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EMERGENCY SERVICES AMENDMENTS

1998 GENERAL SESSION

STATE OF UTAH

Sponsor: Bryan D. Holladay

AN ACT RELATING TO THE CRIMINAL CODE; AMENDING THE OFFENSES OF CRIMINAL MISCHIEF AND EMERGENCY TELEPHONE ABUSE AS THEY RELATE TO REPORTING OF EMERGENCIES; CREATING THE OFFENSE OF DAMAGING OR INTERRUPTING A COMMUNICATION DEVICE USED TO REPORT AN EMERGENCY, AND PROVIDING CRIMINAL PENALTIES FOR THE OFFENSE.

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

AMENDS:

76-6-106, as last amended by Chapter 300, Laws of Utah 1997

76-9-202, as enacted by Chapter 196, Laws of Utah 1973

ENACTS:

76-6-108, Utah Code Annotated 1953

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

Section 1. Section **76-6-106** is amended to read:

76-6-106. Criminal mischief.

(1) 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 [thereby: (i)] 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;

1 (A) any public utility service; or

2 (B) any service or facility that provides communication with any public, private, or
3 volunteer entity whose purpose is to respond to fire, police, or medical emergencies;

4 (c) intentionally damages, defaces, or destroys the property of another; or

5 (d) recklessly or willfully shoots or propels a missile or other object at or against a motor
6 vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or
7 standing.

8 (2) (a) A violation of Subsection (1)(a) is a felony of the third degree.

9 (b) A violation of Subsection (1)(b) or (c) is a class A misdemeanor, except that a violation
10 of Subsection (1)(b)(i)(B) is a class B misdemeanor.

11 (c) Any other violation of this section is a:

12 (i) felony of the second degree if the actor's conduct causes or is intended to cause
13 pecuniary loss equal to or in excess of \$5,000 in value;

14 (ii) felony of the third degree if the actor's conduct causes or is intended to cause pecuniary
15 loss equal to or in excess of \$1,000 but is less than \$5,000 in value;

16 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary
17 loss equal to or in excess of \$300 but is less than \$1,000 in value; and

18 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
19 loss less than \$300 in value.

20 (3) In determining the value of damages under this section, or for computer crimes under
21 Section 76-6-703, the value of any computer, computer network, computer property, computer
22 services, software, or data shall include the measurable value of the loss of use of such items and
23 the measurable cost to replace or restore such items.

24 Section 2. Section **76-6-108** is enacted to read:

25 **76-6-108. Damage to or interruption of a communication device.**

26 (1) As used in this section:

27 (a) "Communication device" means any device, including a telephone, cellular telephone,
28 computer, or radio, which may be used in an attempt to summon police, fire, medical, or other
29 emergency aid.

30 (b) "Emergency" means any situation in which:

31 (i) property or human health or safety is in jeopardy; and

1 (ii) the prompt summoning of aid is essential to the preservation of the property or human
2 safety or health.

3 (2) A person is guilty of damage to or interruption of a communication device if the actor
4 attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of communication
5 equipment when the other person is attempting to summon emergency aid or has communicated
6 a desire to summon emergency aid, and in the process the actor:

7 (a) uses force, intimidation, or any other form of violence;

8 (b) destroys, disables, or damages communication equipment; or

9 (c) commits any other act in an attempt to prohibit or interrupt the person's use of a
10 communication device to summon emergency aid.

11 (3) Damage to or interruption of a communication device is a class B misdemeanor.

12 Section 3. Section **76-9-202** is amended to read:

13 **76-9-202. Emergency reporting abuse.**

14 (1) A person is guilty of emergency [telephone] reporting abuse if he:

15 (a) intentionally refuses to yield or surrender the use of a party line or a public pay
16 telephone to another person upon being informed that [said] the telephone is needed to report a fire
17 or summon police, medical, or other aid in case of emergency, unless [said] the telephone is
18 likewise being used for an emergency call; [or]

19 (b) asks for or requests the use of a party line or a public pay telephone on the pretext that
20 an emergency exists, knowing that no emergency exists[-]; or

21 (c) reports an emergency or causes an emergency to be reported to any public, private, or
22 volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the
23 actor knows the reported emergency does not exist.

24 (2) [Emergency telephone abuse] (a) A violation of Subsection (1)(a) or (b) is a class C
25 misdemeanor.

26 (b) A violation of Subsection (1)(c) is a class B misdemeanor.

27 (3) For the purposes of this section:

28 [~~(b)~~] (a) "Emergency" means a situation in which property or human life is in jeopardy and
29 the prompt summoning of aid is essential to the preservation of human life or property.

30 [~~(a)~~] (b) "Party line" means a subscriber's line or telephone circuit consisting of two or
31 more main telephone stations connected therewith, each station with a distinctive ring or telephone

1 number.

Legislative Review Note
as of 1-2-98 10:52 AM

A limited legal review of this bill raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel