Part 1
Property Destruction

76-6-101 Definitions.

(1) For purposes of this chapter:
  (a) "Fire" means a flame, heat source capable of combustion, or material capable of combustion that is caused, set, or maintained by a person for any purpose.
  (b) "Habitable structure" means any building, vehicle, trailer, railway car, aircraft, or watercraft used for lodging or assembling persons or conducting business whether a person is actually present or not.
  (c) "Property" means:
    (i) any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure; and
    (ii) the property of another, if anyone other than the actor has a possessory or proprietary interest in any portion of the property.
  (d) "Value" means:
    (i) the market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or
    (ii) where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.
(2) If the property damaged has a value that cannot be ascertained by the criteria set forth in Subsection (1)(d), the property shall be considered to have a value less than $500.

Amended by Chapter 340, 2011 General Session

76-6-102 Arson.

(1) A person is guilty of arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:
  (a) any property with intention of defrauding an insurer; or
  (b) the property of another.
(2) A violation of Subsection (1)(a) is a second degree felony.
(3) A violation of Subsection (1)(b) is a second degree felony if:
  (a) the damage caused is or exceeds $5,000 in value;
  (b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section 76-1-601;
  (c)
    (i) the damage caused is or exceeds $1,500 but is less than $5,000 in value; and
    (ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).
(4) A violation of Subsection (1)(b) is a third degree felony if:
  (a) the damage caused is or exceeds $1,500 but is less than $5,000 in value;
  (b) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section 76-1-601;
  (c) the fire or explosion endangers human life; or
  (d)
    (i) the damage caused is or exceeds $500 but is less than $1,500 in value; and

(ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).

(5) A violation of Subsection (1)(b) is a class A misdemeanor if the damage caused:
(a) is or exceeds $500 but is less than $1,500 in value; or
(b)
(i) is less than $500; and
(ii) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (1)(b).

(6) A violation of Subsection (1)(b) is a class B misdemeanor if the damage caused is less than $500.

Amended by Chapter 272, 2013 General Session

76-6-103 Aggravated arson.

(1) A person is guilty of aggravated arson if by means of fire or explosives he intentionally and unlawfully damages:
(a) a habitable structure; or
(b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.

(2) Aggravated arson is a felony of the first degree.

Amended by Chapter 59, 1986 General Session

76-6-104 Reckless burning.

(1) A person is guilty of reckless burning if the person:
(a) recklessly starts a fire or causes an explosion which endangers human life;
(b) having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;
(c) builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or
(d) damages the property of another by reckless use of fire or causing an explosion.

(2)
(a) A violation of Subsection (1)(a) or (b) is a class A misdemeanor.
(b) A violation of Subsection (1)(c) is a class B misdemeanor.
(c) A violation of Subsection (1)(d) is:
(i) a class A misdemeanor if damage to property is or exceeds $1,500 in value;
(ii) a class B misdemeanor if the damage to property is or exceeds $500 but is less than $1,500 in value; and
(iii) a class C misdemeanor if the damage to property is or exceeds $150 but is less than $500 in value.
(d) Any other violation under Subsection (1)(d) is an infraction.

Amended by Chapter 193, 2010 General Session

76-6-104.5 Abandoned fire -- Penalties.

(1) A person is guilty of abandoning a fire if, under circumstances not amounting to the offense of arson, aggravated arson, or causing a catastrophe under Title 76, Chapter 6, Part 1, Property Destruction, the person leaves a fire:
  (a) without first completely extinguishing it; and
  (b) with the intent to not return to the fire.
(2) A person does not commit a violation of Subsection (1) if the person leaves a fire to report an uncontrolled fire.
(3) A violation of Subsection (1):
  (a) is a class C misdemeanor if there is no property damage;
  (b) is a class B misdemeanor if property damage is less than $1,000 in value; and
  (c) is a class A misdemeanor if property damage is or exceeds $1,000 in value.
(4) If a violation of Subsection (1) involves a wildland fire, the violator is also liable for suppression costs under Section 65A-3-4.
(5) A fire spreading or reigniting is prima facie evidence that the person did not completely extinguish the fire as required by Subsection (1)(a).

Amended by Chapter 320, 2009 General Session

76-6-105 Causing a catastrophe -- Penalties.
(1) Any person is guilty of causing a catastrophe if the person causes widespread injury or damage to persons or property by:
  (a) use of a weapon of mass destruction as defined in Section 76-10-401; or
  (b) explosion, fire, flood, avalanche, collapse of a building, or other harmful or destructive force or substance that is not a weapon of mass destruction.
(2) Causing a catastrophe is:
  (a) a first degree felony if the person causes the catastrophe knowingly and by the use of a weapon of mass destruction;
  (b) a second degree felony if the person causes the catastrophe knowingly and by a means other than a weapon of mass destruction; and
  (c) a class A misdemeanor if the person causes the catastrophe recklessly.
(3) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 166, 2002 General Session

