" means the same as that term is defined in Section [76-8-311.1](#).

2927 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2928 (2) An actor commits possession of prohibited item by offender or detainee in

2929 correctional or mental health facility if the actor:

2930 (a) (i) is an offender at a correctional facility; or

2931 (ii) is a detainee at a mental health facility; and

2932 (b) possesses a dangerous weapon, ammunition, or an implement of escape.

2933 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second

2934 degree felony.

2935 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.

2936 Section 54. Section **76-8-311.7** is enacted to read:

2937 **76-8-311.7. Possession of prohibited item in correctional facility or secure area of**

2938 **mental health facility.**

2939 (1) (a) As used in this section:

- 2940 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
- 2941 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
- 2942 (iii) "Mental health facility" means the same as that term is defined in Section
- 2943 76-8-311.3.
- 2944 (iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 2945 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 2946 (2) An actor commits possession of prohibited item in correctional facility or secure
- 2947 area of mental health facility if the actor, without the permission of the authority operating the
- 2948 correctional facility or the secure area of a mental health facility, knowingly possesses a
- 2949 dangerous weapon, ammunition, or implement of escape at a correctional facility or in a secure
- 2950 area of a mental health facility.
- 2951 (3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of
- 2952 Subsection (2) is a third degree felony.
- 2953 (4) The defenses provided in Section 76-8-311.3 apply to this section.
- 2954 Section 55. Section **76-8-311.8** is enacted to read:
- 2955 **76-8-311.8. Prohibited substance in correctional or mental health facility.**
- 2956 (1) (a) As used in this section:
- 2957 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
- 2958 (ii) "Medicine" means the same as that term is defined in Section 76-8-311.3.
- 2959 (iii) "Mental health facility" means the same as that term is defined in Section
- 2960 76-8-311.3.
- 2961 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
- 2962 (v) "Prohibited substance" means:
- 2963 (A) spirituous or fermented liquor;
- 2964 (B) medicine, whether or not lawfully prescribed for an offender or a detainee; or
- 2965 (C) poison in any quantity.
- 2966 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 2967 (2) An actor commits prohibited substance in a correctional or mental health facility if
- 2968 the actor:
- 2969 (a) without the permission of the authority operating the correctional facility or secure
- 2970 area of a mental health facility:

2971 (i) knowingly transports a prohibited substance to or within a correctional facility or  
2972 into a secure area of a mental health facility; or

2973 (ii) fails to declare or knowingly possesses a prohibited substance at a correctional  
2974 facility or in a secure area of a mental health facility;

2975 (b) knowingly violates correctional or mental health facility policy or rule by providing  
2976 or selling a prohibited substance to an offender at a correctional facility or a detainee within a  
2977 secure area of a mental health facility; or

2978 (c) (i) is a detainee in a mental health facility or an offender; and

2979 (ii) in violation of correctional or mental health facility policy or rule, possesses at a  
2980 correctional facility or in a secure area of a mental health facility a prohibited substance other  
2981 than medicine provided by the facility's health care providers in compliance with facility  
2982 policy.

2983 (3) (a) Except as provided in Subsection (4), a violation of Subsection (2)(a)(i), (2)(b),  
2984 or (2)(c) is a third degree felony.

2985 (b) Except as provided in Subsection (4), a violation of Subsection (2)(a)(ii) is a class  
2986 A misdemeanor.

2987 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.

2988 Section 56. Section **76-8-311.9** is enacted to read:

2989 **76-8-311.9. Prohibited tobacco, electronic cigarette, or nicotine product in a**  
2990 **correctional facility.**

2991 (1) (a) As used in this section:

2992 (i) "Correctional facility" means the same as that term is defined in Section [76-8-311.3](#).

2993 (ii) "Electronic cigarette product" means the same as that term is defined in Section  
2994 [76-10-101](#).

2995 (iii) "Nicotine product" means the same as that term is defined in Section [76-10-101](#).

2996 (iv) "Offender" means the same as that term is defined in Section [76-8-311.3](#).

2997 (v) "Tobacco product" means the same as that term is defined in Section [76-10-101](#).

2998 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2999 (2) An actor commits prohibited tobacco, electronic cigarette, or nicotine product in a  
3000 correctional facility if the actor, with the intent to directly or indirectly provide or sell a tobacco  
3001 product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:

3002 (a) transports, delivers, or distributes a tobacco product, electronic cigarette product, or  
3003 nicotine product to an offender or on the grounds of a correctional facility;

3004 (b) solicits, requests, commands, coerces, encourages, or intentionally aids another  
3005 individual to transport a tobacco product, electronic cigarette product, or nicotine product to an  
3006 offender or on the grounds of a correctional facility, if the other individual is acting with the  
3007 mental state required for the commission of an offense; or

3008 (c) facilitates, arranges, or causes the transport of a tobacco product, electronic  
3009 cigarette product, or nicotine product in violation of this section or Section [76-8-311.3](#) to an  
3010 offender or on the grounds of a correctional facility.

3011 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class A  
3012 misdemeanor.

3013 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.

3014 (5) In accordance with Section [76-10-311.3](#), the Department of Corrections shall make  
3015 rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines  
3016 for providing written notice to visitors that providing a tobacco product, electronic cigarette  
3017 product, or nicotine product to an offender is a class A misdemeanor.

3018 Section 57. Section **76-8-311.10** is enacted to read:

3019 **76-8-311.10. Possession of contraband in a correctional facility.**

3020 (1) (a) As used in this section:

3021 (i) "Contraband" means an item not specifically prohibited for possession by an  
3022 offender under this section or Section [76-8-311.3](#), [76-8-311.4](#), [76-8-311.6](#), [76-8-311.7](#),  
3023 [76-8-311.8](#), or [76-8-311.9](#).

3024 (ii) "Correctional facility" means the same as that term is defined in Section  
3025 [76-8-311.3](#).

3026 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3027 (2) An actor commits possession of contraband in a correctional facility if the actor,  
3028 without the permission of the authority operating a correctional facility, knowingly engages in  
3029 an activity that would facilitate the possession of contraband by an offender in the correctional  
3030 facility.

3031 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B  
3032 misdemeanor.

3033 (4) (a) The possession, distribution, or use of a controlled substance at a correctional  
 3034 facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled  
 3035 Substances Act.

3036 (b) The provisions of Section 76-8-311.9 take precedence over this section.

3037 (c) The defenses provided in Section 76-8-311.3 apply to this section.

3038 Section 58. Section **76-8-312** is amended to read:

3039 **76-8-312. Unlawful absence after pretrial release.**

3040 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3041 (2) [A person is guilty of an offense when having] An actor commits unlawful absence  
 3042 after pretrial release if the actor:

3043 (a) has been [released on bail or on his own recognizance] granted pretrial release by  
 3044 court order or by other lawful authority upon condition that [he] the actor subsequently appear  
 3045 personally upon a charge of an offense[,-he]; and

3046 (b) fails without just cause to appear at the time and place [which] that have been  
 3047 lawfully designated for [his] the actor's appearance.

3048 [~~(2) An offense under this section is a felony of the third degree when the offense~~  
 3049 ~~charged is a felony, a class B misdemeanor when the offense charged is a misdemeanor, and an~~  
 3050 ~~infraction when the offense charged is an infraction.]~~

3051 (3) A violation of Subsection (2) is:

3052 (a) a third degree felony if the offense for which the actor failed to appear is a felony;

3053 (b) a class B misdemeanor if the offense for which the actor failed to appear is a  
 3054 misdemeanor; or

3055 (c) an infraction if the offense for which the actor failed to appear is an infraction.

3056 Section 59. Section **76-8-313** is amended to read:

3057 **76-8-313. Threatened or attempted assault on an elected official.**

3058 (1) (a) As used in this section, "elected official" means:

3059 (i) an elected official of the state, county, or city;

3060 (ii) an immediate family member of an individual described in Subsection (1)(a)(i);

3061 (iii) a temporary judge appointed to fill a vacant judicial position;

3062 (iv) a judge not yet retained by a retention election;

3063 (v) a member of a school board; or

3064 (vi) an individual appointed to fill a vacant position of an individual described in  
3065 Subsection (1)(a)(i).

3066 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3067 (2) [A person] An actor commits threatened or attempted assault on an elected official  
3068 [~~when he~~] if the actor attempts or threatens, irrespective of a showing of immediate force or  
3069 violence, to inflict bodily injury [~~to the~~] on an elected official with the intent to impede,  
3070 intimidate, or interfere with the elected official in the performance of [his] the elected official's  
3071 official duties or with the intent to retaliate against the elected official because of the  
3072 performance of [his] the elected official's official duties.

3073 (3) (a) Except as provided by Subsection (3)(b), a violation of Subsection (2) is a class  
3074 B misdemeanor.

3075 (b) A violation of Subsection (2) is a third degree felony if:

3076 (i) the actor attempts to inflict bodily injury; or

3077 (ii) the elected official receives bodily injury.

3078 Section 60. Section **76-8-316** is amended to read:

3079 **76-8-316. Threat with intent to impede, intimidate, interfere, or retaliate against**  
3080 **a judge or member of the Board of Pardons and Parole or acting against a family**  
3081 **member of a judge or a member of the Board of Pardons and Parole.**

3082 (1) (a) As used in this section:

3083 [~~(a)~~] (i) "Board member" means an appointed member of the Board of Pardons and  
3084 Parole.

3085 [~~(b)~~] (ii) "Family member" means [~~parents;~~] a parent, spouse, surviving spouse,  
3086 [~~children, and siblings~~] child, or sibling of a judge or board member.

3087 [~~(c)~~] (iii) "Judge" means [~~judges of all courts of record and courts not of record and~~  
3088 ~~court commissioners.];~~

3089 (A) a judge of a court of record;

3090 (B) a judge of a court not of record; or

3091 (C) a court commissioner.

3092 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3093 (2) [A person is guilty of a third degree felony if the person] An actor commits threat  
3094 with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or

3095 family member if the actor threatens to assault, kidnap, or murder a judge, [a family member of  
 3096 a judge,] a board member, or a family member [~~of a board member~~] with the intent to impede,  
 3097 intimidate, or interfere with the judge or board member while engaged in the performance of  
 3098 the judge's or board member's official duties or with the intent to retaliate against the judge or  
 3099 board member on account of the performance of those official duties.

3100 (3) A violation of Subsection (2) is a third degree felony.

3101 [~~(3) A person is guilty of a second degree felony if the person commits an assault on a~~  
 3102 ~~judge, a family member of a judge, a board member, or a family member of a board member~~  
 3103 ~~with the intent to impede, intimidate, or interfere with the judge or board member while~~  
 3104 ~~engaged in the performance of the judge's or board member's official duties, or with the intent~~  
 3105 ~~to retaliate against the judge or board member on account of the performance of those official~~  
 3106 ~~duties.]~~

3107 [~~(4) A person is guilty of a first degree felony if the person commits aggravated assault~~  
 3108 ~~on a judge, a family member of a judge, a board member, or a family member of a board~~  
 3109 ~~member with the intent to impede, intimidate, or interfere with the judge or board member~~  
 3110 ~~while engaged in the performance of the judge's or board member's official duties or with the~~  
 3111 ~~intent to retaliate against the judge or board member on account of the performance of those~~  
 3112 ~~official duties.]~~

3113 [~~(5) A person is guilty of a first degree felony if the person commits attempted murder~~  
 3114 ~~on a family member of a judge or a family member of a board member with the intent to~~  
 3115 ~~impede, intimidate, or interfere with the judge or board member while engaged in the~~  
 3116 ~~performance of the judge's or board member's official duties or with the intent to retaliate~~  
 3117 ~~against the judge or board member on account of the performance of those official duties.]~~

3118 [~~(6) A member of the Board of Pardons and Parole is an executive officer for purposes~~  
 3119 ~~of Subsection 76-5-202(2)(a)(xiii).]~~

3120 Section 61. Section **76-8-316.2** is enacted to read:

3121 **76-8-316.2. Assault with intent to impede, intimidate, interfere, or retaliate**  
 3122 **against a judge or member of the Board of Pardons and Parole or acting against a family**  
 3123 **member of a judge or a member of the Board of Pardons and Parole.**

3124 (1) (a) As used in this section:

3125 (i) "Board member" means the same as that term is defined in Section [76-8-316](#).

3126 (ii) "Family member" means the same as that term is defined in Section 76-8-316.

3127 (iii) "Judge" means the same as that term is defined in Section 76-8-316.

3128 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3129 (2) An actor commits assault with intent to impede, intimidate, interfere, or retaliate  
3130 against a judge, board member, or family member if the actor commits an assault on a judge, a  
3131 board member, or a family member with the intent to impede, intimidate, or interfere with the  
3132 judge or board member while engaged in the performance of the judge's or board member's  
3133 official duties, or with the intent to retaliate against the judge or board member on account of  
3134 the performance of those official duties.

3135 (3) A violation of Subsection (2) is a second degree felony.

3136 Section 62. Section 76-8-316.4 is enacted to read:

3137 **76-8-316.4. Aggravated assault with intent to impede, intimidate, interfere, or**  
3138 **retaliate against a judge or member of the Board of Pardons and Parole or acting against**  
3139 **a family member of a judge or a member of the Board of Pardons and Parole.**

3140 (1) (a) As used in this section:

3141 (i) "Board member" means the same as that term is defined in Section 76-8-316.

3142 (ii) "Family member" means the same as that term is defined in Section 76-8-316.

3143 (iii) "Judge" means the same as that term is defined in Section 76-8-316.

3144 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3145 (2) An actor commits aggravated assault with intent to impede, intimidate, interfere, or  
3146 retaliate against a judge, board member, or family member if the actor commits aggravated  
3147 assault on a judge, a board member, or a family member with the intent to impede, intimidate,  
3148 or interfere with the judge or board member while engaged in the performance of the judge's or  
3149 board member's official duties, or with the intent to retaliate against the judge or board member  
3150 on account of the performance of those official duties.

3151 (3) A violation of Subsection (2) is a first degree felony.

3152 Section 63. Section 76-8-316.6 is enacted to read:

3153 **76-8-316.6. Attempted murder with intent to impede, intimidate, interfere, or**  
3154 **retaliate against a judge or member of the Board of Pardons and Parole or acting against**  
3155 **a family member of a judge or a member of the Board of Pardons and Parole.**

3156 (1) (a) As used in this section:

3157 (i) "Board member" means the same as that term is defined in Section 76-8-316.

3158 (ii) "Family member" means the same as that term is defined in Section 76-8-316.

3159 (iii) "Judge" means the same as that term is defined in Section 76-8-316.

3160 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3161 (2) An actor commits attempted murder with intent to impede, intimidate, interfere, or  
 3162 retaliate against a judge, board member, or family member if the actor commits attempted  
 3163 murder on a judge, a board member, or a family member with the intent to impede, intimidate,  
 3164 or interfere with the judge or board member while engaged in the performance of the judge's or  
 3165 board member's official duties, or with the intent to retaliate against the judge or board member  
 3166 on account of the performance of those official duties.

3167 (3) A violation of Subsection (2) is a first degree felony.

3168 (4) A member of the Board of Pardons and Parole is an executive officer for purposes  
 3169 of Subsection 76-5-202(2)(a)(xiii).

3170 Section 64. Section 76-8-317 is amended to read:

3171 **76-8-317. Refusal to comply with an order to evacuate or order issued in a local**  
 3172 **or state emergency.**

3173 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3174 (2) ~~[A person may not refuse to]~~ An actor commits refusal to comply with an order to  
 3175 evacuate or order issued in a local or state emergency if the actor:

3176 (a) receives notice of:

3177 (i) an order to evacuate issued under [this chapter or refuse to comply with any other]  
 3178 Title 53, Chapter 2a, Emergency Management Act; or

3179 (ii) an order issued:

3180 (A) by the governor in a state of an emergency under Section 53-2a-204; or

3181 (B) by a chief executive officer in a local emergency under Section 53-2a-205~~[if~~  
 3182 ~~notice of the order has been given to that person.]; and~~

3183 (b) refuses to comply with the order described in Subsection (2)(a).

3184 ~~[(2)]~~ (3) ~~[A person who violates this section is guilty of]~~ A violation of Subsection (2)  
 3185 is a class B misdemeanor.

3186 Section 65. Section 76-8-318 is amended to read:

3187 **76-8-318. Assault or threat of violence against child welfare worker.**

3188 (1) (a) As used in this section:

3189 ~~[(a)]~~ (i) "Assault" means ~~[the same as that term is defined in]~~ an offense under Section  
3190 76-5-102.

3191 ~~[(b)]~~ (ii) "Child welfare worker" means an employee of the Division of Child and  
3192 Family Services created in Section 80-2-201.

3193 ~~[(c)]~~ (iii) "Threat of violence" means ~~[the same as that term is defined in]~~ an offense  
3194 under Section 76-5-107.

3195 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3196 (2) ~~[An individual who commits an assault or threat of violence against a child welfare~~  
3197 ~~worker is guilty of a class A misdemeanor]~~ An actor commits assault or threat of violence  
3198 against child welfare worker if:

3199 (a) the ~~[individual]~~ actor is not:

3200 (i) a prisoner or an individual detained under Section 77-7-15; or

3201 (ii) a minor in the custody of or receiving services from a division within the  
3202 Department of Health and Human Services;

3203 (b) the ~~[individual]~~ actor knew that the victim was a child welfare worker; and

3204 (c) the child welfare worker was acting within the scope of the child welfare worker's  
3205 authority at the time of the assault or threat of violence.

3206 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
3207 A misdemeanor.

3208 (b) ~~[An individual who violates this section is guilty of]~~ A violation of Subsection (2)  
3209 is a third degree felony if the ~~[individual]~~ actor:

3210 ~~[(a)]~~ (i) causes substantial bodily injury~~[-as defined in Section 76-1-101.5];~~ and

3211 ~~[(b)]~~ (ii) acts intentionally or knowingly.

3212 Section 66. Section **76-8-319**, which is renumbered from Section 76-8-311.5 is  
3213 renumbered and amended to read:

3214 ~~[76-8-311.5].~~ **76-8-319. Aiding or concealing an adjudicated minor --**  
3215 **Trespass of a secure care facility -- Criminal penalties.**

3216 (1) (a) As used in this section:

3217 ~~[(a)]~~ (i) "Abscond from a facility" means an adjudicated minor:

3218 (A) leaves a facility without permission; or

- 3219 (B) fails to return at a prescribed time.
- 3220 (ii) "Abscond from supervision" means an adjudicated minor:
- 3221 (A) changes the adjudicated minor's residence from the residence that the adjudicated
- 3222 minor reported to the division as the adjudicated minor's correct address to another residence,
- 3223 without notifying the division or obtaining permission; or
- 3224 (B) for the purpose of avoiding supervision:
- 3225 (I) hides at a different location from the adjudicated minor's reported residence; or
- 3226 (II) leaves the adjudicated minor's reported residence.
- 3227 (iii) "Adjudicated minor" means the same as the term "minor" is defined in Section
- 3228 80-6-501.
- 3229 (iv) "Division" means the Division of Juvenile Justice Services created in Section
- 3230 80-5-103.
- 3231 (v) "Facility" means the same as the term "detention facility" is defined in Section
- 3232 80-1-102.
- 3233 ~~[(b) "Juvenile offender" means the same as that term is defined in Section 80-1-102.]~~
- 3234 ~~[(c)]~~ (vi) "Secure care" means the same as that term is defined in Section 80-1-102.
- 3235 ~~[(d)]~~ (vii) "Secure care facility" means the same as that term is defined in Section
- 3236 80-1-102.
- 3237 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 3238 ~~[(2) An individual who commits any of the following offenses is guilty of a class A~~
- 3239 ~~misdemeanor:]~~
- 3240 ~~[(a) entering, or attempting to enter, a building or enclosure appropriated to the use of~~
- 3241 ~~juvenile offenders, without permission;]~~
- 3242 ~~[(b) entering any premises belonging to a secure care facility and committing or~~
- 3243 ~~attempting to commit a trespass or damage on the premises of a secure care facility; or]~~
- 3244 ~~[(c) willfully annoying or disturbing the peace and quiet of a secure care facility or of a~~
- 3245 ~~juvenile offender in a secure care facility.]~~
- 3246 ~~[(3)]~~ (2) An [individual is guilty of a third degree felony who] an actor commits aiding
- 3247 or concealing an adjudicated minor if the actor:
- 3248 (a) knowingly harbors or conceals [a juvenile offender] an adjudicated minor who has:
- 3249 (i) escaped from secure care; or

3250 (ii) ~~[as described in Subsection (4),]~~ absconded from:  
3251 (A) a facility or supervision; or  
3252 (B) supervision of the division; or  
3253 (b) willfully aided or assisted ~~[a juvenile offender]~~ an adjudicated minor who has been  
3254 lawfully committed to a secure care facility in escaping or attempting to escape from the secure  
3255 care facility.

3256 ~~[(4) As used in this section:]~~

3257 ~~[(a) a juvenile offender absconds from a facility under this section when the juvenile~~  
3258 ~~offender:]~~

3259 ~~[(i) leaves the facility without permission; or]~~

3260 ~~[(ii) fails to return at a prescribed time.]~~

3261 ~~[(b) A juvenile offender absconds from supervision when the juvenile offender:]~~

3262 ~~[(i) changes the juvenile offender's residence from the residence that the juvenile~~  
3263 ~~offender reported to the division as the juvenile offender's correct address to another residence,~~  
3264 ~~without notifying the division or obtaining permission; or]~~

3265 ~~[(ii) for the purpose of avoiding supervision:]~~

3266 ~~[(A) hides at a different location from the juvenile offender's reported residence; or]~~

3267 ~~[(B) leaves the juvenile offender's reported residence.]~~

3268 (3) A violation of Subsection (2) is a third degree felony.

3269 Section 67. Section **76-8-320** is enacted to read:

3270 **76-8-320. Trespass of a secure care facility.**

3271 (1) (a) As used in this section:

3272 (i) "Juvenile offender" means the same as that term is defined in Section [76-8-311.5](#).

3273 (ii) "Secure care facility" means the same as that term is defined in Section [76-8-311.5](#).

3274 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3275 (2) An actor commits trespass of a secure care facility if the actor:

3276 (a) without permission, enters or attempts to enter a building or enclosure appropriated  
3277 to the use of juvenile offenders;

3278 (b) (i) enters any premises belonging to a secure care facility; and

3279 (ii) commits or attempts to commit a trespass or damage on the premises of the secure  
3280 care facility; or

3281 (c) willfully annoys or disturbs the peace and quiet of:

3282 (i) a secure care facility; or

3283 (ii) of a juvenile offender in a secure care facility.

3284 (3) A violation of Subsection (2) is a class A misdemeanor.

3285 Section 68. Section **76-8-402** is amended to read:

3286 **76-8-402. Misusing public money or public property -- Disqualification from**  
3287 **office.**

3288 (1) (a) As used in this section, "authorized personal use" means:

3289 ~~[(a)]~~ (i) the use of public property, for a personal matter, by ~~[a]~~ an actor who is a public  
3290 servant if:

3291 ~~[(i)]~~ (A) the ~~[public servant]~~ actor is authorized to use or possess the public property to  
3292 fulfill the ~~[public servant's]~~ actor's duties as a public servant;

3293 ~~[(ii)]~~ (B) the primary purpose of the ~~[public servant]~~ actor using or possessing the  
3294 public property is to fulfill the ~~[public servant's]~~ actor's duties as a public servant;

3295 ~~[(iii)]~~ (C) at the time the ~~[public servant]~~ actor uses the public property for a personal  
3296 matter, a written policy of the ~~[public servant's]~~ actor's public entity is in effect that authorizes  
3297 the ~~[public servant]~~ actor to use or possess the public property for personal use in addition to  
3298 the primary purpose of fulfilling the ~~[public servant's]~~ actor's duties as a public servant; and

3299 ~~[(iv)]~~ (D) the ~~[public servant]~~ actor uses and possesses the public property in a lawful  
3300 manner and in accordance with the policy described in Subsection ~~[(1)(a)(iii);~~ (1)(a)(i)(C); or

3301 ~~[(b)]~~ (ii) incidental or de minimus use of public property for a personal matter by ~~[a~~  
3302 ~~public servant,]~~ an actor who is a public servant if:

3303 ~~[(i)]~~ (A) the value provided to the ~~[public servant's]~~ actor's public entity by the ~~[public~~  
3304 ~~servant's]~~ actor's use or possession of the public property for a public purpose substantially  
3305 outweighs the personal benefit received by the ~~[employee]~~ actor from the incidental use of the  
3306 public property for a personal matter; and

3307 ~~[(ii)]~~ (B) the incidental or de minimus use of the public property for a personal matter  
3308 is not prohibited by law or by the ~~[public servant's]~~ actor's public entity.

3309 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3310 (2) ~~[It is unlawful for a public servant to]~~ An actor commits misusing public money or  
3311 public property if the actor is a public servant and knowingly:

- 3312 (a) [~~appropriate~~] appropriates public money to the [~~public servant's~~] actor's own use or  
3313 benefit or to the use or benefit of another person without authority of law;
- 3314 (b) [~~loan or transfer~~] loans or transfers public money without authority of law;
- 3315 (c) [~~fail~~] fails to keep public money in the [~~public servant's~~] actor's possession until  
3316 disbursed by authority of law;
- 3317 (d) [~~deposit~~] deposits public money in a bank or with another person in violation of the  
3318 written policy of the [~~public servant's~~] actor's public entity or the requirements of law;
- 3319 (e) [~~keep~~] keeps a false account or [~~make~~] makes a false entry or erasure in an account  
3320 of, or relating to, public money;
- 3321 (f) fraudulently [~~alter, falsify, conceal, or destroy~~] alters, falsifies, conceals, or destroys  
3322 an account described in Subsection (2)(e);
- 3323 (g) [~~refuse or omit~~] refuses or omits to pay over, on demand, any public money in the  
3324 [~~public servant's~~] actor's custody or control, upon the presentation of a draft, order, or warrant  
3325 drawn upon the public money by competent authority;
- 3326 (h) [~~omit~~] omits to transfer public money when the transfer is required by law;
- 3327 (i) [~~omit or refuse~~] omits or refuses to pay over, to [~~any~~] an officer or person  
3328 authorized by law to receive public money, public money received by the [~~public servant~~] actor  
3329 under any duty imposed on the [~~public servant~~] actor by law;
- 3330 (j) [~~damage or dispose~~] damages or disposes of public property in violation of the  
3331 written policy of the [~~public servant's~~] actor's public entity or the requirements of law;
- 3332 (k) [~~obtain or exercise~~] obtains or exercises unauthorized control of public property  
3333 with the intent to deprive the owner of possession of the public property;
- 3334 (l) [~~obtain or exercise~~] obtains or exercises unauthorized control of public property  
3335 with the intent to temporarily appropriate, possess, use, or deprive the owner of possession of  
3336 the public property;
- 3337 (m) [~~appropriate~~] appropriates public property to the [~~public servant's~~] actor's own use  
3338 or benefit or to the use or benefit of another person without authority of law;
- 3339 (n) [~~loan or transfer~~] loans or transfers public property without authority of law; or
- 3340 (o) [~~fail~~] fails to keep public property in the [~~public servant's~~] actor's possession until  
3341 returned to the property owner[;] or disposed of or relinquished[;] in accordance with the  
3342 written policy of the [~~public servant's~~] actor's public entity and the requirements of law.

3343 (3) (a) Except as provided [~~in Subsection (4)~~] by Subsection (3)(b), a violation of  
 3344 Subsections (2)(a) through (i) is a third degree felony [~~of the third degree~~].

3345 [~~(4)~~] (b) A violation of Subsections (2)(a) through (i) is a second degree felony [~~of the~~  
 3346 ~~second degree~~] if:

3347 [~~(a)~~] (i) the value of the public money exceeds \$5,000;

3348 [~~(b)~~] (ii) the amount of the false account exceeds \$5,000;

3349 [~~(c)~~] (iii) the amount falsely entered exceeds \$5,000;

3350 [~~(d)~~] (iv) the amount that is the difference between the original amount and the  
 3351 fraudulently altered amount exceeds \$5,000; or

3352 [~~(e)~~] (v) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the  
 3353 account exceeds \$5,000.

3354 [~~(5)~~] (c) A violation of Subsection (2)(j) is:

3355 [~~(a)~~] (i) a class B misdemeanor[;] if the cost to repair or replace the public property is  
 3356 less than \$500;

3357 [~~(b)~~] (ii) a class A misdemeanor[;] if the cost to repair or replace the public property is  
 3358 \$500 or more, but less than \$1,500;

3359 [~~(c)~~] (iii) a third degree felony [~~of the third degree;~~] if the cost to repair or replace the  
 3360 public property is \$1,500 or more, but less than \$5,000; or

3361 [~~(d)~~] (iv) a second degree felony [~~of the second degree;~~] if the cost to repair or replace  
 3362 the public property is \$5,000 or more.

3363 [~~(6)~~] (d) A violation of Subsection (2)(k), (m), (n), or (o) is:

3364 [~~(a)~~] (i) a class B misdemeanor[;] if the value of the public property is less than \$500;

3365 [~~(b)~~] (ii) a class A misdemeanor[;] if the value of the public property is \$500 or more,  
 3366 but less than \$1,500;

3367 [~~(c)~~] (iii) a third degree felony [~~of the third degree;~~] if the value of the public property  
 3368 is \$1,500 or more, but less than \$5,000; or

3369 [~~(d)~~] (iv) a second degree felony [~~of the second degree;~~] if the value of the public  
 3370 property is \$5,000 or more.

3371 [~~(7)~~] (e) A violation of Subsection (2)(l) is:

3372 [~~(a)~~] (i) a class C misdemeanor[;] if the value of the public property is less than \$500;

3373 [~~(b)~~] (ii) a class B misdemeanor[;] if the value of the public property is \$500 or more,

3374 but less than \$1,500;

3375 ~~[(e)]~~ (iii) a class A misdemeanor~~;~~ if the value of the public property is \$1,500 or

3376 more, but less than \$5,000; or

3377 ~~[(d)]~~ (iv) a third degree felony ~~[of the third degree,]~~ if the value of the public property

3378 is \$5,000 or more.

3379 ~~[(8) In addition to the penalty described in Subsections (3) through (7), a public officer~~

3380 ~~who is convicted of a felony violation of Subsection (2):]~~

3381 ~~[(a) is subject to the penalties described in Section 76-8-404; and]~~

3382 ~~[(b) may not disburse public funds or access public accounts.]~~

3383 ~~[(9) (a) A public servant is not guilty of a violation of Subsections (2)(j) through (o)]~~

3384 ~~[for authorized personal use of public property].~~

3385 ~~[(10)]~~ (4) It is not a defense to a violation of Subsection (2) that:

3386 (a) subsequent to the violation, a public entity modifies or adopts a policy or law, or

3387 takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a

3388 violation; or

3389 (b) a written policy of the ~~[public servant's]~~ actor's public entity permits private use of

3390 the public property if it is proven, beyond a reasonable doubt, that the ~~[public servant]~~ actor did

3391 not comply with the written policy.

3392 (5) Subsections (2)(j) through (2)(o) do not apply to the authorized personal use of

3393 public property.

3394 (6) In addition to the punishment described in Subsection (3), an actor who:

3395 (a) is convicted of a felony offense under this section may not disburse public funds or

3396 access public accounts; or

3397 (b) is a public officer and is convicted of a felony offense under this section is

3398 disqualified from holding public office if:

3399 (i) regardless of whether the public officer receives, safekeeps, transfers, disburses, or

3400 has a fiduciary relationship with public money, the public officer makes a profit from or out of

3401 public money or public property; or

3402 (ii) the public officer uses public money or public property in a manner or for a

3403 purpose not authorized by law.

3404 Section 69. Section ~~76-8-403~~ is amended to read:

3405 **76-8-403. Failure to keep and pay over public money.**

3406 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3407 (2) Except as otherwise provided in Subsection [~~76-8-402(4), a person who~~]

3408 [76-8-402\(3\)\(b\)](#), an actor commits failure to keep and pay over public money if the actor:

3409 (a) receives, safekeeps, transfers, or disburses public money [~~who~~]; and

3410 (b) neglects or fails to keep and pay over the public money in the manner prescribed by  
3411 law [~~is guilty of a felony of the third degree~~].

3412 (3) A violation of Subsection (2) is a third degree felony.

3413 Section 70. Section **76-8-405** is amended to read:

3414 **76-8-405. Failure to pay over a fine, forfeiture, or fee.**

3415 [~~Every public officer who~~]

3416 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3417 (2) An actor commits failure to pay over a fine, forfeiture, or fee if the actor:

3418 (a) is a public officer;

3419 (b) receives any fine, forfeiture, or fee; and

3420 (c) refuses or neglects to pay [~~it~~] over the fine, forfeiture, or fee within the time  
3421 prescribed by law [~~is guilty of a class B misdemeanor~~].

3422 (3) A violation of Subsection (2) is a class B misdemeanor.

3423 Section 71. Section **76-8-406** is amended to read:

3424 **76-8-406. Obstructing the collection of revenue.**

3425 [~~Every person who~~]

3426 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3427 (2) An actor commits obstructing the collection of revenue if the actor willfully

3428 obstructs or hinders [~~any~~] a public officer who is empowered by law to collect revenue, taxes,

3429 or other sums of money from collecting [~~any~~] revenue, taxes, or other sums of money in which

3430 [~~the people of this state are interested, and which such officer is by law empowered to collect,~~

3431 ~~is guilty of a class B misdemeanor]~~ this state is interested.

3432 (3) A violation of Subsection (2) is a class B misdemeanor.

3433 Section 72. Section **76-8-407** is amended to read:

3434 **76-8-407. Refusing to give accurate tax assessment information.**

3435 [~~Every person who~~]

3436 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3437 (2) An actor commits refusing to give accurate tax assessment information if the actor:

3438 (a) unlawfully refuses, upon demand, to give to [any] a county assessor or deputy  
3439 county assessor a list of [his] the actor's property subject to taxation, or to swear to such list[;];  
3440 or [who]

3441 (b) gives a false name, or fraudulently refuses to give [his] the actor's true name when  
3442 demanded by the county assessor or deputy county assessor in the discharge of [his] the  
3443 assessor's official duties[; is guilty of a class B misdemeanor].

3444 (3) A violation of Subsection (2) is a class B misdemeanor.

3445 Section 73. Section **76-8-408** is amended to read:

3446 **76-8-408. Giving a false tax receipt or failing to give a receipt.**

3447 [Every person who]

3448 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3449 (2) An actor commits giving a false tax receipt or failing to give a receipt if the actor:

3450 (a) uses or gives [any] a receipt, except that prescribed by law, as evidence of the  
3451 payment for [any] a tax or license of any kind[;]; or [who]

3452 (b) receives payment for the tax or license without delivering the receipt prescribed by  
3453 law[; is guilty of a class B misdemeanor].

3454 (3) A violation of Subsection (2) is a class B misdemeanor.

3455 Section 74. Section **76-8-409** is amended to read:

3456 **76-8-409. Refusing to give a tax assessor or tax or license fee collector a list of**  
3457 **employees.**

3458 [Every person who, when requested by the assessor or collector of taxes or license  
3459 fees,]

3460 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3461 (2) An actor commits refusing to give a tax assessor or tax or license fee collector a list  
3462 of employees if the actor refuses to give [to] the assessor or collector the name and residence of  
3463 each [person in his employ, or to give the assessor or collector access to the building or place  
3464 of employment, is guilty of a class B misdemeanor.] individual in the actor's employ when  
3465 requested by the assessor or collector.

3466 (3) A violation of Subsection (2) is a class B misdemeanor.

3467 Section 75. Section **76-8-409.2** is enacted to read:

3468 **76-8-409.2. Denying a tax assessor or tax or license fee collector access to a**  
 3469 **building or place of employment.**

3470 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3471 (2) An actor commits denying a tax assessor or tax or license fee collector access to a  
 3472 building or place of employment if the actor refuses to give the assessor or collector access to  
 3473 the building or place of employment when access is requested by the assessor or collector.

3474 (3) A violation of Subsection (2) is a class B misdemeanor.

3475 Section 76. Section **76-8-410** is amended to read:

3476 **76-8-410. Doing business without a license.**

3477 [~~Every person who~~]

3478 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3479 (2) An actor commits doing business without a license if the actor commences or  
 3480 carries on [~~any~~] a business, trade, profession, or calling, for [~~the transaction or carrying on of~~]  
 3481 which a license is required by [~~any~~] law, or by [~~any~~] county, city, or town ordinance, without  
 3482 [~~taking out the~~] obtaining the required license [~~required by law or ordinance is guilty of a class~~  
 3483 B misdemeanor].

3484 (3) A violation of Subsection (2) is a class B misdemeanor.

3485 Section 77. Section **76-8-411** is amended to read:

3486 **76-8-411. Trafficking in warrants.**

3487 [~~No state,~~]

3488 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3489 (2) An actor commits trafficking in warrants if the actor:

3490 (a) is a state, county, city, town, or district officer; and

3491 (b) [~~shall, either directly or indirectly, contract for or purchase any~~] directly or  
 3492 indirectly contracts for or purchases a warrant or order issued by the state, county, city, town,  
 3493 or district of which [~~he~~] the actor is an officer, at any discount whatever upon the sum due on  
 3494 the warrant or order[~~, and, if any state, county, city, town, or district officer shall so contract for~~  
 3495 or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor].

3496 (3) A violation of Subsection (2) is a class B misdemeanor.

3497 Section 78. Section **76-8-412** is amended to read:

3498 **76-8-412. Stealing, destroying or mutilating public records by custodian.**

3499 ~~[Every officer having the custody of any record, map, or book, or of any paper or~~  
3500 ~~proceedings of any court, filed or deposited in any public office, or placed in his hands for any~~  
3501 ~~purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering,~~  
3502 ~~falsifying, removing, or secreting the whole or any part thereof, or who permits any other~~  
3503 ~~person so to do, is guilty of a felony of the third degree.]~~

3504 (1) (a) As used in this section, "public record" means the following records filed or  
3505 deposited in a public office:

3506 (i) a record;

3507 (ii) a map;

3508 (iii) a book; or

3509 (iv) a paper or proceeding of a court.

3510 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3511 (2) An actor commits stealing, destroying, or mutilating a public record by a custodian  
3512 if the actor:

3513 (a) is a government officer who has custody of a public record; and

3514 (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the  
3515 whole or a part of the public record or permits another individual to do so.

3516 (3) A violation of Subsection (2) is a third degree felony.

3517 Section 79. Section **76-8-413** is amended to read:

3518 **76-8-413. Stealing, destroying or mutilating public records by one not custodian.**

3519 ~~[Every person, not an officer such as is referred to in the preceding section, who is~~  
3520 ~~guilty of any of the acts specified in that section is guilty of a class A misdemeanor.]~~

3521 (1) (a) As used in this section, "public record" means the same as that term is defined  
3522 in Section 76-8-412.

3523 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3524 (2) An actor commits stealing, destroying, or mutilating a public record by a  
3525 noncustodian if the actor:

3526 (a) does not have lawful custody of a public record; and

3527 (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the  
3528 whole or a part of the public record or permits another individual to do so.

3529 (3) A violation of Subsection (2) is a class A misdemeanor.

3530 Section 80. Section **76-8-414** is amended to read:

3531 **76-8-414. Recording a false or forged instrument.**

3532 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3533 (2) [Every person who] An actor commits recording a false or forged instrument if the  
 3534 actor knowingly procures or offers [any] a false or forged instrument to be filed, registered, or  
 3535 recorded in [any] a public office, which instrument, if genuine, might be filed or registered or  
 3536 recorded under [any] a law of this state or of the United States[; is guilty of a felony of the third  
 3537 degree].

3538 (3) A violation of Subsection (2) is a third degree felony.

3539 Section 81. Section **76-8-415** is amended to read:

3540 **76-8-415. Damaging or removing a monument of an official survey.**

3541 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3542 (2) [Every person who] An actor commits damaging or removing a monument of an  
 3543 official survey if the actor willfully injures, defaces, or removes [any] a signal, monument,  
 3544 building, or appurtenance thereto, placed, erected, or used by persons engaged in the United  
 3545 States or state survey [is guilty of a class B misdemeanor].

3546 (3) A violation of Subsection (2) is a class B misdemeanor.

3547 Section 82. Section **76-8-416** is amended to read:

3548 **76-8-416. Taking a toll or maintaining a road, bridge, or ferry without authority.**

3549 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3550 (2) [Any person who] An actor commits taking a toll or maintaining a road, bridge, or  
 3551 ferry without authority if the actor, without authority:

3552 (a) demands or receives compensation for the use of [any] a bridge or ferry[;]; or [who]

3553 (b) sets up or keeps [any] a road, bridge, [or] ferry, or constructed ford, for the purpose  
 3554 of receiving remuneration for [its] the road's, bridge's, ferry's, or constructed ford's use [without  
 3555 authority of law; and any person who refuses to pay on demand the compensation or fee  
 3556 authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after  
 3557 having used it is guilty of a class B misdemeanor].

3558 (3) A violation of Subsection (2) is a class B misdemeanor.

3559 Section 83. Section **76-8-416.2** is enacted to read:

3560 **76-8-416.2. Refusal to pay a lawful toll.**

3561 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3562 (2) An actor commits refusal to pay a lawful toll if the actor, after having used a

3563 licensed toll road, bridge, ferry, or constructed ford, refuses to pay on demand the

3564 compensation or fee authorized to be collected for use of the licensed toll road, bridge, ferry, or

3565 constructed ford.

3566 (3) A violation of Subsection (2) is a class B misdemeanor.

3567 Section 84. Section **76-8-417** is amended to read:

3568 **76-8-417. Tampering with an official notice or proclamation.**

3569 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3570 (2) ~~[Every person who]~~ An actor commits tampering with an official notice or

3571 proclamation if the actor intentionally defaces, obliterates, tears down, or destroys:

3572 (a) ~~[any]~~ a copy, [or] transcript, or extract from or of [any] a law of the United States or

3573 of this state[;]; or

3574 (b) ~~[any]~~ a proclamation, advertisement, or notice, set up [at any place] in this state by

3575 authority of [any] a law of the United States or of this state, or by order of [any] a court or of

3576 [any] a public officer, before the expiration of the time for which the [same] proclamation,

3577 advertisement, or notice was to remain set up[; is guilty of an infraction].

3578 (3) A violation of Subsection (2) is an infraction.

3579 Section 85. Section **76-8-418** is amended to read:

3580 **76-8-418. Damaging a jail or other place of confinement.**

3581 (1) (a) As used in this section:

3582 ~~[(a)]~~ (i) "Child" means the same as that term is defined in Section [80-1-102](#).

3583 ~~[(b)]~~ (ii) "Detention facility" means the same as that term is defined in Section

3584 [80-1-102](#).

3585 ~~[(c)]~~ (iii) "Secure care facility" means the same as that term is defined in Section

3586 [80-1-102](#).

3587 ~~[(d)]~~ (iv) "Shelter facility" means the same as that term is defined in Section [80-1-102](#).

3588 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3589 (2) ~~[A person who]~~ An actor commits damaging a jail or other place of confinement if

3590 the actor willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise

3591 damages ~~[any]~~ a public jail or other place of confinement, including a detention facility, a  
 3592 shelter facility, or a secure care facility~~[- is guilty of a felony of the third degree].~~

3593 (3) A violation of Subsection (2) is a third degree felony.

3594 ~~[(3)]~~ (4) This section is applicable to a child who willfully and intentionally commits  
 3595 an offense against a public jail, a detention facility, a shelter facility, or a secure care facility.

3596 Section 86. Section **76-8-419** is amended to read:

3597 **76-8-419. Damaging a highway or bridge.**

3598 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3599 (2) [Every person who] An actor commits damaging a highway or bridge if the actor  
 3600 intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise  
 3601 damages or destroys ~~[any public highway, or any]~~ a public highway or private way laid out by  
 3602 authority of law, or ~~[any]~~ a bridge upon the highway or private way ~~[is guilty of a class A~~  
 3603 ~~misdemeanor].~~

3604 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree  
 3605 felony.

3606 ~~[(2)]~~ (4) If the violation of this section constitutes an offense subject to a greater  
 3607 penalty under another provision of Title 76, Utah Criminal Code, than is provided under this  
 3608 section, this section does not prohibit the prosecution and sentencing for the offense subject to  
 3609 a greater penalty.

3610 Section 87. Section **76-8-420** is amended to read:

3611 **76-8-420. Removing or damaging a road sign.**

3612 ~~[Every person who intentionally or knowingly removes or injures any milepost or~~  
 3613 ~~milestone or guidepost or any inscription on them, erected upon any highway, is guilty of a~~  
 3614 ~~class B misdemeanor.]~~

3615 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3616 (2) An actor commits removing or damaging a road sign if the actor intentionally or  
 3617 knowingly removes or damages:

3618 (a) a milepost, milestone, or guidepost erected on a highway; or

3619 (b) an inscription on a milepost, milestone, or guidepost.

