

TELEPHONE HARASSMENT AMENDMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Terry R. Spencer

This act modifies the Criminal Code by deleting language regarding the offense of telephone harassment that has been found unconstitutional by the Utah Supreme Court.

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

AMENDS:

76-9-201, as last amended by Chapter 28, Laws of Utah 1996

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

Section 1. Section **76-9-201** is amended to read:

76-9-201. Telephone harassment.

(1) A person is guilty of telephone harassment and subject to prosecution in the jurisdiction where the telephone call originated or was received if with intent to annoy, alarm ~~[another]~~, intimidate, offend, abuse, threaten, harass, or frighten ~~[any person]~~ another at the called number ~~[or recklessly creating a risk thereof]~~, the person:

~~[(a) makes a telephone call, whether or not a conversation ensues;]~~

~~[(b)]~~ (a) makes repeated telephone calls, whether or not a conversation ensues, or after having been told not to call back, causes the telephone of another to ring repeatedly or continuously;

~~[(c)]~~ (b) makes a telephone call and insults, taunts, or challenges the recipient of the telephone call or any person at the called number in a manner likely to provoke a violent or disorderly response;

~~§ [(d)] (c) makes a telephone call and uses any lewd or profane language or suggests any lewd or lascivious act;]~~ § or

~~[(e)]~~ § ~~[(d)]~~ (c) § makes a telephone call and threatens to inflict injury, physical harm, or damage to any person or the property of any person.



28 (2) Telephone harassment is a class B misdemeanor.

Legislative Review Note
as of 1-11-01 1:53 PM

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

Office of Legislative Research and General Counsel