76-6-106 Criminal mischief.
(1) As used in this section, "critical infrastructure" includes:
  (a) information and communication systems;
  (b) financial and banking systems;
  (c) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed guideways, or other transportation systems intended for the transportation of persons or property;
  (d) any public utility service, including the power, energy, and water supply systems;
  (e) sewage and water treatment systems;
  (f) health care facilities as listed in Section 26-21-2, and emergency fire, medical, and law enforcement response systems;

(g) public health facilities and systems;
(h) food distribution systems; and
(i) other government operations and services.
(2) A person commits criminal mischief if the person:
(a) under circumstances not amounting to arson, damages or destroys property with the intention of defrauding an insurer;
(b) intentionally and unlawfully tampers with the property of another and as a result:
(i) recklessly endangers:
(A) human life; or
(B) human health or safety; or
(ii) recklessly causes or threatens a substantial interruption or impairment of any critical infrastructure;
(c) intentionally damages, defaces, or destroys the property of another; or
(d) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.
(3)
(a)
(i) A violation of Subsection (2)(a) is a third degree felony.
(ii) A violation of Subsection (2)(b)(i)(A) is a class A misdemeanor.
(iii) A violation of Subsection (2)(b)(i)(B) is a class B misdemeanor.
(iv) A violation of Subsection (2)(b)(ii) is a second degree felony.
(b) Any other violation of this section is a:
(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.
(4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.
(5) In addition to any other penalty authorized by law, a court shall order any person convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to a violation of Subsection (2)(b)(ii), unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 135, 2012 General Session

76-6-107 Graffiti defined -- Penalties -- Removal costs -- Reimbursement liability.
(1) As used in this section:
(a) "Etching" means defacing, damaging, or destroying hard surfaces by means of a chemical action which uses any caustic cream, gel, liquid, or solution.

(b) "Graffiti" means any form of unauthorized printing, writing, spraying, scratching, affixing, etching, or inscribing on the property of another regardless of the content or the nature of the material used in the commission of the act.
(c) "Victim" means the person or entity whose property was defaced by the graffiti and bears the expense for its removal.
(2) Graffiti is a:
(a) second degree felony if the damage caused is in excess of $5,000;
(b) third degree felony if the damage caused is in excess of $1,000;
(c) class A misdemeanor if the damage caused is equal to or in excess of $300; and
(d) class B misdemeanor if the damage caused is less than $300.
(3) Damages under Subsection (2) include removal costs, repair costs, or replacement costs, whichever is less.
(4) The court, upon conviction or adjudication, shall order restitution to the victim in the amount of removal, repair, or replacement costs.
(5) An additional amount of $1,000 in restitution shall be added to removal costs if the graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in order to remove it, or the entity responsible for the area in which the clean-up is to take place must provide assistance in order for the removal to take place safely.
(6) A person who voluntarily, and at his own expense, removes graffiti for which he is responsible may be credited for the removal costs against restitution ordered by a court.

Amended by Chapter 278, 2013 General Session

76-6-107.1 Compensatory service -- Graffiti penalties.
(1) If an offender uses graffiti and is convicted under Section 76-6-106 or 76-6-206 for its use, the court may, as a condition of probation under Subsection 77-18-1(8), order the offender to clean up graffiti of his own and any other at a time and place within the jurisdiction of the court.
(a) For a first conviction or adjudication, the court may require the offender to clean up graffiti for not less than eight hours.
(b) For a second conviction or adjudication, the court may require the offender to clean up graffiti for not less than 16 hours.
(c) For a third conviction or adjudication, the court may require the offender to clean up graffiti for not less than 24 hours.
(2) The offender convicted under Section 76-6-106, 76-6-206, or 76-6-107 shall be responsible for removal costs as determined under Section 76-6-107, unless waived by the court for good cause.
(3) The court may also require the offender to perform other alternative forms of restitution or repair to the damaged property pursuant to Subsection 77-18-1(8).

Renumbered and Amended by Chapter 3, 2008 General Session

76-6-108 Damage to or interruption of a communication device -- Penalty.
(1) As used in this section:
(a) "Communication device" means any device, including a telephone, cellular telephone, computer, or radio, which may be used in an attempt to summon police, fire, medical, or other emergency aid.
(b) "Emergency aid" means aid or assistance, including law enforcement, fire, or medical services, commonly summoned by persons concerned with imminent or actual:

(i) jeopardy to any person's health or safety; or
(ii) damage to any person's property.
(2) A person is guilty of damage to or interruption of a communication device if the actor attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of a communication device when the other person is attempting to summon emergency aid or has communicated a desire to summon emergency aid, and in the process the actor:
(a) uses force, intimidation, or any other form of violence;
(b) destroys, disables, or damages a communication device; or
(c) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.
(3) Damage to or interruption of a communication device is a class B misdemeanor.

Amended by Chapter 54, 2000 General Session

76-6-109 Offenses committed against timber, mining, or agricultural industries -- Enhanced penalties.
(1) A person who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries is subject to an enhanced penalty for the offense as provided below. However, this section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.
(2) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the complaint in misdemeanor cases or the information or indictment in felony cases notice that the defendant is subject to the enhanced penalties provided under this section.
(3) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries, the penalties are enhanced as provided in this Subsection (3):
(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;
(b) a class B misdemeanor is a Class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;
(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;
(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and
(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

Amended by Chapter 214, 2000 General Session

76-6-110 Offenses committed against animal enterprises -- Definitions -- Enhanced penalties.
(1) As used in this section:
(a) "Animal enterprise" means a commercial or academic enterprise that:
(i) uses animals for food or fiber production;

(ii) is an agricultural operation, including a facility for the production of crops or livestock, or livestock products;
(iii) operates a zoo, aquarium, circus, rodeo, or lawful competitive animal event; or
(iv) any fair or similar event intended to advance agricultural arts and sciences.
(b) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.
(c) "Property" includes any buildings, vehicles, animals, data, or records.
(2)
(a) A person who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, is subject to an enhanced penalty under Subsection (3).
(b) Subsection (2)(a) does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.
(c) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the defendant is subject to the enhanced penalties provided under this section.
(3) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, the penalties are enhanced as provided in this Subsection (3):
(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;
(b) a class B misdemeanor is a class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;
(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;
(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and
(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

Enacted by Chapter 225, 2001 General Session

76-6-111 Wanton destruction of livestock -- Penalties -- Restitution criteria -- Seizure and disposition of property.
(1) As used in this section:
(a) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(b) "Livestock" means a domestic animal or fur bearer raised or kept for profit, including:
(i) cattle;
(ii) sheep;
(iii) goats;
(iv) swine;
(v) horses;
(vi) mules;
(vii) poultry; and

(viii) domesticated elk as defined in Section 4-39-102.

(2) Unless authorized by Section 4-25-4, 4-25-5, 4-25-14, 4-39-401, or 18-1-3, a person is guilty of wanton destruction of livestock if that person:

(a) injures, physically alters, releases, or causes the death of livestock; and

(b) does so:

(i) intentionally or knowingly; and

(ii) without the permission of the owner of the livestock.

(3) Wanton destruction of livestock is punishable as a:

(a) class B misdemeanor if the aggregate value of the livestock is $500 or less;

(b) class A misdemeanor if the aggregate value of the livestock is more than $500, but does not exceed $1,500;

(c) third degree felony if the aggregate value of the livestock is more than $1,500, but does not exceed $5,000; and

(d) second degree felony if the aggregate value of the livestock is more than $5,000.

(4) When a court orders a person who is convicted of wanton destruction of livestock to pay restitution under Title 77, Chapter 38a, Crime Victims Restitution Act, the court shall consider, in addition to the restitution criteria in Section 77-38a-302, the restitution guidelines in Subsection (5) when setting the amount.

(5) The minimum restitution value for cattle and sheep is the sum of the following, unless the court states on the record why it finds the sum to be inappropriate:

(a) the fair market value of the animal, using as a guide the market information obtained from the Department of Agriculture and Food created under Section 4-2-1; and

(b) 10 years times the average annual value of offspring, for which average annual value is determined using data obtained from the National Agricultural Statistics Service within the United States Department of Agriculture, for the most recent 10-year period available.

(6) A material, device, or vehicle used in violation of Subsection (2) is subject to forfeiture under the procedures and substantive protections established in Title 24, Forfeiture and Disposition of Property Act.

(7) A peace officer may seize a material, device, or vehicle used in violation of Subsection (2):

(a) upon notice and service of process issued by a court having jurisdiction over the property; or

(b) without notice and service of process if:

(i) the seizure is incident to an arrest under:

(A) a search warrant; or

(B) an inspection under an administrative inspection warrant;

(ii) the material, device, or vehicle has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or

(iii) the peace officer has probable cause to believe that the property has been used in violation of Subsection (2).

(8)

(a) A material, device, or vehicle seized under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of a court or official having jurisdiction.

(b) A peace officer who seizes a material, device, or vehicle under this section may:

(i) place the property under seal;

(ii) remove the property to a place designated by the warrant under which it was seized; or

(iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Amended by Chapter 172, 2015 General Session
Amended by Chapter 258, 2015 General Session

76-6-112 Agricultural operation interference -- Penalties.

(1) As used in this section, "agricultural operation" means private property used for the production of livestock, poultry, livestock products, or poultry products.

(2) A person is guilty of agricultural operation interference if the person:

(a) without consent from the owner of the agricultural operation, or the owner's agent, knowingly or intentionally records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation;

(b) obtains access to an agricultural operation under false pretenses;

(c)

(i) applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;

(ii) knows, at the time that the person accepts employment at the agricultural operation, that the owner of the agricultural operation prohibits the employee from recording an image of, or sound from, the agricultural operation; and

(iii) while employed at, and while present on, the agricultural operation, records an image of, or sound from, the agricultural operation; or

(d) without consent from the owner of the operation or the owner's agent, knowingly or intentionally records an image of, or sound from, an agricultural operation while the person is committing criminal trespass, as described in Section 76-6-206, on the agricultural operation.

(3) A person who commits agricultural operation interference described in Subsection (2)(a) is guilty of a class A misdemeanor.

(4) A person who commits agricultural operation interference described in Subsection (2)(b), (c), or (d) is guilty of a class B misdemeanor.

Enacted by Chapter 213, 2012 General Session