3620 (3) A violation of Subsection (2) is a class B misdemeanor.

3621 Section 88. Section **76-8-501** is amended to read:

3622           **76-8-501. Definitions.**

3623           As used in this part:

3624           (1) "False statement" includes a false unsworn declaration~~[, with "unsworn declaration"~~  
3625 ~~being defined in Section 78B-18a-102].~~

3626           (2) "Material" means capable of affecting the course or outcome of an official  
3627 proceeding, unless the ~~[person]~~ individual who made the statement or provided the information  
3628 retracts the statement or information before the earlier of:

3629           (a) the end of the official proceeding in which the statement was made or the  
3630 information was provided;

3631           (b) when it becomes manifest that the false or misleading nature of the statement or  
3632 information has been or will be exposed; or

3633           (c) when the statement or information substantially affects the proceeding.

3634           (3) "Official proceeding" means:

3635           (a) ~~[any]~~ a proceeding before:

3636           (i) a legislative, judicial, administrative, or other governmental body or official  
3637 authorized by law to take evidence under oath or affirmation;

3638           (ii) a notary; or

3639           (iii) ~~[a person that]~~ an individual who takes evidence in connection with a proceeding  
3640 described in Subsection (3)(a)(i);

3641           (b) ~~[any]~~ a civil or administrative action, trial, examination under oath, administrative  
3642 proceeding, or other civil or administrative adjudicative process; or

3643           (c) an investigation or audit conducted by:

3644           (i) the Legislature, or a house, committee, subcommittee, or task force of the  
3645 Legislature; or

3646           (ii) an employee or independent contractor of an entity described in Subsection  
3647 (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).

3648           (4) "Unsworn declaration" means the same as that term is defined in Section  
3649 78B-18a-102.

3650           Section 89. Section **76-8-502** is amended to read:

3651           **76-8-502. Making a false or inconsistent material statement.**

3652           ~~[A person is guilty of a felony of the second degree if in any official proceeding:]~~

3653 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
 3654 section.

3655 (2) ~~[He]~~ An actor commits making a false or inconsistent material statement if the  
 3656 actor:

3657 (a) makes a false material statement under oath or affirmation or swears or affirms the  
 3658 truth of a material statement previously made and ~~[he]~~ the actor does not believe the statement  
 3659 to be true; or

3660 ~~[(2)]~~ (b) ~~[He]~~ makes inconsistent material statements under oath or affirmation, both  
 3661 within the period of limitations, one of which is false and ~~[not believed by him]~~ the actor does  
 3662 not believe to be true.

3663 (3) A violation of Subsection (2) is a second degree felony.

3664 (4) It is not a defense to prosecution under this section that the oath or affirmation was  
 3665 administered or taken in an irregular manner.

3666 (5) (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's  
 3667 statement may not be established solely through contradiction by the testimony of a single  
 3668 witness.

3669 (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or  
 3670 proved which of the statements are false but only that one or the other statement is false and  
 3671 not believed by the actor to be true.

3672 Section 90. Section **76-8-503** is amended to read:

3673 **76-8-503. Making a false or inconsistent statement.**

3674 (1) ~~[Except as provided in Subsection (2), a person is guilty of a class B misdemeanor~~  
 3675 ~~if:]~~ Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

3676 ~~[(a)]~~ (2) ~~[the person]~~ Except as provided in Subsection (6), an actor commits making a  
 3677 false or inconsistent statement if the actor:

3678 (a) makes a false statement under oath or affirmation or swears or affirms the truth of  
 3679 the statement previously made and the ~~[person]~~ actor does not believe the statement to be true  
 3680 if:

3681 (i) the falsification occurs in an official proceeding, or is made with a purpose to  
 3682 mislead a public servant in performing the public servant's official functions; or

3683 (ii) the statement is one that is authorized by law to be sworn or affirmed before a

3684 notary or other ~~[person]~~ individual authorized to administer oaths; or

3685 (b) ~~[the person]~~ makes inconsistent statements under oath or affirmation, both within  
3686 the period of limitations, one of which is false and not believed by the ~~[person]~~ actor to be true.

3687 (3) A violation of Subsection (2) is a class B misdemeanor.

3688 (4) (a) It is not a defense to prosecution under this section that the oath or affirmation  
3689 was administered or taken in an irregular manner.

3690 (b) It is a defense to prosecution under this section that the actor retracted the false  
3691 statement before it became manifest that the falsity of the statement had been or would be  
3692 exposed.

3693 (5) (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's  
3694 statement may not be established solely through contradiction by the testimony of a single  
3695 witness.

3696 (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or  
3697 proved which of the statements are false but only that one or the other statement is false and  
3698 not believed by the actor to be true.

3699 ~~[(2)]~~ (6) Subsection ~~[(1)]~~ (2) does not include obstructing a legislative proceeding, as  
3700 described in Section [36-12-9.5](#).

3701 ~~[(3) A person is not guilty under this section if the person retracts the falsification~~  
3702 ~~before it becomes manifest that the falsification has been or will be exposed.]~~

3703 Section 91. Section **76-8-504** is amended to read:

3704 **76-8-504. Making a written false statement.**

3705 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
3706 section.

3707 (2) An actor commits ~~[the offense of]~~ making a written false statement if:

3708 (a) the actor makes a statement that the actor does not believe to be true on or under a  
3709 form bearing a notification authorized by law to the effect that ~~[false statements made therein~~  
3710 ~~are punishable]~~ a false statement made therein is punishable; or

3711 (b) with intent to deceive a public servant in the performance of the public servant's  
3712 official function, the actor:

3713 (i) makes a written false statement that the actor does not believe to be true;

3714 (ii) knowingly creates a false impression in a written application for a pecuniary or

3715 other benefit by omitting information necessary to prevent a statement in the application from  
3716 being misleading;

3717 (iii) submits or invites reliance on a writing that the actor knows to be lacking in  
3718 authenticity; or

3719 (iv) submits or invites reliance on a sample, specimen, map, boundary mark, or other  
3720 object that the actor knows to be false.

3721 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)(b);~~ (3)(b), a violation of Subsection  
3722 ~~[(+)]~~ (2) is a class B misdemeanor.

3723 (b) A violation of Subsection ~~[(+)]~~ (2) is a third degree felony if the false statement is  
3724 on a financial declaration described in Section [77-38b-204](#).

3725 ~~[(3) It is not an offense under this section if the actor retracts the falsification before it  
3726 becomes manifest that the falsification was or would be exposed.]~~

3727 (4) (a) An actor does not violate this section if the actor retracted the false statement  
3728 before it became manifest that the falsity of the statement had been or would be exposed.

3729 (b) It is not a defense to prosecution under this section that, if applicable, an oath or  
3730 affirmation was administered or taken in an irregular manner.

3731 Section 92. Section [76-8-504.5](#) is amended to read:

3732 **[76-8-504.5. Making a false statement to be used in a preliminary hearing.](#)**

3733 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
3734 section.

3735 (2) ~~[A person is guilty of a class A misdemeanor if the person]~~ An actor commits  
3736 making a false statement to be used in a preliminary hearing if the actor makes a false  
3737 statement that:

3738 (a) ~~[which the person]~~ the actor does not believe to be true;

3739 (b) ~~[that the person]~~ the actor has reason to believe will be used in a preliminary  
3740 hearing; and

3741 (c) the actor made after having been notified either verbally or in writing that:

3742 (i) the statement may be used in a preliminary hearing before a magistrate or a judge;

3743 and

3744 (ii) if the ~~[person]~~ actor makes a false statement after having received this notification,

3745 ~~[he]~~ the actor is subject to a criminal penalty.

3746 (3) A violation of Subsection (2) is a class A misdemeanor.

3747 (4) It is not a defense to prosecution under this section that, if applicable, an oath or  
3748 affirmation was administered or taken in an irregular manner.

3749 ~~[(2)]~~ (5) [Notification] A notification under Subsection ~~[(1)]~~ (2)(c) is sufficient if [it]  
3750 the notification is verbal or written and is in substantially the following form: "You are notified  
3751 that statements you are about to make may be presented to a magistrate or a judge in lieu of  
3752 your sworn testimony at a preliminary examination. Any false statement you make and that  
3753 you do not believe to be true may subject you to criminal punishment as a class A  
3754 misdemeanor."

3755 Section 93. Section **76-8-504.6** is amended to read:

3756 **76-8-504.6. Providing false or misleading information.**

3757 (1) (a) As used in this section, "officer of the court" means:

3758 (i) a prosecutor;

3759 (ii) a judge;

3760 (iii) a court clerk;

3761 (iv) an interpreter;

3762 (v) a presentence investigator;

3763 (vi) a probation officer;

3764 (vii) a parole officer; or

3765 (viii) an individual reasonably believed to be gathering information for a criminal  
3766 proceeding.

3767 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
3768 section.

3769 (2) [A person is guilty of a class B misdemeanor if the person,] An actor commits  
3770 providing false or misleading information if the actor, not under oath or affirmation,  
3771 intentionally or knowingly provides false or misleading material information to:

3772 (a) an officer of the court for the purpose of influencing a criminal proceeding; or

3773 (b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of  
3774 eligibility for:

3775 (i) expungement; or

3776 (ii) removal of the person's name from the White Collar Crime Registry created in Title

3777 77, Chapter 42, Utah White Collar Crime Offender Registry.

3778 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B  
3779 misdemeanor.

3780 [~~(2) For the purposes of this section "officer of the court" means:~~]

3781 [~~(a) prosecutor;~~]

3782 [~~(b) judge;~~]

3783 [~~(c) court clerk;~~]

3784 [~~(d) interpreter;~~]

3785 [~~(e) presentence investigator;~~]

3786 [~~(f) probation officer;~~]

3787 [~~(g) parole officer; and~~]

3788 [~~(h) any other person reasonably believed to be gathering information for a criminal~~  
3789 ~~proceeding;~~]

3790 [~~(3)~~] (4) This section does not apply under circumstances amounting to Section  
3791 76-8-306 or any other provision of this code carrying a greater penalty.

3792 Section 94. Section **76-8-506** is amended to read:

3793 **76-8-506. Providing false information to a law enforcement officer, government**  
3794 **agency, or specified professional.**

3795 [~~A person is guilty of a class B misdemeanor if he:~~]

3796 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3797 section.

3798 (2) An actor commits providing false information to a law enforcement officer,  
3799 government agency, or specified professional if the actor knowingly gives or causes to be  
3800 given:

3801 (a) false information to [any] a peace officer or [any] state or local government agency  
3802 or personnel with a purpose of inducing the recipient of the information to believe that another  
3803 person has committed an offense;

3804 [~~(2)~~] (b) [knowingly gives or causes to be given to any] information concerning the  
3805 commission of an offense to a peace officer, [any] a state or local government agency or  
3806 personnel, or to [any person] an individual licensed in this state to practice social work,  
3807 psychology, or marriage and family therapy, [information concerning the commission of an

3808 ~~offense,~~] knowing that the offense did not occur or knowing that [~~he~~] the actor has no  
3809 information relating to the offense or danger; or

3810 [~~(3)~~] (c) [~~knowingly gives or causes to be given~~] false information to [~~any~~] a state or  
3811 local government agency or personnel with a purpose of inducing a change in the [person's]  
3812 actor's licensing or certification status or the licensing or certification status of another person.

3813 (3) A violation of Subsection (2) is a class B misdemeanor.

3814 Section 95. Section **76-8-507** is amended to read:

3815 **76-8-507. Providing false personal information to a peace officer.**

3816 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3817 section.

3818 (2) [~~A person commits a class C misdemeanor if,~~] An actor commits providing false  
3819 personal information to a peace officer if the actor knowingly:

3820 (a) with intent of misleading a peace officer as to the [~~person's~~] actor's identity, birth  
3821 date, or place of residence, [~~the person knowingly~~] gives a false name, birth date, or address to  
3822 [~~a~~] the peace officer in the lawful discharge of the peace officer's official duties[;]; or

3823 [~~(2)~~] (b) [~~A person commits a class A misdemeanor if,~~] with the intent of leading a  
3824 peace officer to believe that the [~~person~~] actor is another actual [~~person, he~~] individual, gives  
3825 the name, birth date, or address of another [~~person to a~~] individual to the peace officer acting in  
3826 the lawful discharge of the peace officer's official duties.

3827 (3) (a) A violation of Subsection (2)(a) is a class C misdemeanor.

3828 (b) A violation of Subsection (2)(b) is a class A misdemeanor.

3829 Section 96. Section **76-8-508** is amended to read:

3830 **76-8-508. Tampering with a witness.**

3831 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3832 section.

3833 (2) [~~A person is guilty of the third degree felony of~~] An actor commits tampering with  
3834 a witness if[;] the actor:

3835 (a) (i) [~~believing~~] believes that an official proceeding or investigation is pending or  
3836 about to be instituted[;]; or

3837 (ii) [~~with the intent~~] intends to prevent an official proceeding or investigation[;]; and

3838 (b) [~~he~~] attempts to induce or otherwise cause another [~~person~~] individual to:

3839           ~~[(a)]~~ (i) testify or inform falsely;  
 3840           ~~[(b)]~~ (ii) withhold ~~[any]~~ testimony, information, a document, or ~~an~~ item;  
 3841           ~~[(c)]~~ (iii) elude legal process summoning ~~[him]~~ the individual to provide evidence; or  
 3842           ~~[(d)]~~ (iv) absent ~~[himself]~~ the individual from ~~[any]~~ a proceeding or investigation to  
 3843 which ~~[he]~~ the individual has been summoned.

3844           ~~[(2) A person is guilty of the third degree felony of soliciting or receiving a bribe as a~~  
 3845 ~~witness if he solicits, accepts, or agrees to accept any benefit in consideration of his doing any~~  
 3846 ~~of the acts specified under Subsection (1).]~~

3847           (3) A violation of Subsection (2) is a third degree felony.

3848           ~~[(3)]~~ (4) ~~[The offense of tampering with a witness or soliciting or receiving a bribe]~~ A  
 3849 violation under this section does not merge with ~~[any other]~~ another substantive offense  
 3850 committed in the course of ~~[committing any offense under]~~ violating this section.

3851           Section 97. Section **76-8-508.3** is amended to read:

3852           **76-8-508.3. Retaliation against a witness, victim, or informant.**

3853           ~~[(1) As used in this section:]~~

3854           (1) (a) ~~[A person is "closely associated"]~~ As used in this section:

3855           (i) "An individual closely associated with a witness, victim, or informant ~~[if the~~  
 3856 ~~person]~~ " means an individual who is a member of the witness', victim's, or informant's family,  
 3857 has a close personal or business relationship with the witness or victim, or resides in the same  
 3858 household with the witness, victim, or informant.

3859           ~~[(b)]~~ (ii) "Harm" means physical, emotional, or economic injury or damage to a person  
 3860 or to his property, reputation, or business interests.

3861           (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
 3862 section.

3863           ~~[(2) A person is guilty of the third degree felony of retaliation against a witness, victim,~~  
 3864 ~~or informant if, believing that an official proceeding or investigation is pending, is about to be~~  
 3865 ~~instituted, or has been concluded, he:]~~

3866           ~~[(a) (i) makes a threat of harm; or]~~

3867           ~~[(ii) causes harm; and]~~

3868           ~~[(b) directs the threat or action:]~~

3869           ~~[(i) against a witness or an informant regarding any official proceeding, a victim of any~~

3870 ~~crime, or any person closely associated with a witness, victim, or informant; and]~~  
 3871  ~~[(ii) as retaliation or retribution against the witness, victim, or informant.]~~  
 3872  ~~[(3)]~~ (2) An actor commits retaliation against a witness, victim, or informant if the  
 3873 actor:  
 3874 (a) believes that an official proceeding or investigation is pending, is about to be  
 3875 brought, or has been concluded;  
 3876 (b) makes a threat of harm or causes harm; and  
 3877 (c) directs the threat or action causing harm as retaliation or retribution against a  
 3878 witness or an informant involved in an official proceeding, a victim of a crime, or an individual  
 3879 closely associated with a witness, victim, or informant.  
 3880 (3) [This section does not prohibit any person from seeking any legal redress to which  
 3881 the person is otherwise entitled.] A violation of Subsection (2) is a third degree felony.  
 3882 (4) [The offense of retaliation against a witness, victim, or informant] A violation  
 3883 under this section does not merge with [any other] another substantive offense committed in  
 3884 the course of [committing any offense under] violating this section.  
 3885 (5) This section does not prohibit an individual from seeking other legal redress to  
 3886 which the individual is otherwise entitled.  
 3887 Section 98. Section **76-8-508.5** is amended to read:  
 3888 **76-8-508.5. Tampering or retaliating against a juror.**  
 3889 (1) (a) As used in this section, "juror" means ~~[a person]~~ an individual:  
 3890 ~~[(a)]~~ (i) summoned for jury duty; or  
 3891 ~~[(b)]~~ (ii) serving as or having served as a juror or alternate juror in any court or as a  
 3892 juror on any grand jury of the state.  
 3893 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
 3894 section.  
 3895 (2) ~~[A person is guilty of tampering with a juror if he]~~ An actor commits tampering or  
 3896 retaliating against a juror if the actor:  
 3897 (a) attempts to or actually influences a juror in the discharge of the juror's service by:  
 3898 ~~[(a)]~~ (i) communicating with the juror by any means, directly or indirectly, except for  
 3899 [attorneys] an attorney in the lawful discharge of [their] the attorney's duties in open court;  
 3900 ~~[(b)]~~ (ii) offering, conferring, or agreeing to confer any benefit upon the juror; or

3901            ~~[(e)]~~ (iii) communicating to the juror a threat that a reasonable person would believe to  
 3902 be a threat to injure:

3903            ~~[(i)]~~ (A) the juror's person or property; or

3904            ~~[(ii)]~~ (B) the person or property of ~~[any other person]~~ another individual in whose  
 3905 welfare the juror is interested~~[-]; or~~

3906            ~~[(3)]~~ (b) ~~[A person is guilty of tampering with a juror if he commits any]~~ commits an  
 3907 unlawful act in retaliation for ~~[anything done]~~ an action taken by the juror in the discharge of  
 3908 the juror's service:

3909            ~~[(a)]~~ (i) to the juror's person or property; or

3910            ~~[(b)]~~ (ii) to the person or property of ~~[any other person]~~ another individual in whose  
 3911 welfare the juror is interested.

3912            ~~[(4)]~~ (3) ~~[Tampering with a juror]~~ A violation of Subsection (2) is a third degree  
 3913 felony.

3914            Section 99. Section **76-8-508.7** is enacted to read:

3915            **76-8-508.7. Receiving or soliciting a bribe as a witness.**

3916            (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
 3917 section.

3918            (2) An actor commits receiving or soliciting a bribe as a witness if the actor:

3919            (a) believes that an official proceeding or investigation is pending or about to be  
 3920 instituted; and

3921            (b) solicits, accepts, or agrees to accept a benefit in consideration of the actor:

3922            (i) testifying or informing falsely;

3923            (ii) withholding testimony, information, a document, or an item;

3924            (iii) eluding legal process summoning the actor to provide evidence; or

3925            (iv) absenting the actor from a proceeding or investigation to which the actor has been  
 3926 summoned.

3927            (3) A violation of Subsection (2) is a third degree felony.

3928            (4) A violation under this section does not merge with another substantive offense  
 3929 committed in the course of violating this section.

3930            Section 100. Section **76-8-509** is amended to read:

3931            **76-8-509. Extortion or bribery to dismiss a criminal proceeding.**

3932 (1) (a) As used in this section, "victim" includes a child or other individual under the  
3933 care or custody of a parent or guardian.

3934 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3935 section.

3936 (2) [A person is guilty of a felony of the second degree if by] An actor commits  
3937 extortion or bribery to dismiss a criminal proceeding if the actor attempts to induce an alleged  
3938 victim of a crime to take an action to secure the dismissal or to prevent the filing of a criminal  
3939 complaint, indictment, or information by:

3940 (a) the use of force; or

3941 (b) ~~[by any threat which would constitute a means of committing the crime of theft by~~  
3942 ~~extortion under this code, if the threat were employed to obtain property, or by promise of any~~  
3943 ~~reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the~~  
3944 ~~dismissal of or to prevent the filing of a criminal complaint, indictment, or information.] a~~  
3945 threat that would constitute a means of committing the offense of theft by extortion under  
3946 Section 76-6-406 if the threat were employed to obtain property or by promise of a reward or  
3947 pecuniary benefit

3948 (3) A violation of Subsection (2) is a second degree felony.

3949 ~~[(2) "Victim," as used in this section, includes a child or other person under the care or~~  
3950 ~~custody of a parent or guardian.]~~

3951 Section 101. Section **76-8-510.5** is amended to read:

3952 **76-8-510.5. Tampering with evidence.**

3953 (1) (a) As used in this section, "thing or item" includes any document, record book,  
3954 paper, file, electronic compilation, or other evidence.

3955 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3956 section.

3957 (2) ~~[A person is guilty of]~~ An actor commits tampering with evidence if ~~[, believing]~~  
3958 the actor:

3959 (a) (i) believes that an official proceeding or investigation is pending or about to be  
3960 instituted~~[;]~~; or ~~[with the intent]~~

3961 (ii) intends to prevent an official proceeding or investigation or to prevent the  
3962 production of ~~[any]~~ a thing or item which reasonably would be anticipated to be evidence in the

3963 official proceeding or investigation~~[, the person]~~; and

3964 (b) knowingly or intentionally:

3965 ~~[(a)]~~ (i) alters, destroys, conceals, or removes ~~[any]~~ a thing or item with the purpose of  
3966 impairing the veracity or availability of the thing or item in the proceeding or investigation; or

3967 ~~[(b)]~~ (ii) makes, presents, or uses ~~[any]~~ a thing or item which the ~~[person]~~ actor knows  
3968 to be false with the purpose of deceiving a public servant or ~~[any]~~ other party who is or may be  
3969 engaged in the proceeding or investigation.

3970 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
3971 A misdemeanor.

3972 (b) A violation of Subsection (2) is a third degree felony if the offense is committed in  
3973 conjunction with an official proceeding.

3974 ~~[(3)]~~ (4) Subsection (2) does not apply to any offense that amounts to a violation of  
3975 Section 76-8-306.

3976 ~~[(4) (a) Tampering with evidence is a third degree felony if the offense is committed in~~  
3977 ~~conjunction with an official proceeding.]~~

3978 ~~[(b) Any violation of this section except under Subsection (4)(a) is a class A~~  
3979 ~~misdemeanor.]~~

3980 Section 102. Section 76-8-511 is amended to read:

3981 **76-8-511. Falsification or alteration of a government record.**

3982 ~~[A person is guilty of a class B misdemeanor]~~

3983 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this  
3984 section.

