

1 **PENALTY FOR HARBORING A FUGITIVE**

2 2000 GENERAL SESSION

3 STATE OF UTAH

4 **Sponsor: Perry L. Buckner**

5 AN ACT RELATING TO CRIMINAL LAW; AMENDING THE PENALTIES FOR
6 HARBORING OR CONCEALING A JUVENILE OR ADULT OFFENDER.

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

8 AMENDS:

9 **62A-7-106**, as enacted by Chapter 1, Laws of Utah 1988

10 **76-8-306**, as last amended by Chapter 51, Laws of Utah 1995

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

12 Section 1. Section **62A-7-106** is amended to read:

13 **62A-7-106. Aiding or concealing youth offender -- Trespass -- Criminal penalties.**

14 (1) A person who commits any of the following offenses is guilty of a class A
15 misdemeanor:

16 ~~[(1)]~~ (a) willfully aiding or assisting a youth offender who has been lawfully committed
17 to a secure facility, in escaping or attempting to escape from that facility;

18 ~~[(2)]~~ knowingly concealing a youth offender after his escape from a secure facility;]

19 ~~[(3)]~~ (b) entering, or attempting to enter, a building or enclosure appropriated to the use
20 of youth offenders, without permission;

21 ~~[(4)]~~ (c) entering any premises belonging to a secure facility and committing or attempting
22 to commit a trespass or depredation on those premises; or

23 ~~[(5)]~~ (d) willfully annoying or disturbing the peace and quiet of a secure facility or of a
24 youth offender in a secure facility.

25 (2) A person is guilty of a third degree felony who knowingly harbors or conceals a youth
26 offender who has:

27 (a) escaped from a secure facility; or

28 (b) absconded from:

29 (i) a facility or supervision, as these offenses are defined in Section 76-8-309.5; or

30 (ii) from supervision of the Division of Youth Corrections.

31 Section 2. Section **76-8-306** is amended to read:

32 **76-8-306. Obstructing justice.**

33 (1) A person is guilty of an offense if, with intent to hinder, prevent, or delay the
34 discovery, apprehension, prosecution, conviction, or punishment of ~~[another]~~ an offender for the
35 commission of a crime, he:

36 (a) knowing an offense has been committed, conceals it from a magistrate;

37 (b) harbors or conceals the offender;

38 (c) provides the offender a weapon, transportation, disguise, or other means for avoiding
39 discovery or apprehension;

40 (d) warns the offender of impending discovery or apprehension;

41 (e) conceals, destroys, or alters any physical evidence that might aid in the discovery,
42 apprehension, or conviction of the ~~[person]~~ offender;

43 (f) obstructs by force, intimidation, or deception anyone from performing an act that might
44 aid in the discovery, apprehension, prosecution, or conviction of the ~~[person]~~ offender; or

45 (g) having knowledge that a law enforcement officer has been authorized or has applied
46 for authorization under either Section 77-23a-10 or 77-23a-15 to intercept a wire, electronic, or
47 oral communication, gives notice or attempts to give notice of the possible interception to any
48 person.

49 (2) (a) An offense under [Subsections]:

50 (i) Subsection (1)(a) or Subsections (1)(c) through (f) is a class B misdemeanor[~~-, unless~~];
51 and

52 (ii) Subsection (1)(b) is a class A misdemeanor.

53 (b) If the [actor] person committing an offense under Subsection (2)(a) knows that the
54 offender committed:

55 (i) a second or third degree felony, the offense is a third degree felony; and

56 (ii) a capital offense or a [felony of the] first degree felony, [in which case] the offense is
57 a second degree felony.

58 (3) An offense under Subsection (1)(g) is a third degree felony.

59 (4) Subsection (1)(f) does not apply to an act against a juror. Obstructing the function of
60 a juror is addressed in Section 76-8-508.5.

61 (5) A person is guilty of a third degree felony who harbors or conceals an offender who
62 has absconded from a facility or from supervision as these offenses are defined in Section
63 76-8-309.5.

64 [(5)] (6) The provisions of Section 76-8-316 [shall] govern an act or threat against a judge
65 or a member of the Board of Pardons and Parole or the judge's or member's immediate family.

Legislative Review Note
as of 1-10-00 12:25 PM

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

Office of Legislative Research and General Counsel