

Representative Perry L. Buckner proposes to substitute the following bill:

PENALTY FOR HARBORING A FUGITIVE

2000 GENERAL SESSION

STATE OF UTAH

Sponsor: Perry L. Buckner

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

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

AMENDS:

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

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

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

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

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

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

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

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

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

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

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

(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[;];

39 (d) provides the offender transportation, disguise, or other means for avoiding discovery
40 or apprehension;

41 [~~(d)~~] (e) warns the offender of impending discovery or apprehension;

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

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

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

50 (2) [~~An~~] Except as provided under Subsection (3), an offense under [Subsections]:

51 (a) Subsection (1)(a) or Subsections (d) through [(f)] (g) is a class B misdemeanor[; unless
52 the actor];

53 (b) Subsection (1)(b) regarding harboring or concealing the offender is a class A
54 misdemeanor; and

55 (c) Subsection (1)(c) regarding providing a weapon is a third degree felony.

56 (3) (a) If the person committing an offense under Subsection (1)(a) or Subsections (1)(d)

57 through (g) knows that the offender has committed a second or third degree felony, the offense is
58 a class A misdemeanor.

59 (b) If the person committing an offense under Subsection (1)(b) regarding harboring or
60 concealing the offender knows the offender has committed a second or third degree felony, the
61 offense is a third degree felony.

62 (c) If the person committing an offense under Subsection (1)(c) regarding providing a
63 weapon knows the offender has committed a second or third degree felony, the offense is a second
64 degree felony.

65 (d) If the person committing an offense under Subsections (1)(a) through (g) knows the
66 offender has committed a capital offense or a felony of the first degree, [in which case] the offense
67 is a second degree felony.

68 [~~3~~] (4) An offense under Subsection (1)[~~(g)~~](h) is a third degree felony.

69 [~~4~~] (5) Subsection (1)(f) does not apply to an act against a juror. Obstructing the function
70 of a juror is addressed in Section 76-8-508.5.

71 (6) A person is guilty of a third degree felony who harbors or conceals an offender who
72 has absconded from a facility or from supervision as these offenses are defined in Section
73 76-8-309.5.

74 [~~5~~] (7) The provisions of Section 76-8-316 [shall] govern an act or threat against a judge
75 or a member of the Board of Pardons and Parole or the judge's or member's immediate family.