3985 (2) An actor commits falsification or alteration of a government record if, under  
3986 circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter  
3987 6, Part 5, Fraud, ~~[the person]~~ the actor:

3988 ~~[(1)]~~ (a) knowingly makes a false entry in or false alteration of anything belonging to,  
3989 received, or kept by the government for information or record, or required by law to be kept for  
3990 information of the government;

3991 ~~[(2)]~~ (b) presents or uses anything knowing it to be false and with a purpose that it be  
3992 taken as a genuine part of information or ~~[records]~~ record referred to in Subsection ~~[(1)]~~ (2)(a);

3993 or

3994           ~~[(3)]~~ (c) intentionally destroys, conceals, or otherwise impairs the verity or availability  
 3995 of the information or ~~[records]~~ record, knowing that the destruction, concealment, or  
 3996 impairment is unlawful.

3997           (d) Except as provided in Subsection (4), a violation of Subsection (2) is a class B  
 3998 misdemeanor.

3999           Section 103. Section **76-8-512** is amended to read:

4000           **76-8-512. Impersonation of officer.**

4001           ~~[A person is guilty of a class B misdemeanor who:]~~

4002           (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
 4003 section.

4004           ~~[(1)]~~ (2) An actor commits impersonation of an officer if the actor:

4005           (a) impersonates a public servant or a peace officer with intent to deceive another  
 4006 individual or with intent to induce another individual to submit to [his] the actor's pretended  
 4007 official authority or to rely upon [his] the actor's pretended official act;

4008           ~~[(2)]~~ (b) falsely states [he] that the actor is a public servant or a peace officer with  
 4009 intent to deceive another individual or to induce another individual to submit to [his] the actor's  
 4010 pretended official authority or to rely upon [his] the actor's pretended official act; or

4011           ~~[(3)]~~ (c) displays or possesses without authority [any] a badge, identification card,  
 4012 other form of identification, [any] a restraint device, [or] the uniform of [any] a state or local  
 4013 governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive  
 4014 another individual or with the intent to induce another individual to submit to [his] the actor's  
 4015 pretended official authority or to rely upon [his] the actor's pretended official act.

4016           (3) A violation of Subsection (2) is a class B misdemeanor.

4017           Section 104. Section **76-8-513** is amended to read:

4018           **76-8-513. Sending a false judicial or official notice.**

4019           ~~[A person is guilty of a class B misdemeanor who, with a purpose to procure the~~  
 4020 ~~compliance of another with a request made by the person, knowingly sends, mails, or delivers~~  
 4021 ~~to the person a notice or other writing which has no judicial or other sanction but which in its~~  
 4022 ~~format or appearance simulates a summons, complaint, court order, or process, or an insignia,~~  
 4023 ~~seal, or printed form of a federal, state, or local government or an instrumentality thereof, or is~~  
 4024 ~~otherwise calculated to induce a belief that it does have a judicial or other official sanction.]~~

4025 (1) (a) As used in this section:

4026 (i) "Official document" means:

4027 (A) a summons, complaint, court order, or process; or

4028 (B) an insignia, seal, or printed form of a federal, state, or local governmental entity or

4029 an instrumentality of a federal, state, or local governmental entity.

4030 (ii) (A) "False official document" means a document that has the appearance or format  
4031 of an official document but that has not been sanctioned by the relevant governmental entity.

4032 (B) "False official document" includes a document calculated to induce an individual  
4033 to believe that the document is an official document of the relevant governmental entity.

4034 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this  
4035 section.

4036 (2) An actor commits sending a false judicial or official notice if the actor knowingly  
4037 sends, mails, or delivers to an individual a false official document with the purpose to procure  
4038 the compliance of the individual.

4039 (3) A violation of Subsection (2) is a class B misdemeanor.

4040 Section 105. Section **76-8-515** is amended to read:

4041 **76-8-515. Impersonation of a utility officer or employee.**

4042 (1) (a) As used in this section:

4043 (i) "Critical infrastructure facility" means the same as that term is defined in Section  
4044 [76-6-106.3](#).

4045 (ii) "Sabotage" means the same as that term is defined in Section [76-8-901](#).

4046 (iii) "Terrorism" means the same as that term is defined in Section [53-2a-102](#).

4047 (iv) "Utility" means a private or governmental entity operating a critical infrastructure  
4048 facility.

4049 (b) Terms defined [~~in Section [76-1-101.5](#) apply to this section~~] in Sections [76-1-101.5](#),  
4050 [76-8-101](#), and [76-8-501](#) apply to this section.

4051 (2) An actor commits impersonation of a utility officer or employee if the actor,  
4052 without authority from a utility:

4053 (a) intends to lead an individual to believe that the actor is acting on behalf of the  
4054 utility in an official capacity; and

4055 (b) attempts to act on behalf of the utility.

4056 (3) (a) ~~[A]~~ Except as provided in Subsection (3)(b), a violation of Subsection (2) is a  
4057 class A misdemeanor.

4058 (b) ~~[Notwithstanding Subsection (3)(a), a]~~ A violation of Subsection (2) is a third  
4059 degree felony if the actor, while taking the action described in Subsection (2), intends to  
4060 commit an act of terrorism or sabotage.

4061 Section 106. Section **76-8-601** is amended to read:

4062 **76-8-601. Wrongful commencement of an action in justice court.**

4063 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4064 (2) An actor commits wrongful commencement of an action in justice court if the  
4065 actor:

4066 (a) is:

4067 (i) a party to a suit or a proceeding; or

4068 (ii) an agent or attorney for a party to a suit or proceeding; and

4069 (b) ~~[Any party to any suit or proceeding, and any attorney or agent for the party, who~~  
4070 ~~knowingly commences, prosecutes, or maintains any action, suit, or proceeding in any justice~~  
4071 ~~court other than as provided in Sections 78A-7-105 and 78A-7-106, is guilty of a class B~~  
4072 ~~misdemeanor.] except as provided in Section 78A-7-105 or 78A-7-106, knowingly~~  
4073 ~~commences, prosecutes, or maintains an action, suit, or proceeding in a justice court.~~

4074 (3) A violation of Subsection (2) is a class B misdemeanor.

4075 Section 107. Section **76-8-602** is amended to read:

4076 **76-8-602. Wrongfully conferring jurisdiction upon a justice court.**

4077 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4078 (2) ~~[Any person who binds himself, or]~~ An actor commits wrongfully conferring  
4079 jurisdiction upon a justice court if the actor, for the purpose of conferring jurisdiction of a  
4080 cause upon a justice court in a precinct or city that would be without jurisdiction except for the  
4081 liability of the joint obligor, binds the actor's self, voluntarily becomes liable jointly or jointly  
4082 and severally with [any other person, for the purpose of conferring jurisdiction of any cause  
4083 upon any justice court judge in any precinct or city that would be without jurisdiction except  
4084 for the liability of the joint obligor, and any person who induces a person to assume the liability  
4085 for the purpose of conferring jurisdiction upon the justice court judge, is guilty of] another  
4086 person, or induces a person to assume a liability.

4087 (3) A violation of Subsection (2) is a class B misdemeanor.

4088 Section 108. Section **76-8-603** is amended to read:

4089 **76-8-603. Wrongfully issued writ of attachment by a justice court judge.**

4090 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4091 (2) ~~[It is unlawful for any]~~ An actor commits wrongfully issued writ of attachment by a  
4092 justice court judge if the actor:

4093 (a) is a justice court judge ~~[to issue any]; and~~

4094 (b) issues a writ of attachment~~[, and for any party, agent, or attorney of the party, to~~  
4095 advise, induce, or procure the issuance thereof, in any] in an action, suit, or proceeding;

4096 (i) before the affidavit is filed~~[-];~~ or

4097 (ii) ~~[where]~~ in which the affidavit filed does not conform substantially with the  
4098 requirements of Rule 64C of the Utah Rules of Civil Procedure.

4099 (3) ~~[Any person violating any of the provisions of this section is guilty of]~~ A violation  
4100 of Subsection (2) is a class B misdemeanor ~~[and shall be].~~

4101 (4) In addition to the penalty under Subsection (3), an actor is liable to the person  
4102 whose property, credits, money, or earnings are attached for:

4103 (a) double the value of the attached property~~[-, together with];~~

4104 (b) all costs paid by ~~[him,]~~ the person; and

4105 (c) all damages incurred in the attachment proceedings.

4106 Section 109. Section **76-8-604** is enacted to read:

4107 **76-8-604. Wrongful inducement to receive writ of attachment.**

4108 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4109 (2) An actor commits wrongful inducement to receive writ of attachment if the actor:

4110 (a) is:

4111 (i) a party to an action, suit, or proceeding;

4112 (ii) an agent of a party to an action, suit, or proceeding; or

4113 (iii) an attorney of a party to an action, suit, or proceeding; and

4114 (b) advises, induces, or procures the issuance of a writ of attachment in the action, suit  
4115 or proceeding:

4116 (i) before the affidavit is filed; or

4117 (ii) in which the affidavit filed does not conform substantially with the requirements of

4118 Rule 64C of the Utah Rules of Civil Procedure.

4119 (3) A violation of Subsection (2) is a class B misdemeanor.

4120 (4) In addition to the penalty under Subsection (3), an actor is liable to the person  
4121 whose property, credits, money, or earnings are attached for:

4122 (a) double the value of the attached property;

4123 (b) all costs paid by the person; and

4124 (c) all damages incurred in the attachment proceedings.

4125 Section 110. Section **76-8-703** is amended to read:

4126 **76-8-703. Criminal trespass upon an institution of higher education.**

4127 (1) (a) As used in this section:

4128 (i) "Chief administrative officer" means the same as that term is defined in Section  
4129 53B-20-107.

4130 (ii) "Enters" means intrusion of the entire body.

4131 (iii) "Institution of higher education" means the same as that term is defined in Section  
4132 53B-20-107.

4133 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4134 (2) An actor commits criminal trespass upon an institution of higher education if the  
4135 actor enters or remains on property that is owned, operated, or controlled by an institution of  
4136 higher education:

4137 (a) after being ordered to leave by the chief administrative officer; or

4138 (b) without authorization if notice against entry or remaining has been given by:

4139 (i) personal communication to the person by the chief administrative officer or a person  
4140 with apparent authority to act for the institution of higher education;

4141 (ii) the posting of signs reasonably likely to come to the attention of a trespasser;

4142 (iii) fencing or other enclosure obviously designed to exclude a trespasser; or

4143 (iv) a current order of suspension or expulsion.

4144 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
4145 B misdemeanor.

4146 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously  
4147 been convicted two or more times of a violation of Subsection (2).

4148 ~~[(a) A chief administrative officer may order a person to leave property that is owned;~~

4149 ~~operated, or controlled by an institution of higher education if the person:]~~  
 4150  ~~[(i) acts or if the chief administrative officer has reasonable cause to believe that the~~  
 4151  ~~person intends to act to:]~~  
 4152  ~~[(A) cause injury to a person;]~~  
 4153  ~~[(B) cause damage to property;]~~  
 4154  ~~[(C) commit a crime;]~~  
 4155  ~~[(D) interfere with the peaceful conduct of the activities of the institution;]~~  
 4156  ~~[(E) violate any rule or regulation of the institution if that rule or regulation is not in~~  
 4157  ~~conflict with state law; or]~~  
 4158  ~~[(F) disrupt the institution, its pupils, or the institution's activities; or]~~  
 4159  ~~[(ii) is reckless as to whether the person's actions will cause fear for the safety of~~  
 4160  ~~another.]~~  
 4161  ~~[(b) A person is guilty of criminal trespass upon an institution of higher education if~~  
 4162  ~~the person enters or remains on property that is owned, operated, or controlled by an institution~~  
 4163  ~~of higher education after being ordered to leave under Subsection (1)(a).]~~  
 4164  ~~[(c)] (4) The mere carrying or possession of a firearm on the campus of a state~~  
 4165  ~~institution of higher education, as defined in Section 53B-3-102, does not warrant an order to~~  
 4166  ~~leave under Subsection [(1)(a) if the person] (2)(a) if the individual carrying or possessing the~~  
 4167  ~~firearm is otherwise complying with all state laws regulating the possession and use of a~~  
 4168  ~~firearm.~~  
 4169  ~~[(2) A person is guilty of criminal trespass upon an institution of higher education if~~  
 4170  ~~the person enters or remains without authorization upon property that is owned, operated, or~~  
 4171  ~~controlled by an institution of higher education if notice against entry or remaining has been~~  
 4172  ~~given by:]~~  
 4173  ~~[(a) personal communication to the person by the chief administrative officer or a~~  
 4174  ~~person with apparent authority to act for the institution;]~~  
 4175  ~~[(b) the posting of signs reasonably likely to come to the attention of trespassers;]~~  
 4176  ~~[(c) fencing or other enclosure obviously designed to exclude trespassers; or]~~  
 4177  ~~[(d) a current order of suspension or expulsion.]~~  
 4178  ~~[(3)] (5) If an employee or student of an institution of higher education is ordered to~~  
 4179  ~~leave under Subsection [(1)] (2)(a) or receives a notice against entry or remaining under~~

4180 Subsection ~~[(2)]~~ (2)(b), the institution of higher education shall afford the employee or student  
4181 the process required by the institution of higher education's rules and regulations.

4182 ~~[(4) A person who violates this section shall be punished as provided in Section~~  
4183 ~~76-8-717.]~~

4184 Section 111. Section **76-8-705** is amended to read:

4185 **76-8-705. Willful interference with lawful activities of students or faculty.**

4186 (1) (a) As used in this section, "institution" means the same as that term is defined in  
4187 Section 53B-20-107.

4188 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4189 (2) [A person is guilty of a class C misdemeanor if,] An actor commits willful  
4190 interference with lawful activities of students or faculty if the actor, while on property that is  
4191 owned, operated, or controlled by an institution [of higher education, the person], willfully:

4192 ~~[(1)]~~ (a) denies to a student, school official, employee, or invitee lawful:

4193 ~~[(a)]~~ (i) freedom of movement;

4194 ~~[(b)]~~ (ii) use of the property or facilities; or

4195 ~~[(c)]~~ (iii) ingress or egress to the institution's physical facilities;

4196 ~~[(2)]~~ (b) impedes a faculty or staff member of the institution in the lawful performance  
4197 of the member's duties; or

4198 ~~[(3)]~~ (c) impedes a student of the institution in the lawful pursuit of the student's  
4199 educational activities.

4200 (3) A violation of Subsection (2) is a class C misdemeanor.

4201 Section 112. Section **76-8-802** is amended to read:

4202 **76-8-802. Destruction of property to interfere with preparations for defense or**  
4203 **war.**

4204 ~~[Whoever]~~

4205 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4206 (2) An actor commits destruction of property to interfere with preparations for defense  
4207 or war if the actor:

4208 (a) intentionally destroys, impairs, injures, interferes, or tampers with real or personal  
4209 property; and

4210 (b) [with] has reasonable grounds to believe that the [act] actor's conduct under

4211 Subsection (2)(a) will hinder, delay, or interfere with the preparation of the United States [~~or of~~  
 4212 ~~any of the states~~] government or of a state government for defense or for war, or with the  
 4213 prosecution of war by the United States[~~, shall be guilty of a felony of the second degree~~]  
 4214 government.

4215 (3) A violation of Subsection (2) is a second degree felony.

4216 (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's  
 4217 conduct under Subsection (2) or the name of the actor may not be made public.

4218 Section 113. Section **76-8-803** is amended to read:

4219 **76-8-803. Causing or omitting to note defects in articles used in preparation for**  
 4220 **defense or war.**

4221 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4222 (2) [Whoever] An actor commits causing or omitting to note defects in articles used in  
 4223 preparation for defense or war if the actor:

4224 (a) intentionally makes or causes to be made or omits to note on inspection [any] a  
 4225 defect in [any] an article or thing; and

4226 (b) [with] has reasonable grounds to believe that the article or thing is intended to be  
 4227 used in connection with the preparation of the United States [~~or any of the states~~] government  
 4228 or of a state government for defense or for war, or for the prosecution of war by the United  
 4229 States[~~, or that the article or thing is one of a number of similar articles or things, some of~~  
 4230 which are intended so to be used, shall be guilty of a felony of the third degree.] government.

4231 (3) A violation of Subsection (2) is a third degree felony.

4232 (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's  
 4233 conduct under Subsection (2) or the name of the actor may not be made public.

4234 Section 114. Section **76-8-804** is amended to read:

4235 **76-8-804. Attempts to commit crimes of sabotage.**

4236 ~~[Whoever attempts to commit any of the crimes defined by this part shall be punishable~~  
 4237 ~~for the attempt as prescribed in Section 76-4-102. In addition to the acts which constitute an~~  
 4238 ~~attempt to commit crime under the law of this state, the solicitation or incitement of another to~~  
 4239 ~~commit any of the crimes defined by this part not allowed by the commission of the crime, the~~  
 4240 ~~collection or assemblage of any materials with the intent that they are to be used then or at a~~  
 4241 ~~later time in the commission of the crime, or the entry, with or without permission, of a~~

4242 ~~building, enclosure or other premises of another with the intent to commit any such crime~~  
4243 ~~therein or thereon shall constitute an attempt to commit the crime.]~~

4244 (1) (a) An actor that attempts to commit a crime under this part is punishable for the  
4245 attempt as prescribed in Section 76-4-102.

4246 (b) In addition to the acts that constitute an attempt to commit a crime under the law of  
4247 this state, an actor's conduct constitutes an attempt to commit a crime under this part if the  
4248 actor:

4249 (i) solicits or incites another individual to commit a crime under this part;

4250 (ii) collects or assembles materials with the intent to use the materials to commit a  
4251 crime under this part; or

4252 (iii) enters, with or without permission, a building, enclosure, or other premises  
4253 intending to commit a crime under this part.

4254 (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's  
4255 conduct under this section or the name of the actor may not be made public.

4256 Section 115. Section **76-8-805** is amended to read:

4257 **76-8-805. Conspiracy to commit crimes of sabotage.**

4258 (1) (a) If two or more [persons] actors conspire to commit [any crime defined by] a  
4259 crime under this part and regardless of whether an additional act is done in furtherance of the  
4260 conspiracy, each [of the persons] actor:

4261 (i) is guilty of conspiracy in accordance with Section 76-4-201; and

4262 (ii) notwithstanding Section 76-4-202, is subject to the same punishment as if [he] the  
4263 actor had committed the crime [which he] that the actor conspired to commit[, whether or not  
4264 any act be done in furtherance of the conspiracy. It shall not constitute any]

4265 (b) It is not a defense or ground of suspension of judgment, sentence, or punishment  
4266 [on behalf of any person prosecuted] under this section that [any of his] an actor's fellow  
4267 conspirators [has] have been acquitted, [has] have not been arrested or convicted, or [is] are  
4268 amenable to justice or [has] have been pardoned or otherwise discharged before or after a  
4269 conviction.

4270 (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's  
4271 conduct under Subsection (1)(a) or the name of the actor may not be made public.

4272 Section 116. Section **76-8-807** is amended to read:

4273 **76-8-807. Trespassing at a war or defense facility.**

4274 ~~[(1) Any individual, partnership, association, corporation, municipal corporation, or~~  
4275 ~~state or any political subdivision thereof engaged in, or preparing to engage in, the~~  
4276 ~~manufacture, transportation or storage of any product to be used in the preparation of the~~  
4277 ~~United States or of any of the states for defense or for war or in the prosecution of war by the~~  
4278 ~~United States, or the manufacture, transportation, distribution or storage of gas, oil, coal,~~  
4279 ~~electricity or water, or any natural or artificial persons operating any public utility, whose~~  
4280 ~~property, except where it fronts on water or where there are entrances for railway cars, vehicles,~~  
4281 ~~persons, or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post~~  
4282 ~~around his or its property at each gate, entrance, dock, or railway entrance and every one~~  
4283 ~~hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also~~  
4284 ~~designate a point of entrance or place where application may be made for permission to enter,~~  
4285 ~~and permission shall not be denied to any loyal citizen who has a valid right to enter.]~~

4286 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4287 (2) An actor commits trespassing at a war or defense facility if:

4288 (a) the actor intentionally enters a facility engaged in, or preparing to engage in, the  
4289 manufacture, transportation, or storage of a product to be used in the preparation of the United  
4290 States government or of a state government for defense or for war or in the prosecution of war  
4291 by the United States government;

4292 (b) the actor does not have permission from the owner of the facility to enter; and

4293 (c) the facility has posted signs reading "No Entry Without Permission."

4294 ~~[(2)]~~ (3) [Any person willfully entering property enumerated in Subsection (1), without  
4295 permission of the owner, shall be guilty of] A violation of Subsection (2) is a class C  
4296 misdemeanor.

4297 (4) (a) A peace officer or individual employed as a watchman, a guard, or in a  
4298 supervisory capacity on the premises of a facility under this section may stop an individual  
4299 found on the premises and detain the individual for the purpose of demanding the individual's  
4300 name, address, and reason for being on the premises.

4301 (b) If the peace officer or individual employed as a watchman, a guard, or in a  
4302 supervisory capacity on the premises of a facility under this section has reason to believe that  
4303 an individual stopped on the facility's premises has no right to be there, the peace officer or

4304 employee may:

4305 (i) release the individual; or

4306 (ii) arrest the individual without a warrant on the charge of violating this section.

4307 Section 117. Section **76-8-809** is amended to read:

4308 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**  
4309 **-- Posting of notices.**

4310 ~~[Any individual, partnership, association, corporation, municipal corporation or state or~~  
4311 ~~any political subdivision thereof engaged in or preparing to engage in the manufacture,~~  
4312 ~~transportation or storage of any product to be used in the preparation of the United States or~~  
4313 ~~any of the states for defense or for war or in the prosecution of war by the United States, or in~~  
4314 ~~the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or~~  
4315 ~~any of said natural or artificial persons operating any public utility who has property so used~~  
4316 ~~which he or it believes will be endangered if public use and travel is not restricted or prohibited~~  
4317 ~~on one or more highways or parts thereof upon which the property abuts, may petition the~~  
4318 ~~highway commissioners of any city, town, or county to close one or more of the highways or~~  
4319 ~~parts thereof to public use and travel or to restrict by order the use and travel upon one or more~~  
4320 ~~of the highways or parts thereof.]~~

4321 ~~[Upon receipt of the petition, the highway commissioners shall set a day for hearing and~~  
4322 ~~give notice of the hearing, as a class A notice under Section 63G-30-102, for the city, town, or~~  
4323 ~~county, for at least seven days before the day of the hearing. If, after hearing, the highway~~  
4324 ~~commissioners determine that the public safety and the safety of the property of the petitioner~~  
4325 ~~so require, they shall by suitable order close to public use and travel or reasonably restrict the~~  
4326 ~~use of and travel upon one or more of the highways or parts thereof, provided the highway~~  
4327 ~~commissioners may issue written permits to travel over the highway so closed or restricted to~~  
4328 ~~responsible and reputable persons for a term, under conditions and in a form as the~~  
4329 ~~commissioners may prescribe. Appropriate notices in letters at least three inches high shall be~~  
4330 ~~posted conspicuously at each end of any highway so closed or restricted by an order. The~~  
4331 ~~highway commissioners may at any time revoke or modify any order so made].~~

4332 (1) As used in this section:

4333 (a) "Highway" means a place used for travel to or from property, including a private or  
4334 public street or way.

