

1 **CRIMINAL MISCHIEF AMENDMENTS**

2 1999 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Bryan D. Holladay**

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

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

8 AMENDS:

9 **76-6-106**, as last amended by Chapter 25, Laws of Utah 1998

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

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

12 **76-6-106. Criminal mischief.**

13 (1) A person commits criminal mischief if the person:

14 (a) under circumstances not amounting to arson, damages or destroys property with the  
15 intention of defrauding an insurer;

16 (b) intentionally and unlawfully tampers with the property of another and as a result:

17 (i) recklessly endangers:

18 (A) human life; or

19 (B) human health or safety; or

20 (ii) recklessly causes or threatens a substantial interruption or impairment of:

21 (A) any public utility service; or

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

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

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

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

28 (b) A violation of Subsection (1)(b) [~~or (c)~~] is a class A misdemeanor, except that a  
29 violation of Subsection (1)(b)(i)(B) is a class B misdemeanor.

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

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

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

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

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

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

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**Legislative Review Note**  
**as of 11-24-98 11:54 AM**

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

**Office of Legislative Research and General Counsel**