

## Part 4 Offenses Against Public Property

### **76-8-401 "Public funds," "public money," and "public officer" defined.**

As used in this title:

- (1) "Public funds" or "public money" means funds, money, and accounts, regardless of the source from which they are derived, that are owned, held, or administered by the state or any of its boards, commissions, institutions, departments, divisions, agencies, bureaus, laboratories, or other similar instrumentalities, or any county, city, school district, political subdivision, or other public body. "Public money" also includes money, funds, or accounts that have been transferred by any of those public entities to a private contract provider of programs or services. The money, funds, or accounts maintain the nature of public money while in the possession of the private entity that has contracted with a public entity to provide programs or services.
- (2) "Public officer" means:
  - (a) all elected officials of the state, a political subdivision of the state, a county, town, city, precinct, or district;
  - (b) a person appointed to or serving an unexpired term of an elected office;
  - (c) a judge of a court of record and not of record including justice court judges; and
  - (d) a member of the Board of Pardons and Parole.

Amended by Chapter 369, 2012 General Session

### **76-8-402 Misusing public money.**

- (1) Every public officer of this state or a political subdivision, or of any county, city, town, precinct, or district of this state, and every other person charged, either by law or under contract, with the receipt, safekeeping, transfer, disbursement, or use of public money commits an offense if the officer or other charged person:
  - (a) appropriates the money or any portion of it to his own use or benefit or to the use or benefit of another without authority of law;
  - (b) loans or transfers the money or any portion of it without authority of law;
  - (c) fails to keep the money in his possession until disbursed or paid out by authority of law;
  - (d) unlawfully deposits the money or any portion in any bank or with any other person;
  - (e) knowingly keeps any false account or makes any false entry or erasure in any account of or relating to the money;
  - (f) fraudulently alters, falsifies, conceals, destroys, or obliterates any such account;
  - (g) willfully refuses or omits to pay over, on demand, any public money in his hands, upon the presentation of a draft, order, or warrant drawn upon such money by competent authority;
  - (h) willfully omits to transfer the money when the transfer is required by law; or
  - (i) willfully omits or refuses to pay over, to any officer or person authorized by law to receive it, any money received by him under any duty imposed by law so to pay over the same.
- (2) A violation of Subsection (1) is a felony of the third degree, except it is a felony of the second degree if:
  - (a) the value of the money exceeds \$5,000;
  - (b) the amount of the false account exceeds \$5,000;
  - (c) the amount falsely entered exceeds \$5,000;
  - (d) the amount that is the difference between the original amount and the fraudulently altered amount exceeds \$5,000; or

(e) the amount falsely erased, fraudulently concealed, destroyed, obliterated, or falsified in the account exceeds \$5,000.

(3) In addition to the penalty described in Subsection (2), a public officer who violates Subsection (1) is subject to the penalties described in Section 76-8-404.

Amended by Chapter 106, 1999 General Session

**76-8-403 Failure to keep and pay over public money.**

Every person who receives, safekeeps, transfers, or disburses public money who neglects or fails to keep and pay over the money in the manner prescribed by law is guilty of a felony of the third degree.

Amended by Chapter 232, 1995 General Session

**76-8-404 Making profit from or misusing public money -- Disqualification from office -- Criminal penalty.**

A public officer, regardless of whether or not the officer receives, safekeeps, transfers, disburses, or has a fiduciary relationship with public money, who makes a profit from or out of public money, or who uses public money in a manner or for a purpose not authorized by law, is guilty of a felony as provided in Section 76-8-402 and shall, in addition to the punishment provided by law, be disqualified to hold public office.

Amended by Chapter 106, 1999 General Session

**76-8-405 Failure to pay over fine, forfeiture, or fee.**

Every public officer who receives any fine, forfeiture, or fee and refuses or neglects to pay it over within the time prescribed by law is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-406 Obstructing collection of revenue.**

Every person who willfully obstructs or hinders any public officer from collecting any revenue, taxes, or other sums of money in which the people of this state are interested, and which such officer is by law empowered to collect, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-407 Refusing to give tax assessment information, or giving false information.**

Every person who unlawfully refuses, upon demand, to give to any county assessor or deputy county assessor a list of his property subject to taxation, or to swear to such list, or who gives a false name, or fraudulently refuses to give his true name when demanded by the assessor in the discharge of his official duties, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-408 Giving false tax receipt or failing to give receipt.**

Every person who uses or gives any receipt, except that prescribed by law, as evidence of the payment for any tax or license of any kind, or who receives payment for the tax or license without delivering the receipt prescribed by law, is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-409 Refusing to give tax assessor or tax or license collector list of, or denying access to, employees.**

Every person who, when requested by the assessor or collector of taxes or license fees, refuses to give to the assessor or collector the name and residence of each person in his employ, or to give the assessor or collector access to the building or place of employment, is guilty of a class B misdemeanor.

Amended by Chapter 5, 1991 General Session

**76-8-410 Doing business without license.**

Every person who commences or carries on any business, trade, profession, or calling, for the transaction or carrying on of which a license is required by any law, or by any county, city, or town ordinance, without taking out the license required by law or ordinance is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-411 Trafficking in warrants.**

No state, county, city, town, or district officer shall, either directly or indirectly, contract for or purchase any warrant or order issued by the state, county, city, town, or district of which he is an officer, at any discount whatever upon the sum due on the warrant or order, and, if any state, county, city, town, or district officer shall so contract for or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-412 Stealing, destroying or mutilating public records by custodian.**

Every officer having the custody of any record, map, or book, or of any paper or proceedings of any court, filed or deposited in any public office, or placed in his hands for any purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering, falsifying, removing, or secreting the whole or any part thereof, or who permits any other person so to do, is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

**76-8-413 Stealing, destroying or mutilating public records by one not custodian.**

Every person, not an officer such as is referred to in the preceding section, who is guilty of any of the acts specified in that section is guilty of a class A misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-414 Recording false or forged instruments.**

Every person who knowingly procures or offers any false or forged instrument to be filed, registered, or recorded in any public office, which instrument, if genuine, might be filed or registered or recorded under any law of this state or of the United States, is guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

**76-8-415 Damaging or removing monuments of official surveys.**

Every person who willfully injures, defaces, or removes any signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-416 Taking toll or maintaining road, bridge, or ferry without authority -- Refusal to pay lawful toll.**

Any person who demands or receives compensation for the use of any bridge or ferry, or who sets up or keeps any road, bridge, or ferry, or constructed ford, for the purpose of receiving remuneration for its use without authority of law; and any person who refuses to pay on demand the compensation or fee authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after having used it is guilty of a class B misdemeanor.

Enacted by Chapter 196, 1973 General Session

**76-8-417 Tampering with official notice or proclamation.**

Every person who intentionally defaces, obliterates, tears down, or destroys any copy or transcript or extract from or of any law of the United States or of this state, or any proclamation, advertisement, or notice, set up at any place in this state by authority of any law of the United States or of this state, or by order of any court or of any public officer, before the expiration of the time for which the same was to remain set up, is guilty of an infraction.

Enacted by Chapter 196, 1973 General Session

**76-8-418 Damaging jails.**

A person who willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise damages any public jail or other place of confinement, including a detention, shelter, or secure confinement facility for juveniles, is guilty of a felony of the third degree.

Amended by Chapter 13, 2005 General Session

**76-8-419 Damaging highways or bridges.**

- (1) Every person who intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys any public highway, or any private way laid out by authority of law, or any bridge upon the highway or private way is guilty of a class A misdemeanor.
- (2) If the violation of this section constitutes an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Amended by Chapter 166, 2002 General Session

**76-8-420 Removing or damaging road signs.**

Every person who intentionally or knowingly removes or injures any milepost or milestone or guidepost or any inscription on them, erected upon any highway, is guilty of a class B misdemeanor.

Amended by Chapter 229, 2007 General Session