4335 (b) "Highway commissioner" means an individual, a board, or other body having  
4336 authority to restrict or close the highway to public use and travel.

4337 (c) "Public utility" means a system owned or operated for public use, including:

4338 (i) a pipeline system;

4339 (ii) a system for gas, electric, heat, water, oil, sewer, telephone, telegraph, radio,  
4340 railway, or transportation communication;

4341 (iii) a railroad; or

4342 (iv) an airplane.

4343 (2) An individual, a partnership, an association, a corporation, a municipal corporation,  
4344 the state, or a political subdivision of the state, may petition the highway commissioner of a  
4345 city, town, or county to close or restrict travel upon a highway if the individual, partnership,  
4346 association, corporation, municipal corporation, state, or political subdivision is:

4347 (a) engaged in or preparing to engage in the manufacture, transportation, or storage of a  
4348 product to be used in the preparation of the United States government or a state government for  
4349 defense, for war, or in the prosecution of war by the United States government; or

4350 (b) (i) (A) manufacturing, transporting, distributing, or storing gas, oil, coal, electricity,  
4351 or water; or

4352 (B) operating a public utility; and

4353 (ii) believes the gas, oil, electricity, water, or public utility will be endangered if public  
4354 use and travel is not restricted or prohibited on a highway abutting the property involved in  
4355 operating the public utility or manufacturing, transporting, distributing, or storing the gas, oil,  
4356 coal, electricity, or water.

4357 (3) Upon receiving a petition described in Subsection (2), the highway commissioner  
4358 shall set a day for a public hearing and give notice of the hearing at least seven days before the  
4359 day on which the hearing will be held, as a class A notice under Section [63G-30-102](#), for the  
4360 city, town, or county.

4361 (4) (a) Subject to Subsection (5), after holding the hearing described in Subsection (3),  
4362 the highway commissioner may, after determining that public safety and the safety of the  
4363 property of the petitioner require the closure or restricted use of the highway, issue an order to:

4364 (i) close the highway to all public use and travel; or

4365 (ii) reasonably restrict travel on the highway for the safety of the petitioner's property.

4366 (b) Visible notices at least three inches tall detailing the closure or restriction shall be  
4367 posted at each end of a highway closed or restricted under this Subsection (4).

4368 (5) A highway commissioner issuing an order under Subsection (4) may issue a permit  
4369 to a responsible and reputable individual to travel on a closed or restricted highway under  
4370 conditions set by the highway commissioner.

4371 Section 118. Section **76-8-810** is amended to read:

4372 **76-8-810. Violation of an order closing or restricting a highway.**

4373 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-809](#) apply to this  
4374 section.

4375 (2) An actor commits violation of an order closing or restricting a highway if the actor  
4376 violates an order issued by a highway commissioner closing or restricting a highway under  
4377 Section [76-8-809](#).

4378 (3) [~~Whoever violates any order made under the immediate preceding section shall be~~  
4379 guilty of] A violation of Subsection (2) is a class C misdemeanor.

4380 Section 119. Section **76-8-811** is amended to read:

4381 **76-8-811. Bargaining rights of employees not impaired by sabotage prevention**  
4382 **laws.**

4383 Nothing in this part shall be construed to impair, curtail, or destroy the rights of  
4384 employees and ~~[their]~~ the employees' representatives to self organize, to form, join, or assist  
4385 labor organizations, to bargain collectively through representatives of ~~[their]~~ the employees'  
4386 own choosing, and to engage in concerted activities, for the purpose of collective bargaining or  
4387 other mutual aid or protection as provided by state or federal laws.

4388 Section 120. Section **76-8-901** is amended to read:

4389 **76-8-901. Definitions.**

4390 ~~[For the purpose of]~~ As used in this part:

4391 (1) "Criminal syndicalism" ~~[is]~~ means the doctrine ~~[which]~~ that advocates crime,  
4392 violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a  
4393 means of accomplishing or effecting industrial or political ends, or as a means of effecting  
4394 industrial or political revolution.

4395 (2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction  
4396 of, real or personal property, ~~[in any form whatsoever, of any]~~ of an employer or owner by ~~[his~~

4397 ~~employees, or by any employer, or by any person at the instance of any employer, or at the~~  
4398 ~~instance, request, or instigation of employees, or any other person]~~ an individual.

4399 Section 121. Section **76-8-902** is amended to read:

4400 **76-8-902. Advocating criminal syndicalism or sabotage.**

4401 ~~[Any person who by word of mouth or writing advocates, suggests, or teaches the duty,~~  
4402 ~~necessity, propriety, or expediency of crime, criminal syndicalism or sabotage, or who~~  
4403 ~~advocates, suggests or teaches the duty, necessity, propriety, or expediency or doing any act of~~  
4404 ~~violence, the destruction of or damage to any property, the bodily injury to any person, or the~~  
4405 ~~commission of any crime or unlawful act as a means of accomplishing or effecting any~~  
4406 ~~industrial or political ends, change or revolution, or who prints, publishes, edits, or issues, or~~  
4407 ~~knowingly circulates, sells, or distributes, or publicly displays, any books, pamphlets, paper,~~  
4408 ~~handbill, poster, document, or written or printed matter in any form whatsoever, containing,~~  
4409 ~~advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, the doing~~  
4410 ~~of any act of violence, the destruction of or damage to any property, the injury to any person, or~~  
4411 ~~the commission of any crime or unlawful act, as a means of accomplishing, effecting, or~~  
4412 ~~bringing about any industrial or political ends or change, or as a means of accomplishing,~~  
4413 ~~effecting, or bringing about any industrial or political revolution, or who openly or at all~~  
4414 ~~attempts to justify by word of mouth or writing the commission or the attempt to commit~~  
4415 ~~sabotage, any act of violence, the destruction of or damage to any property, the injury of any~~  
4416 ~~person, or the commission of any crime or unlawful act, with the intent to exemplify, spread, or~~  
4417 ~~teach or suggest criminal syndicalism, or organizes, or helps to organize, or becomes a member~~  
4418 ~~of, or voluntarily assembles with, any society or assemblage of persons formed to teach or~~  
4419 ~~advocate, or which teaches, advocates, or suggests the doctrine of criminal syndicalism or~~  
4420 ~~sabotage, or the necessity, propriety, or expediency of doing any act of violence or the~~  
4421 ~~commission of any crime or unlawful act as a means of accomplishing or effecting any~~  
4422 ~~industrial or political ends, change or revolution, is guilty of a felony of the third degree].~~

4423 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-901](#) apply to this  
4424 section.

4425 (2) An actor commits advocating criminal syndicalism or sabotage if the actor:

4426 (a) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of  
4427 crime, criminal syndicalism, or sabotage;

4428 (b) as a means of accomplishing or effecting industrial or political ends, change, or  
4429 revolution:

4430 (i) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of  
4431 performing an act of violence, destroying or damaging property, causing bodily injury to an  
4432 individual, or committing a crime or unlawful act;

4433 (ii) prints, publishes, edits, or issues, or knowingly circulates, sells, distributes, or  
4434 publicly displays a book, pamphlet, paper, handbill, poster, document, or written or printed  
4435 matter in any form, containing, advocating, advising, suggesting, or teaching crime, criminal  
4436 syndicalism, sabotage, performing an act of violence, the destruction of or damage to property,  
4437 the injury to an individual, or the commission of a crime or unlawful act; or

4438 (iii) organizes or becomes a member of, or voluntarily assembles with, a society or  
4439 assemblage of individuals formed to teach or advocate the doctrine of criminal syndicalism or  
4440 sabotage, or the necessity, propriety, or expediency of doing an act of violence or the  
4441 commission of a crime or unlawful act; or

4442 (c) with the intent to exemplify, spread, or teach or suggest criminal syndicalism,  
4443 attempts to justify sabotage, an act of violence, the destruction of or damage to property, the  
4444 injury of an individual, or the commission of a crime or unlawful act.

4445 (3) A violation of Subsection (2) is a third degree felony.

4446 Section 122. Section **76-8-903** is amended to read:

4447 **76-8-903. Assembling for advocating criminal syndicalism or sabotage.**

4448 [~~The assembly or consorting of two or more persons~~]

4449 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-901](#) apply to this  
4450 section.

4451 (2) An actor commits assembling for advocating criminal syndicalism or sabotage if  
4452 the actor, as a means of accomplishing or effecting industrial or political ends, change, or  
4453 revolution:

4454 (a) assembles with two or more individuals; and

4455 (b) assembles for the purpose of advocating, teaching, or suggesting:

4456 (i) the doctrine of criminal syndicalism[~~; or to advocate, teach, suggest or encourage~~  
4457 sabotage, or]; or

4458 (ii) the duty, necessity, propriety, or expediency of [~~doing any~~] performing an act of

4459 violence, ~~[the destruction of or damage to any]~~ destroying or damaging property, ~~[the]~~ causing  
 4460 bodily injury to [any person, or the commission of any] an individual, or committing a crime or  
 4461 unlawful act [as a means of accomplishing or effecting any industrial or political ends, change  
 4462 or revolution, is hereby declared unlawful, and every person voluntarily participating therein,  
 4463 or by his presence aiding and instigating the same is guilty of a felony of the third degree].

4464 (3) A violation of Subsection (2) is a third degree felony.

4465 Section 123. Section **76-8-904** is amended to read:

4466 **76-8-904. Permitting the use of property for assembly advocating criminal**  
 4467 **syndicalism or sabotage.**

4468 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-901](#) apply to this  
 4469 section.

4470 (2) An actor commits permitting the use of property for assembly advocating criminal  
 4471 syndicalism or sabotage if the actor:

4472 (a) [The] is an owner, lessee, agent, superintendent, or [person] individual in charge or  
 4473 occupation of [any] a place, building, room, or structure[~~,- who~~]; and

4474 (b) knowingly permits [therein any] assembly or consorting of [persons] individuals  
 4475 prohibited [by the provisions of] under Section [76-8-903](#)[~~, or who after notification that the~~  
 4476 place or premises, or any part thereof, is so used, permits such use to be continued, is guilty of  
 4477 a class B misdemeanor].

4478 (3) A violation of Subsection (2) is a class B misdemeanor.

4479 Section 124. Section **76-8-1201** is amended to read:

4480 **76-8-1201. Definitions.**

4481 As used in this part:

4482 (1) "Client" means a person who receives or has received public assistance.

4483 (2) "Overpayment" ~~[has the same meaning as]~~ means the same as that term is defined  
 4484 in Section [35A-3-102](#).

4485 (3) "Provider" ~~[has the same meaning as defined in Section [26B-9-101](#)]~~ means a person  
 4486 or entity that receives compensation from any public assistance program for goods or services  
 4487 provided to a public assistance recipient.

4488 (4) "Public assistance" ~~[has the same meaning as]~~ means the same as that term is  
 4489 defined in Section [35A-1-102](#).

4490 Section 125. Section **76-8-1203** is amended to read:

4491 **76-8-1203. Required disclosures by an applicant, a recipient, or a provider of**  
4492 **public assistance.**

4493 (1) ~~[Each person]~~ An individual who is 18 years old or older and applies for public  
4494 assistance, or who is 18 years old or older and currently receives public assistance, shall  
4495 disclose to the state agency administering the public assistance each fact that may materially  
4496 affect the ~~[determination of the person's]~~ individual's eligibility to receive or continue to  
4497 receive public assistance, including the [person's] individual's current:

4498 (a) marital status;

4499 (b) household composition;

4500 (c) employment;

4501 (d) earned and unearned income, as defined by rule;

4502 (e) receipt of monetary and in-kind gifts that may affect the ~~[person's]~~ individual's  
4503 eligibility;

4504 (f) assets that may affect the ~~[person's]~~ individual's eligibility; and

4505 (g) any other material fact or change in circumstance that may affect the determination  
4506 of ~~[that person's]~~ the individual's eligibility to receive public assistance benefits, or may affect  
4507 the amount of benefits for which the ~~[person]~~ individual is eligible.

4508 ~~[(2) A person applying for public assistance who intentionally, knowingly, or~~  
4509 ~~recklessly fails to disclose a material fact required to be disclosed under Subsection (1) is guilty~~  
4510 ~~of public assistance fraud as provided in Section 76-8-1206.]~~

4511 ~~[(3) With the exception of a client receiving public assistance from the Department of~~  
4512 ~~Workforce Services or the Department of Health, a client who intentionally, knowingly, or~~  
4513 ~~recklessly fails to disclose to the state agency administering the public assistance a change in a~~  
4514 ~~material fact required to be disclosed under Subsection (1), within 10 days after the date of the~~  
4515 ~~change, is guilty of public assistance fraud as provided in Section 76-8-1206.]~~

4516 ~~[(4) A client who intentionally, knowingly, or recklessly fails to disclose to the~~  
4517 ~~Department of Workforce Services or the Department of Health at the time of a review or~~  
4518 ~~recertification, whichever comes first, a change in a material fact required to be disclosed under~~  
4519 ~~Subsection (1) is guilty of public assistance fraud as provided in Section 76-8-1206.]~~

4520 (2) (a) Subject to Subsection (2)(b), a provider that solicits, requests, or receives,

4521 actually or constructively, a payment or contribution in the form of an assessment, a payment, a  
4522 gift, a devise, a bequest, or other means, directly or indirectly, from a client or client's family  
4523 shall:

4524 (i) notify the state agency administering the public assistance to the client of the  
4525 amount of the payment or contribution the provider received from the client or the client's  
4526 family; and

4527 (ii) provide the notification to the state agency in writing within 10 days after the day  
4528 on which the payment or contribution was received.

4529 (b) If the payment or contribution described in Subsection (2)(a) is made under an  
4530 agreement, written or oral, the provider shall notify the state agency administering the public  
4531 assistance to the client of the payment or contribution within 10 days after the day on which the  
4532 provider entered into the agreement.

4533 (3) An actor may be charged under Section [76-8-1203.1](#), [76-8-1203.3](#), or [76-8-1203.5](#)  
4534 for failing to provide information required under this section.

4535 Section 126. Section **76-8-1203.1** is enacted to read:

4536 **76-8-1203.1. Public assistance fraud by an applicant for public assistance.**

4537 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this  
4538 section.

4539 (2) An actor commits public assistance fraud by an applicant for public assistance if the  
4540 actor intentionally, knowingly, or recklessly:

4541 (a) applies for public assistance; and

4542 (b) fails to disclose a material fact required to be disclosed under Subsection  
4543 [76-8-1203\(1\)](#).

4544 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of  
4545 payments, assistance, or other benefits received, misappropriated, claimed, or applied:

4546 (a) a second degree felony if the value is or exceeds \$5,000;

4547 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;

4548 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or

4549 (d) a class B misdemeanor if the value is less than \$500.

4550 (4) It is not a defense to prosecution under this section that the actor repaid the funds or  
4551 benefits obtained in violation of this section.

4552 (5) (a) In determining the value of payments, assistance, or other benefits received to  
4553 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated  
4554 by aggregating the values of each instance of public assistance fraud committed by the actor as  
4555 part of the same facts and circumstances or a related series of facts and circumstances.

4556 (b) The value of a benefit received by an individual is the ordinary or usual charge for  
4557 similar benefits in the private sector.

4558 (6) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this  
4559 section.

4560 Section 127. Section **76-8-1203.3** is enacted to read:

4561 **76-8-1203.3. Public assistance fraud by a recipient of public assistance.**

4562 (1) (a) As used in this section, "SNAP benefit" means the same as that term is defined  
4563 in Section [35A-1-102](#).

4564 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this  
4565 section.

4566 (2) An actor commits public assistance fraud by a recipient of public assistance if the  
4567 actor:

4568 (a) (i) except as provided in Subsection (2)(b), is receiving public assistance  
4569 administered by a state agency; and

4570 (ii) intentionally, knowingly, or recklessly fails to disclose to the state agency  
4571 administering the public assistance to the actor of a change of a material fact required to be  
4572 disclosed under Subsection [76-8-1203](#)(1) within 10 days after the day on which the change  
4573 occurred;

4574 (b) (i) is receiving public assistance from the Department of Workforce Services or the  
4575 Department of Health and Human Services; and

4576 (ii) at the time of a review or recertification, whichever comes first, intentionally,  
4577 knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed  
4578 under Subsection [76-8-1203](#)(1);

4579 (c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses,  
4580 transfers, acquires, traffics in, falsifies, or possesses:

4581 (i) SNAP benefits;

4582 (ii) a SNAP benefit identification card;

- 4583 (iii) a certificate of eligibility for medical services;  
4584 (iv) a Medicaid identification card;  
4585 (v) a fund transfer instrument;  
4586 (vi) a payment instrument; or  
4587 (vii) a public assistance warrant;  
4588 (d) (i) is receiving public assistance;  
4589 (ii) acquires income or resources in excess of the amount the actor previously reported  
4590 to the state agency administering the public assistance to the actor; and  
4591 (iii) fails to notify the state agency to which the actor previously reported within 10  
4592 days after the day on which the actor acquired the excess income or resources;  
4593 (e) (i) fails to disclose a material fact required to be disclosed under Subsection  
4594 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and  
4595 (ii) (A) intends to obtain or help another individual obtain an overpayment; or  
4596 (B) obtains an overpayment, unauthorized payment, or benefit; or  
4597 (f) receives an unauthorized payment or benefit as a result of unlawful acts described in  
4598 this section, Section 76-8-1203.3, Section 76-8-1203.5, or Section 76-8-1203.7.  
4599 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of  
4600 payments, assistance, or other benefits received, misappropriated, claimed, or applied:  
4601 (a) a second degree felony if the value is or exceeds \$5,000;  
4602 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;  
4603 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or  
4604 (d) a class B misdemeanor if the value is less than \$500.  
4605 (4) It is not a defense to prosecution under this section that the actor repaid the funds or  
4606 benefits obtained in violation of this section.  
4607 (5) (a) In determining the value of payments, assistance, or other benefits received to  
4608 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated  
4609 by aggregating the values of each instance of public assistance fraud committed by the actor as  
4610 part of the same facts and circumstances or a related series of facts and circumstances.  
4611 (b) The value of a benefit received by an individual is the ordinary or usual charge for  
4612 similar benefits in the private sector.  
4613 (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this

4614 section.

4615 (7) Incidents of trafficking in SNAP benefits that occur within a six-month period,  
4616 committed by an individual or coconspirators, are deemed to be a related series of facts and  
4617 circumstances regardless of whether the transactions are conducted with a variety of unrelated  
4618 parties.

4619 Section 128. Section **76-8-1203.5** is enacted to read:

4620 **76-8-1203.5. Public assistance fraud by a provider.**

4621 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this  
4622 section.

4623 (2) An actor commits public assistance fraud by a provider if the actor:

4624 (a) is a provider; and

4625 (b) intentionally, knowingly, or recklessly:

4626 (i) receives a payment after failing to comply with the requirements in Subsection  
4627 [76-8-1203\(1\)](#) or [76-8-1203\(2\)](#);

4628 (ii) files a claim for payment under a state or federally funded public assistance  
4629 program for goods or services not provided to or for a client under that program;

4630 (iii) files or falsifies a claim, report, or document required by a state or federal law, a  
4631 rule, or a provider agreement for goods or services not authorized under the state or federally  
4632 funded public assistance program for which the goods or services were provided;

4633 (iv) fails to credit the state for payments received from other sources;

4634 (v) bills a client, or the client's family, for:

4635 (A) goods or services not provided; or

4636 (B) an amount greater than that allowed by law or rule; or

4637 (vi) fails to comply with the notification requirements under Subsection [76-8-1203\(2\)](#).

4638 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of  
4639 payments, assistance, or other benefits received, misappropriated, claimed, or applied:

4640 (a) a second degree felony if the value is or exceeds \$5,000;

4641 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;

4642 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or

4643 (d) a class B misdemeanor if the value is less than \$500.

4644 (4) It is not a defense to prosecution under this section that the actor repaid the funds or

4645 benefits obtained in violation of this section.

4646 (5) (a) In determining the value of payments, assistance, or other benefits received to  
4647 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated  
4648 by aggregating the values of each instance of public assistance fraud committed by the actor as  
4649 part of the same facts and circumstances or a related series of facts and circumstances.

4650 (b) The value of a benefit received by an individual is the ordinary or usual charge for  
4651 similar benefits in the private sector.

4652 (6) This section does not apply to offenses by providers under the state's Medicaid  
4653 program that are actionable under Title 26B, Chapter 3, Part 11, Utah False Claims Act.

4654 (7) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this  
4655 section.

4656 Section 129. Section **76-8-1203.7** is enacted to read:

4657 **76-8-1203.7. Fraudulently misappropriating public assistance funds.**

4658 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this  
4659 section.

4660 (2) An actor commits fraudulently misappropriating public assistance funds if the  
4661 actor:

4662 (a) (i) is an administrator of a state or federally funded public assistance program; and

4663 (ii) while performing the actor's duties as an administrator, intentionally, knowingly, or  
4664 recklessly fraudulently misappropriates funds exchanged for:

4665 (A) SNAP benefits;

4666 (B) an identification card;

4667 (C) a certificate of eligibility for medical services;

4668 (D) a Medicaid identification card; or

4669 (E) other public assistance the actor has been entrusted with or that has come into the  
4670 actor's possession as a result of the actor's duties; or

4671 (b) (i) is an individual entrusted with:

4672 (A) SNAP benefits;

4673 (B) an identification card;

4674 (C) a certificate of eligibility for medical services;

4675 (D) a Medicaid identification card; or

4676 (E) other public assistance with which the individual has been entrusted; and  
4677 (ii) intentionally, knowingly, or recklessly fraudulently misappropriates funds  
4678 exchanged for a benefit described in Subsection (2)(b)(i) with which the individual has been  
4679 entrusted.

