

**ECO-TERRORISM PROHIBITION AND
PENALTIES**

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Dennis H. Iverson

AN ACT RELATING TO THE CRIMINAL CODE; ENHANCING CRIMINAL PENALTIES FOR CRIMINAL ACTS INTENDED TO OBSTRUCT OR IMPEDE TIMBER, MINING, OR AGRICULTURAL INDUSTRIES.

This act affects sections of Utah Code Annotated 1953 as follows:

ENACTS:

76-6-108, Utah Code Annotated 1953

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

Section 1. Section **76-6-108** is enacted to read:

**76-6-108. 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) (a) 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. The notice shall be in a clause separate from and in addition to the substantive offense charged.

(b) If the subscription is not included initially, the court may subsequently allow the prosecutor to amend the charging document to include the subscription if the court finds the charging documents, including any statement of probable cause, provide notice to the defendant of the allegation he committed the offense as described in Subsection (1), or if the court finds the

defendant has not otherwise been substantially prejudiced by the omission.

(3) The penalties are enhanced as provided in this subsection:

(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.

(4) This section does not create any separate offense but provides an enhanced penalty for the primary offense.