

CRIMINAL MISCHIEF AMENDMENTS

1999 GENERAL SESSION

STATE OF UTAH

Sponsor: Bryan D. Holladay

AN ACT RELATING TO THE CRIMINAL CODE; AMENDING THE PENALTY PROVISIONS REGARDING CRIMINAL MISCHIEF.

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

AMENDS:

76-6-106, as last amended by Chapter 25, Laws of Utah 1998

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 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:
 - (A) any public utility service; or
 - (B) any service or facility that provides communication with any public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies;
 - (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.
- (2) (a) A violation of Subsection (1)(a) is a felony of the third degree.
- (b) A violation of Subsection (1)(b) [~~or (c)~~] is a class A misdemeanor, except that a violation of Subsection (1)(b)(i)(B) is a class B misdemeanor.

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

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

(ii) felony of the third degree if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of \$1,000 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 \$300 but is less than \$1,000 in value; and

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

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