4680 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of  
4681 payments, assistance, or other benefits received, misappropriated, claimed, or applied:

4682 (a) a second degree felony if the value is or exceeds \$5,000;

4683 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;

4684 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or

4685 (d) a class B misdemeanor if the value is less than \$500.

4686 (4) It is not a defense to prosecution under this section that the actor repaid the funds or  
4687 benefits obtained in violation of this section.

4688 (5) (a) In determining the value of payments, assistance, or other benefits received to  
4689 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated  
4690 by aggregating the values of each instance of public assistance fraud committed by the actor as  
4691 part of the same facts and circumstances or a related series of facts and circumstances.

4692 (b) The value of a benefit received by an individual is the ordinary or usual charge for  
4693 similar benefits in the private sector.

4694 (6) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this  
4695 section.

4696 Section 130. Section **76-8-1207** is amended to read:

4697 **76-8-1207. Evidence in criminal actions for public assistance fraud.**

4698 In ~~[any]~~ a criminal action ~~[pursuant to]~~ under this part:

4699 (1) a paid state warrant made to the order of ~~[a party]~~ an individual or a payment made  
4700 through an electronic benefit card issued to ~~[a party]~~ an individual constitutes prima facie  
4701 evidence that the ~~[party]~~ individual received financial assistance from the state; and

4702 (2) all of the records in the custody of the ~~[department]~~ state agency administering  
4703 public assistance relating to the application for, verification of, issuance of, receipt of, and use  
4704 of public assistance constitute records of regularly conducted activity within the meaning of the  
4705 exceptions to the hearsay rule of evidence~~[;]~~.

4706 ~~[(3) the value of the benefits received shall be based on the ordinary or usual charge for~~

4707 similar benefits in the private sector; and]

4708 ~~[(4) the repayment of funds or other benefits obtained in violation of the provisions of~~  
4709 ~~this part constitutes no defense to, or ground for dismissal of, that action.]~~

4710 Section 131. Section **76-8-1301** is amended to read:

4711 **76-8-1301. False statement to obtain or increase unemployment compensation.**

4712 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4713 ~~[(a) A person who makes a false statement or representation knowing it to be false or~~  
4714 ~~knowingly fails to disclose a material fact,]~~

4715 (2) An actor commits false statement to obtain or increase unemployment  
4716 compensation if the actor, to obtain or increase a benefit or other payment under Title 35A,  
4717 Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any  
4718 state or of the federal government [for any person is guilty of unemployment insurance fraud.];

4719 (a) makes a false statement or representation, knowing the representation is false; or

4720 (b) knowingly fails to disclose a material fact.

4721 ~~[(b)]~~ (3) (a) A violation of Subsection ~~[(1)(a)]~~ (2) is:

4722 (i) a class B misdemeanor ~~[when]~~ if the value of the money obtained or sought to be  
4723 obtained is less than \$500;

4724 (ii) a class A misdemeanor ~~[when]~~ if the value of the money obtained or sought to be  
4725 obtained is or exceeds \$500 but is less than \$1,500;

4726 (iii) a third degree felony ~~[when]~~ if the value of the money obtained or sought to be  
4727 obtained is or exceeds \$1,500 but is less than \$5,000; or

4728 (iv) a second degree felony ~~[when]~~ if the value of the money obtained or sought to be  
4729 obtained is or exceeds \$5,000.

4730 ~~[(c)]~~ (b) The determination of the degree of an offense under Subsection ~~[(1)(b) shall~~  
4731 ~~be]~~ (3)(a) is measured by the total value of all money obtained or sought to be obtained by the  
4732 unlawful conduct.

4733 ~~[(2) (a) An officer or agent of an employing unit as defined in Section 35A-4-202 or~~  
4734 ~~any other person who makes a false statement or representation knowing it to be false, or who~~  
4735 ~~knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment~~  
4736 ~~compensation benefits to an individual entitled to those benefits, or to avoid becoming or~~  
4737 ~~remaining a subject employer or to avoid or reduce any contribution or other payment required~~

4738 from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the  
4739 Unemployment Compensation Law of any state or of the federal government, or who willfully  
4740 fails or refuses to make a contribution or other payment or to furnish any report required in  
4741 Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or  
4742 copying of records as required under that chapter is guilty of unemployment insurance fraud.]

4743 [(b) A violation of Subsection (2)(a) is:]

4744 [(i) a class B misdemeanor when the value of the money obtained or sought to be  
4745 obtained is less than \$500;]

4746 [(ii) a class A misdemeanor when the value of the money obtained or sought to be  
4747 obtained is or exceeds \$500 but is less than \$1,500;]

4748 [(iii) a third degree felony when the value of the money obtained or sought to be  
4749 obtained is or exceeds \$1,500 but is less than \$5,000; or]

4750 [(iv) a second degree felony when the value of the money obtained or sought to be  
4751 obtained is or exceeds \$5,000.]

4752 [(3) (a) A person who willfully violates any provision of Title 35A, Chapter 4,  
4753 Employment Security Act, or any order made under that chapter, the violation of which is made  
4754 unlawful or the observance of which is required under the terms of that chapter, and for which  
4755 a penalty is neither prescribed in that chapter nor provided by any other applicable statute is  
4756 guilty of a class A misdemeanor.]

4757 [(b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.]

4758 [(4) A person is guilty of a class C misdemeanor if:]

4759 [(a) as an employee of the Department of Workforce Services, in willful violation of  
4760 Section ~~35A-4-312~~, the employee makes a disclosure of information obtained from an  
4761 employing unit or individual in the administration of Title 35A, Chapter 4, Employment  
4762 Security Act; or]

4763 [(b) the person has obtained a list of applicants for work or of claimants or recipients of  
4764 benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of  
4765 the list for any political purpose.]

4766 Section 132. Section **76-8-1302** is enacted to read:

4767 **76-8-1302. False statement to prevent or reduce unemployment compensation or**  
4768 **liability.**

- 4769 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 4770 (2) An actor commits false statement to prevent or reduce unemployment
- 4771 compensation or liability if the actor, to prevent or reduce the payment of unemployment
- 4772 compensation benefits to an individual entitled to those benefits, or to avoid becoming or
- 4773 remaining a subject employer, or to avoid or reduce a contribution or other payment required
- 4774 from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the
- 4775 Unemployment Compensation Law of a state or of the federal government:
- 4776 (a) makes a false statement or representation, knowing the representation is false; or
- 4777 (b) knowingly fails to disclose a material fact.
- 4778 (3) A violation of Subsection (2) is:
- 4779 (a) a class B misdemeanor if the value of the money obtained or sought to be obtained
- 4780 is less than \$500;
- 4781 (b) a class A misdemeanor if the value of the money obtained or sought to be obtained
- 4782 is or exceeds \$500 but is less than \$1,500;
- 4783 (c) a third degree felony if the value of the money obtained or sought to be obtained is
- 4784 or exceeds \$1,500 but is less than \$5,000; or
- 4785 (d) a second degree felony if the value of the money obtained or sought to be obtained
- 4786 is or exceeds \$5,000.
- 4787 (4) An actor under this section may include an officer or agent of an employing unit as
- 4788 defined under Section 35A-4-202.
- 4789 Section 133. Section **76-8-1303** is enacted to read:
- 4790 **76-8-1303. Unlawful failure to comply with Employment Security Act**
- 4791 **requirement.**
- 4792 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 4793 (2) An actor commits unlawful failure to comply with Employment Security Act
- 4794 requirements if the actor willfully:
- 4795 (a) fails or refuses:
- 4796 (i) to make a contribution or other payment required under Title 35A, Chapter 4,
- 4797 Employment Security Act;
- 4798 (ii) to furnish a report required under Title 35A, Chapter 4, Employment Security Act;
- 4799 or

4800 (iii) to produce or permit the inspection or copying of records required under Title  
4801 35A, Chapter 4, Employment Security Act; or  
4802 (b) violates a provision of Title 35A, Chapter 4, Employment Security Act, or an order  
4803 made under that chapter, for which the violation:  
4804 (i) is made unlawful or the observance of which is required under the terms of Title  
4805 35A, Chapter 4, Employment Security Act;  
4806 (ii) does not have a prescribed penalty in Title 35A, Chapter 4, Employment Security  
4807 Act, or another applicable statute; and  
4808 (iii) is for conduct not described in Subsection (2)(a).  
4809 (3) (a) A violation of Subsection (2)(a) is:  
4810 (i) a class B misdemeanor if the value of the money obtained or sought to be obtained  
4811 is less than \$500;  
4812 (ii) a class A misdemeanor if the value of the money obtained or sought to be obtained  
4813 is or exceeds \$500 but is less than \$1,500;  
4814 (iii) a third degree felony if the value of the money obtained or sought to be obtained is  
4815 or exceeds \$1,500 but is less than \$5,000; or  
4816 (iv) a second degree felony if the value of the money obtained or sought to be obtained  
4817 is or exceeds \$5,000.  
4818 (b) A violation of Subsection (2)(b) is a class A misdemeanor.  
4819 (4) An actor under this section may include an officer or agent of an employing unit as  
4820 defined under Section [35A-4-202](#).  
4821 Section 134. Section **76-8-1304** is enacted to read:  
4822 **76-8-1304. Unlawful use or disclosure of employment information.**  
4823 (1) (a) As used in this section, "employing unit" means the same as that term is defined  
4824 in Section [35A-4-202](#).  
4825 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.  
4826 (2) An actor commits unlawful use or disclosure of employment information if the  
4827 actor:  
4828 (a) (i) is an employee of the Department of Workforce Services; and  
4829 (ii) willfully violates Section [35A-4-312](#) by making a disclosure of information  
4830 obtained from an employing unit or individual in the administration of Title 35A, Chapter 4,

4831 Employment Security Act; or

4832 (b) (i) obtains a list of applicants for work or of claimants or recipients of benefits

4833 under Title 35A, Chapter 4, Employment Security Act; and

4834 (ii) uses or permits the use of the list described in Subsection (2)(b)(i) for a political

4835 purpose.

4836 (3) A violation of Subsection (2) is a class C misdemeanor.

4837 Section 135. Section **76-8-1402** is amended to read:

4838 **76-8-1402. Disruption of activity in or near school building.**

4839 (1) (a) As used in this section:

4840 (i) (A) "Chief administrator" means the principal of a school or the chief administrator

4841 of a school that does not have a principal.

4842 (B) "Chief administrator" includes the chief administrator's designee or representative.

4843 (ii) "School" means a public or private kindergarten, elementary, or secondary school

4844 through grade 12.

4845 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4846 (2) In the absence of a local ordinance or other controlling law governing the conduct

4847 described in this Subsection [~~(1), a person is guilty of an offense under Subsection (2) who;~~]

4848 (2), an actor commits disruption of activity in or near school building if the actor, while on a

4849 street, sidewalk, or public way adjacent to [~~any~~] a school building or ground:

4850 (a) [~~by his or her presence or acts;~~] materially disrupts the peaceful conduct of school

4851 activities by the actor's presence or act; and

4852 (b) remains upon the place under Subsection [~~(1)(a)] (2)(a) after being asked to leave~~

4853 by the chief administrator of that school.

4854 [~~(2) (a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b)~~]

4855 ~~unless the violation constitutes another offense subject to a greater penalty.]~~

4856 [~~(b) (i) The~~]

4857 (3) (a) Except as provided under Subsection (4), a first [~~and~~] or second violation of

4858 Subsection [~~(1) are~~] (2) is a class B [~~misdemeanors~~] misdemeanor.

4859 [~~(ii) A third and any subsequent violations of Subsection (1) are class A~~]

4860 ~~misdemeanors]~~

4861 (b) Except as provided under Subsection (4), a third or subsequent violation of

4862 Subsection (2) is a class A misdemeanor.

4863 (4) If an actor's conduct violates Subsection (2) and the actor's conduct also amounts to  
4864 a violation of another offense with a greater penalty, the offense with the greater penalty  
4865 applies.

4866 Section 136. Section **76-8-1403** is amended to read:

4867 **76-8-1403. Unlawful evasion of law enforcement by entering school property--**  
4868 **Restitution.**

4869 (1) (a) As used in this section:

4870 ~~[(a)]~~ (i) "School" means ~~[any]~~ a public or private kindergarten, elementary, or  
4871 secondary school through grade 12, including all buildings and property of the school.

4872 ~~[(b)]~~ (ii) "School property" means real property:

4873 ~~[(i)]~~ (A) that is owned or occupied by a public or private school; or

4874 ~~[(ii)]~~ (B) ~~[(A)]~~ (I) that is temporarily occupied by students for a school-related activity  
4875 or program; and

4876 ~~[(B)]~~ (II) regarding which, during the time the activity or program is being conducted,  
4877 the main use of the real property is allocated to participants in the activity or program.

4878 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4879 (2) ~~[A person is guilty of the class A misdemeanor of evading]~~ An actor commits  
4880 unlawful evasion of law enforcement ~~[while on]~~ by entering school property~~[, if the person]~~ if  
4881 the actor enters onto school property when:

4882 (a) students are attending the school or students are participating in any school-related  
4883 activity or program on school property; and

4884 (b) the ~~[person]~~ actor is in the act of fleeing or evading, or attempting to flee or evade,  
4885 pursuit or apprehension by ~~[any]~~ a peace officer.

4886 (3) A violation of Subsection (2) is a class A misdemeanor.

4887 ~~[(3)]~~ (4) It is not a defense to a violation of this section that the ~~[person]~~ actor did not  
4888 know that the ~~[person]~~ actor had entered onto school property.

4889 ~~[(4)]~~ (5) As a part of the sentence for violation of this section, the court shall order the  
4890 ~~[defendant]~~ actor to reimburse the school for costs incurred by the school in responding to the  
4891 ~~[defendant's]~~ actor's presence on the school property.

4892 ~~[(5)]~~ (6) The offense under this section ~~[of evading law enforcement while on school~~

4893 property] is a separate offense from a violation of:

4894 (a) [~~Section 41-6a-210, regarding~~] failure to respond to [an] officer's signal to stop  
4895 under Section 41-6a-210; or

4896 (b) [~~Section 76-8-305.5, regarding~~] failure to stop at the command of a peace officer  
4897 under Section 76-8-305.5.

4898 Section 137. Section **76-9-802** is amended to read:

4899 **76-9-802. Definitions.**

4900 As used in this part:

4901 (1) "Criminal street gang" means an organization, association in fact, or group of three  
4902 or more persons, whether operated formally or informally:

4903 (a) that is currently in operation;

4904 (b) that has as one of its primary activities the commission of one or more predicate  
4905 gang crimes;

4906 (c) that has, as a group, an identifying name or identifying sign or symbol, or both; and

4907 (d) whose members, acting individually or in concert with other members, engage in or  
4908 have engaged in a pattern of criminal gang activity.

4909 (2) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of  
4910 harm for the purpose of causing an individual to act or refrain from acting.

4911 (3) "Minor" means a person younger than 18 years old.

4912 (4) "Pattern of criminal gang activity" means:

4913 (a) committing, attempting to commit, conspiring to commit, or soliciting the  
4914 commission of two or more predicate gang crimes within five years;

4915 (b) the predicate gang crimes are:

4916 (i) committed by two or more persons; or

4917 (ii) committed by an individual at the direction of, or in association with a criminal  
4918 street gang; and

4919 (c) the criminal activity was committed with the specific intent to promote, further, or  
4920 assist in any criminal conduct by members of the criminal street gang.

4921 (5) (a) "Predicate gang crime" means any of the following offenses:

4922 (i) Title 41, Chapter 1a, Motor Vehicle Act:

4923 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an

4924 identification number;

4925 (B) Section [41-1a-1315](#), regarding false evidence of title and registration;

4926 (C) Section [41-1a-1316](#), regarding receiving or transferring stolen vehicles;

4927 (D) Section [41-1a-1317](#), regarding selling or buying a motor vehicle without an

4928 identification number; or

4929 (E) Section [41-1a-1318](#), regarding the fraudulent alteration of an identification number;

4930 (ii) any criminal violation of the following provisions:

4931 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

4932 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

4933 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

4934 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

4935 (iii) Sections [76-5-102](#) through [76-5-103.5](#), which address assault offenses;

4936 (iv) Title 76, Chapter 5, Part 2, Criminal Homicide;

4937 (v) Sections [76-5-301](#) through [76-5-304](#), which address kidnapping and related

4938 offenses;

4939 (vi) ~~[any]~~ a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;

4940 (vii) Title 76, Chapter 6, Part 1, Property Destruction;

4941 (viii) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;

4942 (ix) Title 76, Chapter 6, Part 3, Robbery;

4943 (x) ~~[any]~~ a felony offense under Title 76, Chapter 6, Part 4, Theft, or under Title 76,

4944 Chapter 6, Part 6, Retail Theft, except Sections [76-6-404.5](#), [76-6-405](#), [76-6-407](#), [76-6-408](#),

4945 [76-6-409](#), [76-6-409.1](#), [76-6-409.3](#), [76-6-409.6](#), [76-6-409.7](#), [76-6-409.8](#), [76-6-409.9](#), [76-6-410](#),

4946 and [76-6-410.5](#);

4947 (xi) Title 76, Chapter 6, Part 5, Fraud, except Sections [76-6-504](#), [76-6-505](#), [76-6-507](#),

4948 [76-6-508](#), [76-6-509](#), [76-6-510](#), [76-6-511](#), [76-6-512](#), [76-6-513](#), [76-6-514](#), [76-6-516](#), [76-6-517](#),

4949 [76-6-518](#), and [76-6-520](#);

4950 (xii) Title 76, Chapter 6, Part 11, Identity Fraud Act;

4951 (xiii) Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except

4952 Sections [76-8-302](#), [76-8-303](#), [76-8-307](#), [76-8-308](#), and [76-8-312](#);

4953 (xiv) ~~[Section [76-8-508](#), which includes]~~ tampering with a witness under Section

4954 [76-8-508](#);

4955 (xv) [~~Section 76-8-508.3, which includes~~] retaliation against a witness [~~or~~], victim, or  
 4956 informant under Section 76-8-509.3;

4957 (xvi) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

4958 [~~(xvi)~~] (xvii) [~~Section 76-8-509, which includes~~] extortion or bribery to dismiss a  
 4959 criminal proceeding under Section 76-8-509;

4960 [~~(xvii)~~] (xviii) a misdemeanor violation of disorderly conduct under Section 76-9-102,  
 4961 if the violation occurs at an official meeting;

4962 [~~(xviii)~~] (xix) Title 76, Chapter 10, Part 3, Explosives;

4963 [~~(xix)~~] (xx) Title 76, Chapter 10, Part 5, Weapons;

4964 [~~(xx)~~] (xxi) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;

4965 [~~(xxi)~~] (xxii) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

4966 [~~(xxii)~~] (xxiii) [~~Section 76-10-1801, which addresses~~] communications fraud under  
 4967 Section 76-10-1801;

4968 [~~(xxiii)~~] (xxiv) Title 76, Chapter 10, Part 19, Money Laundering and Currency  
 4969 Transaction Reporting Act; or

4970 [~~(xxiv)~~] (xxv) [~~Section 76-10-2002, which addresses~~] burglary of a research facility  
 4971 under Section 76-10-2002.

4972 (b) "Predicate gang crime" also includes:

4973 (i) any state or federal criminal offense that by its nature involves a substantial risk that  
 4974 physical force may be used against another in the course of committing the offense; and

4975 (ii) any felony violation of a criminal statute of any other state, the United States, or  
 4976 any district, possession, or territory of the United States which would constitute a violation of  
 4977 any offense in Subsection (4)(a) if committed in this state.

4978 Section 138. Section **76-9-902** is amended to read:

4979 **76-9-902. Definitions.**

4980 As used in this part:

4981 (1) "Criminal street gang" means an organization, association in fact, or group of three  
 4982 or more persons, whether operated formally or informally:

4983 (a) that is currently in operation;

4984 (b) that has as one of its substantial activities the commission of one or more predicate  
 4985 gang crimes;

4986 (c) that has, as a group, an identifying name or an identifying sign or symbol, or both;  
4987 and

4988 (d) whose members, acting individually or in concert with other members, engage in or  
4989 have engaged in a pattern of criminal gang activity.

4990 (2) "Gang loitering" means a person remains in one place under circumstances that  
4991 would cause a reasonable person to believe that the purpose or effect of that behavior is to  
4992 enable or facilitate a criminal street gang to:

4993 (a) establish control over one or more identifiable areas;

4994 (b) intimidate others from entering those areas; or

4995 (c) conceal illegal activities.

4996 (3) "Pattern of criminal gang activity" means committing, attempting to commit,  
4997 conspiring to commit, or soliciting the commission of two or more predicate gang crimes  
4998 within five years, if the predicate gang crimes are committed:

4999 (a) (i) by two or more persons; or

5000 (ii) by an individual at the direction of or in association with a criminal street gang; and

5001 (b) with the specific intent to promote, further, or assist in any criminal conduct by  
5002 members of a criminal street gang.

5003 (4) (a) "Predicate gang crime" means any of the following offenses:

5004 (i) [~~any~~] a criminal violation of:

5005 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

5006 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

5007 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or

5008 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

5009 (ii) Sections 76-5-102 through 76-5-103.5, which address assault offenses;

5010 (iii) Title 76, Chapter 5, Part 2, Criminal Homicide;

5011 (iv) Sections 76-5-301 through 76-5-304, which address kidnapping and related  
5012 offenses;

5013 (v) [~~any~~] a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;

5014 (vi) Title 76, Chapter 6, Part 1, Property Destruction;

5015 (vii) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;

5016 (viii) Title 76, Chapter 6, Part 3, Robbery;

5017 (ix) ~~any~~ a felony offense under Title 76, Chapter 6, Part 4, Theft, except Sections  
5018 [76-6-404.5](#), [76-6-405](#), [76-6-407](#), [76-6-408](#), [76-6-409](#), [76-6-409.1](#), [76-6-409.3](#), [76-6-409.6](#),  
5019 [76-6-409.7](#), [76-6-409.8](#), [76-6-409.9](#), [76-6-410](#), and [76-6-410.5](#);

5020 (x) Title 76, Chapter 6, Part 5, Fraud, except Sections [76-6-504](#), [76-6-505](#), [76-6-507](#),  
5021 [76-6-508](#), [76-6-509](#), [76-6-510](#), [76-6-511](#), [76-6-512](#), [76-6-513](#), [76-6-514](#), [76-6-516](#), [76-6-517](#),  
5022 [76-6-518](#), and [76-6-520](#);

5023 (xi) Title 76, Chapter 6, Part 11, Identity Fraud Act;

5024 (xii) Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except Sections  
5025 [76-8-302](#), [76-8-303](#), [76-8-307](#), [76-8-308](#), and [76-8-312](#);

5026 (xiii) [~~Section [76-8-508](#), which includes~~] tampering with a witness under Section  
5027 [76-8-508](#);

5028 (xiv) [~~Section [76-8-508.3](#), which includes~~] retaliation against a witness [~~or~~], victim, or  
5029 informant under Section [76-8-508.3](#);

5030 (xv) receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);

5031 [~~(xvi)~~] (xvi) [~~Section [76-8-509](#), which includes~~] extortion or bribery to dismiss a  
5032 criminal proceeding under Section [76-8-509](#);

5033 [~~(xvi)~~] (xvii) a misdemeanor violation of disorderly conduct under Section [76-9-102](#), if  
5034 the violation occurs at an official meeting;

5035 [~~(xvii)~~] (xviii) Title 76, Chapter 10, Part 3, Explosives;

5036 [~~(xviii)~~] (xix) Title 76, Chapter 10, Part 5, Weapons;

5037 [~~(xix)~~] (xx) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;

5038 [~~(xx)~~] (xxi) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

5039 [~~(xxi)~~] (xxii) [~~Section [76-10-1801](#), which addresses~~] communications fraud under  
5040 Section [76-10-1801](#);

5041 [~~(xxii)~~] (xxiii) Title 76, Chapter 10, Part 19, Money Laundering and Currency  
5042 Transaction Reporting Act;

5043 [~~(xxiii)~~] (xxiv) [~~Section [76-10-2002](#), which addresses~~] burglary of a research facility[;  
5044 and] under Section [76-10-2002](#); or

5045 [~~(xxiv)~~] (xxv) Title 41, Chapter 1a, Motor Vehicle Act:

5046 (A) Section [41-1a-1313](#), regarding possession of a motor vehicle without an  
5047 identification number;

5048 (B) Section 41-1a-1315, regarding false evidence of title and registration;  
5049 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;  
5050 (D) Section 41-1a-1317, regarding selling or buying a vehicle without an identification  
5051 number; and  
5052 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification number.  
5053 (b) "Predicate gang crime" also includes:  
5054 (i) any state or federal criminal offense that by its nature involves a substantial risk that  
5055 physical force may be used against another in the course of committing the offense; and  
5056 (ii) any felony violation of a criminal statute of any other state, the United States, or  
5057 any district, possession, or territory of the United States which would constitute any offense in  
5058 Subsection (4)(a) if committed in this state.  
5059 (5) (a) "Public place" means any location or structure to which the public or a  
5060 substantial group of the public has access, and includes:  
5061 (i) a sidewalk, street, or highway;  
5062 (ii) a public park, public recreation facility, or any other area open to the public;  
5063 (iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or  
5064 playhouse, or the parking lot or structure adjacent to any of these; and  
5065 (iv) the common areas of schools, hospitals, apartment houses, office buildings,  
5066 transport facilities, and businesses.  
5067 (b) "Public place" includes the lobbies, hallways, elevators, restaurants and other  
5068 dining areas, and restrooms of any of the locations or structures under Subsection (5)(a).  
5069 Section 139. Section 76-9-1008 is amended to read:  
5070 **76-9-1008. Proof of immigration status required to receive public benefits.**  
5071 (1) (a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.  
5072 1621 shall comply with Section 63G-12-402 and shall also comply with this section, except:  
5073 (i) as provided in Subsection 63G-12-402(3)(g) or (k); or  
5074 (ii) when compliance is exempted by federal law or when compliance could reasonably  
5075 be expected to be grounds for the federal government to withhold federal Medicaid funding.  
5076 (b) The agency shall verify a person's lawful presence in the United States by requiring  
5077 that the applicant under this section sign a certificate under penalty of perjury, stating that the  
5078 applicant:

- 5079 (i) is a United States citizen; or  
5080 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.  
5081 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer  
5082 that providing false information subjects the signer to penalties for perjury.  
5083 (d) The signature under this Subsection (1) may be executed in person or  
5084 electronically.  
5085 (e) When an applicant who is a qualified alien has executed the certificate under this  
5086 section, the applicant's eligibility for benefits shall be verified by the agency through the federal  
5087 SAVE program or an equivalent program designated by the United States Department of  
5088 Homeland Security.
- 5089 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent  
5090 statement of representation in a certificate executed under this section is guilty of public  
5091 assistance fraud by an applicant for public assistance under Section [~~76-8-1205~~] [76-8-1203.1](#).  
5092 (3) If the certificate constitutes a false claim of United States citizenship under 18  
5093 U.S.C. Sec. 911, the agency requiring the certificate shall file a complaint with the United  
5094 States Attorney for the applicable federal judicial district based upon the venue in which the  
5095 certificate was executed.
- 5096 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations  
5097 to the requirements of the provisions of this section that provide for adjudication of unique  
5098 individual circumstances where the verification procedures in this section would impose  
5099 unusual hardship on a legal resident of this state.
- 5100 (5) If an agency under Subsection (1) receives verification that a person making an  
5101 application for any benefit, service, or license is not a qualified alien, the agency shall provide  
5102 the information to the local law enforcement agency for enforcement of [~~Section 76-8-1205~~]  
5103 public assistance fraud by an applicant for public assistance under Section [76-8-1203.1](#) unless  
5104 prohibited by federal mandate.
- 5105 Section 140. Section **76-10-1602** is amended to read:  
5106 **76-10-1602. Definitions.**  
5107 As used in this part:  
5108 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,  
5109 business trust, association, or other legal entity, and any union or group of individuals

5110 associated in fact although not a legal entity, and includes illicit as well as licit entities.

5111 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
5112 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
5113 have the same or similar purposes, results, participants, victims, or methods of commission, or  
5114 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
5115 demonstrate continuing unlawful conduct and be related either to each other or to the  
5116 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
5117 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful  
5118 activity as defined by this part shall have occurred within five years of the commission of the  
5119 next preceding act alleged as part of the pattern.

5120 (3) "Person" includes any individual or entity capable of holding a legal or beneficial  
5121 interest in property, including state, county, and local governmental entities.

5122 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,  
5123 command, encourage, or intentionally aid another person to engage in conduct which would  
5124 constitute any offense described by the following crimes or categories of crimes, or to attempt  
5125 or conspire to engage in an act which would constitute any of those offenses, regardless of  
5126 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor  
5127 or a felony:

5128 (a) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 13, Chapter 10,  
5129 Unauthorized Recording Practices Act;

5130 (b) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 19,  
5131 Environmental Quality Code, Sections 19-1-101 through 19-7-109;

5132 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary  
5133 purpose of sale, trade, or other pecuniary gain~~[, in violation of]~~ under Title 23A, Wildlife  
5134 Resources Act, or Section 23A-5-311;

5135 (d) false claims for medical benefits, kickbacks, ~~[and any]~~ or other ~~[act]~~ acts prohibited  
5136 ~~[by]~~ under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through  
5137 26B-3-1112;

5138 (e) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 32B, Chapter 4,  
5139 Criminal Offenses and Procedure Act;

5140 (f) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 57, Chapter 11,

5141 Utah Uniform Land Sales Practices Act;

5142 (g) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 58, Chapter 37,  
5143 Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances  
5144 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
5145 Clandestine Drug Lab Act;

5146 (h) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 61, Chapter 1,  
5147 Utah Uniform Securities Act;

5148 (i) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 63G, Chapter 6a,  
5149 Utah Procurement Code;

5150 (j) assault ~~[or aggravated assault, Sections]~~ under Section 76-5-102 ~~[and]~~;

5151 ~~(k)~~ (k) aggravated assault under Section 76-5-103;

5152 ~~(l)~~ (l) a threat of terrorism~~;~~ under Section 76-5-107.3;

5153 ~~(m)~~ (m) a criminal homicide offense~~;~~ as described in under Section 76-5-201;

5154 ~~(n)~~ (n) kidnapping ~~[or aggravated kidnapping, Sections]~~ under Section 76-5-301

5155 ~~[and]~~;

5156 (o) aggravated kidnapping under Section 76-5-302;

5157 ~~(p)~~ (p) human trafficking~~;~~ for labor under Section 76-5-308;

5158 (q) human trafficking for sexual exploitation under Section 76-5-308.1;

5159 (r) human smuggling under Section 76-5-308.3;

5160 (s) human trafficking of a child~~;~~ human smuggling, or aggravated human trafficking,

5161 Sections 76-5-308, 76-5-308.1, 76-5-308.3, under Section 76-5-308.5~~;~~;

5162 (t) benefiting from trafficking and human smuggling under Section 76-5-309~~;~~ ~~[and]~~;

5163 (u) aggravated human trafficking under Section 76-5-310;

5164 ~~(v)~~ (v) sexual exploitation of a minor ~~[or]~~ under Section 76-5b-201;

5165 (w) aggravated sexual exploitation of a minor~~;~~ ~~Sections 76-5b-201 and~~ under Section  
5166 76-5b-201.1;

5167 ~~(p)~~ (x) arson under Section 76-6-102;

5168 (y) ~~[or]~~ aggravated arson~~;~~ ~~Sections 76-6-102 and~~ under Section 76-6-103;

5169 ~~(z)~~ (z) causing a catastrophe~~;~~ under Section 76-6-105;

5170 ~~(aa)~~ (aa) burglary under Section 76-6-202;

5171 (bb) ~~[or]~~ aggravated burglary~~;~~ ~~Sections 76-6-202 and~~ under Section 76-6-203;

5172            [~~s~~] (cc) burglary of a vehicle[;] under Section 76-6-204;

5173            [~~t~~] (dd) manufacture or possession of an instrument for burglary or theft[;] under

5174 Section 76-6-205;

5175            [~~u~~] (ee) robbery under Section 76-6-301;

5176            [~~o~~] (ff) [or] aggravated robbery[; ~~Sections 76-6-301 and~~] under Section 76-6-302;

5177            [~~v~~] (gg) theft[;] under Section 76-6-404;

5178            [~~w~~] (hh) theft by deception[;] under Section 76-6-405;

5179            [~~x~~] (ii) theft by extortion[;] under Section 76-6-406;

5180            [~~y~~] (jj) receiving stolen property[;] under Section 76-6-408;

5181            [~~z~~] (kk) theft of services[;] under Section 76-6-409;

5182            [~~aa~~] (ll) forgery[;] under Section 76-6-501;

5183            [~~bb~~] (mm) [~~fraudulent use of a credit card, Sections~~] unlawful use of financial

5184 transaction card under Section 76-6-506.2[;];

5185            (nn) unlawful acquisition, possession, or transfer of financial transaction card under

5186 Section 76-6-506.3[; ~~and~~];

5187            (oo) financial transaction card offenses under Section 76-6-506.6;

5188            [~~cc~~] (pp) deceptive business practices[;] under Section 76-6-507;

5189            [~~dd~~] (qq) bribery or receiving bribe by person in the business of selection, appraisal,

5190 or criticism of goods[;] under Section 76-6-508;

5191            [~~ee~~] (rr) bribery of a labor official[;] under Section 76-6-509;

5192            [~~ff~~] (ss) defrauding creditors[;] under Section 76-6-511;

5193            [~~gg~~] (tt) acceptance of deposit by insolvent financial institution[;] under Section

5194 76-6-512;

5195            [~~hh~~] (uu) unlawful dealing with property by fiduciary[;] under Section 76-6-513;

5196            [~~ii~~] (vv) bribery or threat to influence contest[;] under Section 76-6-514;

5197            [~~jj~~] (ww) making a false credit report[;] under Section 76-6-517;

5198            [~~kk~~] (xx) criminal simulation[;] under Section 76-6-518;

5199            [~~ll~~] (yy) criminal usury[;] under Section 76-6-520;

5200            [~~mm~~] (zz) insurance fraud[;] under Section 76-6-521;

5201            [~~nn~~] (aaa) retail theft[;] under Section 76-6-602;

5202            [~~oo~~] (bbb) computer crimes[;] under Section 76-6-703;

5203            [~~(pp)~~] (ccc) identity fraud[;] under Section [76-6-1102](#);

5204            [~~(qq)~~] (ddd) mortgage fraud[;] under Section [76-6-1203](#);

5205            [~~(rr)~~] (eee) sale of a child[;] under Section [76-7-203](#);

5206            [~~(ss)~~] (fff) bribery to influence official or political actions[;] under Section [76-8-103](#);

5207            [~~(tt)~~] (ggg) [~~threats~~] threat to influence official or political action[;] under Section

5208            [76-8-104](#);

5209            [~~(uu)~~] (hhh) receiving bribe or bribery by public servant[;] under Section [76-8-105](#);

5210            [~~(vv)~~] (iii) receiving bribe [~~or bribery~~] for endorsement of person as a public servant[;]

5211            under Section [76-8-106](#);

5212            [~~(ww) official misconduct, Sections]~~

5213            (iii) bribery for endorsement of person as public servant under Section [76-8-106.1](#);

5214            (kkk) official misconduct based on unauthorized act or failure of duty under Section

5215            [76-8-201](#) [~~and~~];

5216            (lll) official misconduct concerning inside information under Section [76-8-202](#);

5217            [~~(xx)~~] (mmm) obstruction of justice[;] in a criminal investigation or proceeding under

5218            Section [76-8-306](#);

5219            [~~(yy)~~] (nnn) acceptance of bribe or bribery to prevent criminal prosecution[;] under

5220            Section [76-8-308](#);

5221            (ooo) harboring or concealing offender who has escaped from official custody under

5222            Section [76-8-309.2](#);

5223            [~~(zz)~~] (ppp) making a false or inconsistent material [~~statements,~~] statement under

5224            Section [76-8-502](#);

5225            [~~(aaa)~~] (qqq) making a false or inconsistent [~~statements,~~] statement under Section

5226            [76-8-503](#);

5227            [~~(bbb)~~] (rrr) making a written false [~~statements,~~] statement under Section [76-8-504](#);

5228            [~~(ccc)~~] (sss) tampering with a witness [~~or soliciting or receiving a bribe,~~] under Section

5229            [76-8-508](#);

5230            [~~(ddd)~~] (ttt) retaliation against a witness, victim, or informant[;] under Section

5231            [76-8-508.3](#);

5232            (uuu) receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);

5233            [~~(eee)~~] (vvv) extortion or bribery to dismiss a criminal proceeding[;] under Section

5234 76-8-509;

5235 [~~(fff)~~] (www) tampering with evidence[;] under Section 76-8-510.5;

5236 [~~(ggg)~~] (xxx) falsification or alteration of a government record[;] under Section

5237 76-8-511, if the record is a record described in Title 20A, Election Code, or Title 36, Chapter

5238 11, Lobbyist Disclosure and Regulation Act;

5239 [~~(hhh)~~] (yyy) public assistance fraud [~~in violation of~~] by an applicant for public

5240 assistance under Section [~~76-8-1203, 76-8-1204, or 76-8-1205~~] 76-8-1203.1;

5241 (zzz) public assistance fraud by a recipient of public assistance under Section

5242 76-8-1203.3;

5243 (aaa) public assistance fraud by a provider under Section 76-8-1203.5;

5244 (bbb) fraudulently misappropriating public assistance funds under Section

5245 76-8-1203.7;

5246 [~~(iii)~~] (ccc) [~~unemployment insurance fraud,~~] false statement to obtain or increase

5247 unemployment compensation under Section 76-8-1301;

5248 (ddd) false statement to prevent or reduce unemployment compensation or liability

5249 under Section 76-8-1302;

5250 (eee) unlawful failure to comply with Employment Security Act requirements under

5251 Section 76-8-1303;

5252 (fff) unlawful use or disclosure of employment information under Section 76-8-1304;

5253 [~~(jjj)~~] (ggg) intentionally or knowingly causing one animal to fight with another[;]

5254 under Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;

5255 [~~(kkk)~~] (hhh) possession, use, or removal of explosives, chemical, or incendiary

5256 devices or parts[;] under Section 76-10-306;

5257 [~~(HH)~~] (iii) delivery to common carrier, mailing, or placement on premises of an

5258 incendiary device[;] under Section 76-10-307;

5259 [~~(mmm)~~] (jjj) possession of a deadly weapon with intent to assault[;] under Section

5260 76-10-507;

5261 [~~(nm)~~] (kkk) unlawful marking of pistol or revolver[;] under Section 76-10-521;

5262 [~~(ooo)~~] (lll) alteration of number or mark on pistol or revolver[;] under Section

5263 76-10-522;

5264 [~~(ppp)~~] (mmm) forging or counterfeiting trademarks, trade name, or trade device[;]

5265 under Section 76-10-1002;

5266 [~~(qqq)~~] (nnnn) selling goods under counterfeited trademark, trade name, or trade

5267 devices[;] under Section 76-10-1003;

5268 [~~(rrr)~~] (oooo) sales in containers bearing registered trademark of substituted articles[;]

5269 under Section 76-10-1004;

5270 [~~(sss)~~] (pppp) selling or dealing with article bearing registered trademark or service

5271 mark with intent to defraud[;] under Section 76-10-1006;

5272 [~~(ttt)~~] (qqqq) gambling[;] under Section 76-10-1102;

5273 [~~(uuu)~~] (rrrr) gambling fraud[;] under Section 76-10-1103;

5274 [~~(vvv)~~] (ssss) gambling promotion[;] under Section 76-10-1104;

5275 [~~(www)~~] (tttt) possessing a gambling device or record[;] under Section 76-10-1105;

5276 [~~(xxx)~~] (uuuu) confidence game[;] under Section 76-10-1109;

5277 [~~(yyy)~~] (vvvv) distributing pornographic material[;] under Section 76-10-1204;

5278 [~~(zzz)~~] (wwww) inducing acceptance of pornographic material[;] under Section

5279 76-10-1205;

5280 [~~(aaa)~~] (xxxx) dealing in harmful material to a minor[;] under Section 76-10-1206;

5281 [~~(bbb)~~] (yyyy) distribution of pornographic films[;] under Section 76-10-1222;

5282 [~~(ccc)~~] (zzzz) indecent public displays[;] under Section 76-10-1228;

5283 [~~(ddd)~~] (aaaa) prostitution[;] under Section 76-10-1302;

5284 [~~(eee)~~] (bbbb) aiding prostitution[;] under Section 76-10-1304;

5285 [~~(fff)~~] (cccc) exploiting prostitution[;] under Section 76-10-1305;

5286 [~~(ggg)~~] (dddd) aggravated exploitation of prostitution[;] under Section 76-10-1306;

5287 [~~(hhh)~~] (eeee) communications fraud[;] under Section 76-10-1801;

5288 [~~(iii)~~] (ffff) [~~any~~] an act prohibited by the criminal provisions of Part 19, Money

5289 Laundering and Currency Transaction Reporting Act;

5290 [~~(jjj)~~] (ggggg) vehicle compartment for contraband[;] under Section 76-10-2801;

5291 [~~(kkk)~~] (hhhhh) [~~any~~] an act prohibited by the criminal provisions of the laws

5292 governing taxation in this state; [~~and~~] or

5293 [~~(H)~~] (iiii) [~~any~~] an act illegal under the laws of the United States and enumerated in

5294 18 U.S.C. Sec. 1961(1)(B), (C), and (D).

5295 Section 141. Section 77-23a-8 is amended to read:

5296 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

5297 (1) The attorney general of the state, any assistant attorney general specially designated  
5298 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy  
5299 district attorney specially designated by the county attorney or by the district attorney, may  
5300 authorize an application to a judge of competent jurisdiction for an order for an interception of  
5301 wire, electronic, or oral communications by any law enforcement agency of the state, the  
5302 federal government or of any political subdivision of the state that is responsible for  
5303 investigating the type of offense for which the application is made.

5304 (2) The judge may grant the order in conformity with the required procedures when the  
5305 interception sought may provide or has provided evidence of the commission of:

5306 (a) [~~any~~] an act:

5307 (i) prohibited by the criminal provisions of:

5308 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

5309 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

5310 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

5311 (ii) punishable by a term of imprisonment of more than one year;

5312 (b) [~~any~~] an act prohibited by the criminal provisions [~~of~~] under Title 61, Chapter 1,

5313 Utah Uniform Securities Act, and punishable by a term of imprisonment of more than one year;

5314 (c) an offense:

5315 (i) of:

5316 (A) attempt[;] under Section 76-4-101;

5317 (B) conspiracy[;] under Section 76-4-201;

5318 (C) solicitation[;] under Section 76-4-203; and

5319 (ii) punishable by a term of imprisonment of more than one year;

5320 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of  
5321 more than one year[;] under Section 76-5-107.3;

5322 (e) (i) aggravated murder[;] under Section 76-5-202;

5323 (ii) murder[;] under Section 76-5-203; or

5324 (iii) manslaughter[;] under Section 76-5-205;

5325 (f) (i) kidnapping[;] under Section 76-5-301;

5326 (ii) child kidnapping[;] under Section 76-5-301.1;

- 5327 (iii) aggravated kidnapping[;] under Section 76-5-302;
- 5328 (iv) human trafficking[;] for labor under Section 76-5-308[;];
- 5329 (v) human trafficking for sexual exploitation under Section 76-5-308.1[;];
- 5330 (vi) [~~or~~] human trafficking of a child under Section 76-5-308.5[;,~~or~~];
- 5331 (vii) human smuggling[;] under Section 76-5-308.3; [~~or~~]
- 5332 [~~(v)~~] (viii) aggravated human trafficking[;] under Section 76-5-310[;]; or
- 5333 (ix) aggravated human smuggling[;] under Section 76-5-310.1;
- 5334 (g) (i) arson[;] under Section 76-6-102; or
- 5335 (ii) aggravated arson[;] under Section 76-6-103;
- 5336 (h) (i) burglary[;] under Section 76-6-202; or
- 5337 (ii) aggravated burglary[;] under Section 76-6-203;
- 5338 (i) (i) robbery[;] under Section 76-6-301; or
- 5339 (ii) aggravated robbery[;] under Section 76-6-302;
- 5340 (j) an offense:
- 5341 (i) of:
- 5342 (A) theft[;] under Section 76-6-404;
- 5343 (B) theft by deception[;] under Section 76-6-405; or
- 5344 (C) theft by extortion[;] under Section 76-6-406; and
- 5345 (ii) punishable by a maximum term of imprisonment of more than one year;
- 5346 (k) an offense of receiving stolen property that is punishable by a maximum term of
- 5347 imprisonment of more than one year[;] under Section 76-6-408;
- 5348 (l) a financial card transaction offense punishable by a maximum term of imprisonment
- 5349 of more than one year[;] under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 5350 (m) bribery of a labor official[;] under Section 76-6-509;
- 5351 (n) bribery or threat to influence a publicly exhibited contest[;] under Section
- 5352 76-6-514;
- 5353 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
- 5354 more than one year[;] under Section 76-6-518;
- 5355 (p) criminal usury[;] under Section 76-6-520;
- 5356 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
- 5357 year[;] under Section 76-6-521;

5358 (r) a violation ~~[of]~~ under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act,  
5359 punishable by a maximum term of imprisonment of more than one year[;] under Section  
5360 76-6-703;

5361 (s) bribery to influence official or political actions[;] under Section 76-8-103;

5362 (t) misusing public money or public property[;] under Section 76-8-402;

5363 (u) tampering with a witness ~~[or soliciting or receiving a bribe,]~~ under Section  
5364 76-8-508;

5365 (v) retaliation against a witness, victim, or informant[;] under Section 76-8-508.3;

5366 (w) tampering ~~[with a juror, retaliation]~~ or retaliating against a juror[;] under Section  
5367 76-8-508.5;

5368 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

5369 ~~[(x)]~~ (y) extortion or bribery to dismiss a criminal proceeding[;] under Section  
5370 76-8-509;

5371 ~~[(y)]~~ (z) obstruction of justice[;] in a criminal investigation or proceeding under  
5372 Section 76-8-306;

5373 (aa) harboring or concealing offender who has escaped from official custody under  
5374 Section 76-8-309.2;

5375 ~~[(z)]~~ (bb) destruction of property to interfere with ~~[preparation]~~ preparations for  
5376 defense or war[;] under Section 76-8-802;

5377 ~~[(aa)]~~ (cc) an attempt to commit crimes of sabotage[;] under Section 76-8-804;

5378 ~~[(bb)]~~ (dd) conspiracy to commit crimes of sabotage[;] under Section 76-8-805;

5379 ~~[(cc)]~~ (ee) advocating criminal syndicalism or sabotage[;] under Section 76-8-902;

5380 ~~[(dd)]~~ (ff) ~~[assembly]~~ assembling for advocating criminal syndicalism or sabotage[;]  
5381 under Section 76-8-903;

5382 ~~[(ee)]~~ (gg) riot punishable by a maximum term of imprisonment of more than one  
5383 year[;] under Section 76-9-101;

5384 ~~[(ff)]~~ (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions  
5385 punishable by a maximum term of imprisonment of more than one year[;] under Section  
5386 76-9-301.1;

5387 ~~[(gg)]~~ (ii) possession, use, or removal of an explosive, chemical, or incendiary device  
5388 and parts[;] under Section 76-10-306;

5389            [(hh)] (jj) delivery to a common carrier or mailing of an explosive, chemical, or  
5390 incendiary device[;] under Section 76-10-307;

5391            [(ii)] (kk) exploiting prostitution[;] under Section 76-10-1305;

5392            [(jj)] (ll) aggravated exploitation of prostitution[;] under Section 76-10-1306;

5393            [(kk)] (mm) bus hijacking or assault with intent to commit hijacking[;] under Section  
5394 76-10-1504;

5395            [(H)] (nn) discharging firearms and hurling missiles[;] under Section 76-10-1505;

5396            [(mm)] (oo) violations [of] under Title 76, Chapter 10, Part 16, Pattern of Unlawful  
5397 Activity Act, and the offenses listed under the definition of unlawful activity in the act,  
5398 including the offenses not punishable by a maximum term of imprisonment of more than one  
5399 year when those offenses are investigated as predicates for the offenses prohibited by the act[;]  
5400 under Section 76-10-1602;

5401            [(nn)] (pp) communications fraud[;] under Section 76-10-1801;

5402            [(oo)] (qq) money laundering[;] under Sections 76-10-1903 and 76-10-1904; or

5403            [(pp)] (rr) reporting by a person engaged in a trade or business when the offense is  
5404 punishable by a maximum term of imprisonment of more than one year[;] under Section  
5405 76-10-1906.

5406            Section 142. Section 77-36-1 is amended to read:

5407            **77-36-1. Definitions.**

5408            As used in this chapter:

5409            (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.

5410            (2) "Department" means the Department of Public Safety.

5411            (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter  
5412 3, Divorce.

5413            (4) "Domestic violence" or "domestic violence offense" means any criminal offense  
5414 involving violence or physical harm or threat of violence or physical harm, or any attempt,  
5415 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,  
5416 when committed by one cohabitant against another. "Domestic violence" or "domestic  
5417 violence offense" includes commission or attempt to commit, any of the following offenses by  
5418 one cohabitant against another:

5419            (a) aggravated assault[; ~~as described in~~] under Section 76-5-103;

5420 (b) aggravated cruelty to an animal~~[, as described in]~~ under Subsection 76-9-301(4),  
5421 with the intent to harass or threaten the other cohabitant;

5422 (c) assault~~[, as described in]~~ under Section 76-5-102;

5423 (d) criminal homicide~~[, as described in]~~ under Section 76-5-201;

5424 (e) harassment~~[, as described in]~~ under Section 76-5-106;

5425 (f) electronic communication harassment~~[, as described in]~~ under Section 76-9-201;

5426 (g) kidnapping, child kidnapping, or aggravated kidnapping~~[, as described in]~~ under  
5427 Sections 76-5-301, 76-5-301.1, and 76-5-302;

5428 (h) mayhem~~[, as described in]~~ under Section 76-5-105;

5429 (i) sexual offenses~~[, as described in]~~ under Title 76, Chapter 5, Part 4, Sexual  
5430 Offenses~~[, and]~~;

5431 (j) sexual exploitation of a minor ~~[and aggravated sexual exploitation of a minor, as~~  
5432 ~~described in Sections]~~ under Section 76-5b-201 ~~[and]~~;

5433 (k) aggravated sexual exploitation of a minor under Section 76-5b-201.1;

5434 (l) stalking~~[, as described in]~~ under Section 76-5-106.5;

5435 (m) unlawful detention ~~[or]~~ and unlawful detention of a minor~~[, as described in]~~  
5436 under Section 76-5-304;

5437 (n) violation of a protective order or ex parte protective order~~[, as described in]~~  
5438 under Section 76-5-108;

5439 (o) ~~[any]~~ an offense against property ~~[described in]~~ under Title 76, Chapter 6,  
5440 Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or  
5441 Title 76, Chapter 6, Part 3, Robbery;

5442 (p) possession of a deadly weapon with criminal intent~~[, as described in]~~ under  
5443 Section 76-10-507;

5444 (q) discharge of a firearm from a vehicle, near a highway, or in the direction of  
5445 any person, building, or vehicle~~[, as described in]~~ under Section 76-10-508;

5446 (r) disorderly conduct~~[, as defined in]~~ under Section 76-9-102, if a conviction or  
5447 adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator  
5448 was originally charged with a domestic violence offense otherwise described in this Subsection  
5449 (4), except that a conviction or adjudication of disorderly conduct as a domestic violence  
5450 offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor

5451 crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms  
5452 Act, 18 U.S.C. Sec. 921 et seq.;

5453 ~~[(q)]~~ (s) child abuse~~[, as described in]~~ under Section 76-5-114;

5454 ~~[(r)]~~ (t) threatening use of a dangerous weapon~~[, as described in]~~ under Section  
5455 76-10-506;

5456 ~~[(s)]~~ (u) threatening violence~~[, as described in]~~ under Section 76-5-107;

5457 ~~[(t)]~~ (v) tampering with a witness~~[, as described in]~~ under Section 76-8-508;

5458 ~~[(u)]~~ (w) retaliation against a witness ~~[or]~~<sub>2</sub> victim, ~~[as described in]~~ or informant under  
5459 Section 76-8-508.3;

5460 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

5461 ~~[(v)]~~ (y) unlawful distribution of an intimate image~~[, as described in]~~ under Section  
5462 76-5b-203~~[, or]~~;

5463 (z) unlawful distribution of a counterfeit intimate image~~[, as described in]~~ under  
5464 Section 76-5b-205;

5465 ~~[(w)]~~ (aa) sexual battery~~[, as described in]~~ under Section 76-9-702.1;

5466 ~~[(x)]~~ (bb) voyeurism~~[, as described in]~~ under Section 76-9-702.7;

5467 ~~[(y)]~~ (cc) damage to or interruption of a communication device~~[, as described in]~~ under  
5468 Section 76-6-108; or

5469 ~~[(z)]~~ (dd) an offense ~~[described in]~~ under Subsection 78B-7-806(1).

5470 (5) "Jail release agreement" means the same as that term is defined in Section  
5471 78B-7-801.

5472 (6) "Jail release court order" means the same as that term is defined in Section  
5473 78B-7-801.

5474 (7) "Marital status" means married and living together, divorced, separated, or not  
5475 married.

5476 (8) "Married and living together" means a couple whose marriage was solemnized  
5477 under Section 30-1-4 or 30-1-6 and who are living in the same residence.

5478 (9) "Not married" means any living arrangement other than married and living together,  
5479 divorced, or separated.

5480 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).

5481 (11) "Pretrial protective order" means a written order:

5482 (a) specifying and limiting the contact a person who has been charged with a domestic  
5483 violence offense may have with an alleged victim or other specified individuals; and

5484 (b) specifying other conditions of release under Section [78B-7-802](#) or [78B-7-803](#),  
5485 pending trial in the criminal case.

5486 (12) "Sentencing protective order" means a written order of the court as part of  
5487 sentencing in a domestic violence case that limits the contact an individual who is convicted or  
5488 adjudicated of a domestic violence offense may have with a victim or other specified  
5489 individuals under Section [78B-7-804](#).

5490 (13) "Separated" means a couple who have had their marriage solemnized under  
5491 Section [30-1-4](#) or [30-1-6](#) and who are not living in the same residence.

5492 (14) "Victim" means a cohabitant who has been subjected to domestic violence.  
5493 Section 143. Section [77-36-1.1](#) is amended to read:

5494 **77-36-1.1. Enhancement of offense and penalty for subsequent domestic violence**  
5495 **offenses.**

5496 (1) As used in this section:

5497 (a) (i) "Convicted" means a conviction by plea or verdict of a crime or offense.

5498 (ii) "Convicted" includes:

5499 (A) a plea of guilty or guilty with a mental condition;

5500 (B) a plea of no contest; and

5501 (C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas  
5502 in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in  
5503 accordance with the plea in abeyance agreement.

5504 (iii) "Convicted" does not include an adjudication in juvenile court.

5505 (b) "Offense against the person" means commission or attempt to commit an offense  
5506 under Title 76, Chapter 5, Part 1, Assault and Related Offenses, Part 2, Criminal Homicide,  
5507 Part 3, Kidnapping, Trafficking, and Smuggling, Part 4, Sexual Offenses, or Part 7, Genital  
5508 Mutilation, by one cohabitant against another.

5509 (c) "Property damage offense" means the commission or attempt to commit an offense  
5510 under Section [76-6-106](#) or [76-6-106.1](#) by one cohabitant against another.

5511 (d) "Qualifying domestic violence offense" means:

5512 (i) a domestic violence offense in Utah; or

5513 (ii) an offense in any other state, or in any district, possession, or territory of the United  
5514 States, that would be a domestic violence offense under Utah law.

5515 (2) An individual who is convicted of a domestic violence offense is guilty of a class B  
5516 misdemeanor if:

5517 (a) the domestic violence offense described in this Subsection (2) is designated by law  
5518 as a class C misdemeanor; and

5519 (b) the individual commits or is convicted of the domestic violence offense described  
5520 in this Subsection (2):

5521 (i) within 10 years after the day on which the individual is convicted of a qualifying  
5522 domestic violence offense that is not a [~~criminal mischief~~] property damage offense; or

5523 (ii) within five years after the day on which the individual is convicted of a [~~criminal~~  
5524 ~~mischief~~] property damage offense.

5525 (3) An individual who is convicted of a domestic violence offense is guilty of a class A  
5526 misdemeanor if:

5527 (a) the domestic violence offense described in this Subsection (3) is designated by law  
5528 as a class B misdemeanor; and

5529 (b) the individual commits or is convicted of the domestic violence offense described  
5530 in this Subsection (3):

5531 (i) within 10 years after the day on which the individual is convicted of a qualifying  
5532 domestic violence offense that is not a [~~criminal mischief~~] property damage offense; or

5533 (ii) within five years after the day on which the individual is convicted of a [~~criminal~~  
5534 ~~mischief~~] property damage offense.

5535 (4) An individual who is convicted of a domestic violence offense is guilty of a third  
5536 degree felony if:

5537 (a) the domestic violence offense described in this Subsection (4) is designated by law  
5538 as a class B misdemeanor offense against the person and the individual:

5539 (i) (A) commits or is convicted of the domestic violence offense described in this  
5540 Subsection (4) within 10 years after the day on which the individual is convicted of a  
5541 qualifying domestic violence offense that is not a [~~criminal mischief~~] property damage offense;  
5542 and

5543 (B) is convicted of another qualifying domestic violence offense that is not a [~~criminal~~

5544 ~~mischief~~ property damage offense after the day on which the individual is convicted of the  
5545 qualifying domestic violence offense described in Subsection (4)(a)(i)(A) and before the day on  
5546 which the individual is convicted of the domestic violence offense described in this Subsection  
5547 (4);

5548 (ii) (A) commits or is convicted of the domestic violence offense described in this  
5549 Subsection (4) within five years after the day on which the individual is convicted of a  
5550 ~~[criminal mischief]~~ property damage offense; and

5551 (B) is convicted of another ~~[criminal mischief]~~ property damage offense after the day  
5552 on which the individual is convicted of the ~~[criminal mischief]~~ property damage offense  
5553 described in Subsection (4)(a)(ii)(A) and before the day on which the individual is convicted of  
5554 the domestic violence offense described in this Subsection (4); or

5555 (iii) commits or is convicted of the domestic violence offense described in this  
5556 Subsection (4) within 10 years after the day on which the individual is convicted of a  
5557 qualifying domestic violence offense that is not a ~~[criminal mischief]~~ property damage offense  
5558 and within five years after the day on which the individual is convicted of a ~~[criminal mischief]~~  
5559 property damage offense; and

5560 (b) (i) the domestic violence offense described in this Subsection (4) is designated by  
5561 law as a class A misdemeanor; and

5562 (ii) the individual commits or is convicted of the domestic violence offense described  
5563 in this Subsection (4):

5564 (A) within 10 years after the day on which the individual is convicted of a qualifying  
5565 domestic violence offense that is not a ~~[criminal mischief]~~ property damage offense; or

5566 (B) within five years after the day on which the individual is convicted of a ~~[criminal~~  
5567 ~~mischief]~~ property damage offense.

5568 Section 144. Section ~~77-37-3~~ is amended to read:

5569 **77-37-3. Bill of rights.**

5570 (1) The bill of rights for victims and witnesses is:

5571 (a) Victims and witnesses have a right to be informed as to the level of protection from  
5572 intimidation and harm available to them, and from what sources, as they participate in criminal  
5573 justice proceedings as designated by Section ~~76-8-508~~, regarding ~~[witness tampering]~~  
5574 tampering with a witness, and Section ~~76-8-509~~, regarding ~~[threats against a victim]~~ extortion

5575 or bribery to dismiss a criminal proceeding. Law enforcement, prosecution, and corrections  
5576 personnel have the duty to timely provide this information in a form which is useful to the  
5577 victim.

5578 (b) Victims and witnesses, including children and their guardians, have a right to be  
5579 informed and assisted as to their role in the criminal justice process. All criminal justice  
5580 agencies have the duty to provide this information and assistance.

5581 (c) Victims and witnesses have a right to clear explanations regarding relevant legal  
5582 proceedings; these explanations shall be appropriate to the age of child victims and witnesses.  
5583 All criminal justice agencies have the duty to provide these explanations.

5584 (d) Victims and witnesses should have a secure waiting area that does not require them  
5585 to be in close proximity to defendants or the family and friends of defendants. Agencies  
5586 controlling facilities shall, whenever possible, provide this area.

5587 (e) Victims may seek restitution or reparations, including medical costs, as provided in  
5588 Title 63M, Chapter 7, Criminal Justice and Substance Abuse, Title 77, Chapter 38b, Crime  
5589 Victims Restitution Act, and Section 80-6-710. State and local government agencies that serve  
5590 victims have the duty to have a functional knowledge of the procedures established by the  
5591 Crime Victim Reparations Board and to inform victims of these procedures.

5592 (f) Victims and witnesses have a right to have any personal property returned as  
5593 provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d, Lost or  
5594 Mislaid Property. Criminal justice agencies shall expeditiously return the property when it is no  
5595 longer needed for court law enforcement or prosecution purposes.

5596 (g) Victims and witnesses have the right to reasonable employer intercession services,  
5597 including pursuing employer cooperation in minimizing employees' loss of pay and other  
5598 benefits resulting from their participation in the criminal justice process. Officers of the court  
5599 shall provide these services and shall consider victims' and witnesses' schedules so that  
5600 activities which conflict can be avoided. Where conflicts cannot be avoided, the victim may  
5601 request that the responsible agency intercede with employers or other parties.

5602 (h) Victims and witnesses, particularly children, should have a speedy disposition of  
5603 the entire criminal justice process. All involved public agencies shall establish policies and  
5604 procedures to encourage speedy disposition of criminal cases.

5605 (i) Victims and witnesses have the right to timely notice of judicial proceedings they

5606 are to attend and timely notice of cancellation of any proceedings. Criminal justice agencies  
5607 have the duty to provide these notifications. Defense counsel and others have the duty to  
5608 provide timely notice to prosecution of any continuances or other changes that may be required.

5609 (j) Victims of sexual offenses have the following rights:

5610 (i) the right to request voluntary testing for themselves for HIV infection as provided in  
5611 Section 53-10-803 and to request mandatory testing of the alleged sexual offender for HIV  
5612 infection as provided in Section 53-10-802;

5613 (ii) the right to be informed whether a DNA profile was obtained from the testing of  
5614 the rape kit evidence or from other crime scene evidence;

5615 (iii) the right to be informed whether a DNA profile developed from the rape kit  
5616 evidence or other crime scene evidence has been entered into the Utah Combined DNA Index  
5617 System;

5618 (iv) the right to be informed whether there is a match between a DNA profile  
5619 developed from the rape kit evidence or other crime scene evidence and a DNA profile  
5620 contained in the Utah Combined DNA Index System, provided that disclosure would not  
5621 impede or compromise an ongoing investigation; and

5622 (v) the right to designate a person of the victim's choosing to act as a recipient of the  
5623 information provided under this Subsection (1)(j) and under Subsections (2) and (3).

5624 (k) Subsections (1)(j)(ii) through (iv) do not require that the law enforcement agency  
5625 communicate with the victim or the victim's designee regarding the status of DNA testing,  
5626 absent a specific request received from the victim or the victim's designee.

5627 (2) The law enforcement agency investigating a sexual offense may:

5628 (a) release the information indicated in Subsections (1)(j)(ii) through (iv) upon the  
5629 request of a victim or the victim's designee and is the designated agency to provide that  
5630 information to the victim or the victim's designee;

5631 (b) require that the victim's request be in writing; and

5632 (c) respond to the victim's request with verbal communication, written communication,  
5633 or by email, if an email address is available.

5634 (3) The law enforcement agency investigating a sexual offense has the following  
5635 authority and responsibilities:

5636 (a) If the law enforcement agency determines that DNA evidence will not be analyzed

5637 in a case where the identity of the perpetrator has not been confirmed, the law enforcement  
5638 agency shall notify the victim or the victim's designee.

5639 (b) (i) If the law enforcement agency intends to destroy or dispose of rape kit evidence  
5640 or other crime scene evidence from an unsolved sexual assault case, the law enforcement  
5641 agency shall provide written notification of that intention and information on how to appeal the  
5642 decision to the victim or the victim's designee of that intention.

5643 (ii) Written notification under this Subsection (3) shall be made not fewer than 60 days  
5644 prior to the destruction or disposal of the rape kit evidence or other crime scene evidence.

5645 (c) A law enforcement agency responsible for providing information under Subsections  
5646 (1)(j)(ii) through (iv), (2), and (3) shall do so in a timely manner and, upon request of the  
5647 victim or the victim's designee, shall advise the victim or the victim's designee of any  
5648 significant changes in the information of which the law enforcement agency is aware.

5649 (d) The law enforcement agency investigating the sexual offense is responsible for  
5650 informing the victim or the victim's designee of the rights established under Subsections  
5651 (1)(j)(ii) through (iv) and (2), and this Subsection (3).

5652 (4) Informational rights of the victim under this chapter are based upon the victim  
5653 providing the current name, address, telephone number, and email address, if an email address  
5654 is available, of the person to whom the information should be provided to the criminal justice  
5655 agencies involved in the case.

5656 Section 145. **Repealer.**

5657 This bill repeals:

5658 Section **76-8-314, Threatening elected officials -- "Elected official" defined.**

5659 Section **76-8-315, Threatening elected officials -- Penalties for assault.**

5660 Section **76-8-404, Making profit from or misusing public money or public property**  
5661 **-- Disqualification from office -- Criminal penalty.**

5662 Section **76-8-505, False or inconsistent statements -- Proof of falsity of statements --**  
5663 **Irregularities no defense.**

5664 Section **76-8-701, Definitions.**

5665 Section **76-8-702, Purpose.**

5666 Section **76-8-707, Assistance by local authorities.**

5667 Section **76-8-709, Enforcement of laws by local agencies not limited.**

5668 Section **76-8-716**, Request for assistance from state and local law enforcement  
5669 **authorities.**

5670 Section **76-8-717**, Violations -- Classifications of offenses.

5671 Section **76-8-801**, Definitions.

5672 Section **76-8-806**, Facts kept secret until complaint filed.

5673 Section **76-8-808**, Detention and arrest without warrant of unauthorized persons  
5674 **on posted premises.**

5675 Section **76-8-1101**, Criminal offenses and penalties relating to revenue and  
5676 **taxation -- Rulemaking authority -- Statute of limitations.**

5677 Section **76-8-1202**, Application of part.

5678 Section **76-8-1204**, Disclosure by provider required -- Penalty.

5679 Section **76-8-1205**, Public assistance fraud defined.

5680 Section **76-8-1206**, Penalties for public assistance fraud.

5681 Section **76-8-1401**, Definitions.

5682 Section 146. **Effective date.**

5683 This bill takes effect on May 1, 2024.