

**CRIMINAL CODE DEFINITION AMENDMENT**

2002 GENERAL SESSION

STATE OF UTAH

**Sponsor: Gerry A. Adair**

**This act modifies the Criminal Code provisions regarding commercial terrorism by amending a definition in response to a federal court ruling.**

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

AMENDS:

**76-10-2401**, as enacted by Chapter 225, Laws of Utah 2001

**76-10-2402**, as enacted by Chapter 225, Laws of Utah 2001

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

Section 1. Section **76-10-2401** is amended to read:

**76-10-2401. Definitions.**

As used in this part:

(1) "Building", in addition to its commonly accepted meaning, means any watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodations of persons or for carrying on business and includes:

(a) each separately secured or occupied portion of the building or vehicle; and

(b) each structure appurtenant or connected to the building or vehicle.

(2) "Business" means a retail business dealing in tangible personal property.

(3) "Enter" means:

(a) an intrusion of any part of the body; or

(b) the intrusion of any physical object[~~, sound wave, light ray, electronic signal, or other means of intrusion~~] under the control of the actor.

Section 2. Section **76-10-2402** is amended to read:

**76-10-2402. Commercial terrorism -- Penalties.**

(1) A person is guilty of [~~commercial terrorism~~] a misdemeanor if he enters or remains unlawfully on the premises of or in a building of any business with the intent to interfere with the employees, customers, personnel, or operations of a business through any conduct that does not

constitute an offense listed under Subsection (2). A violation of this Subsection (1) is a class A misdemeanor.

(2) A person is guilty of felony commercial terrorism if he enters or remains unlawfully on the premises or in a building of any business with the intent to interfere with the employees, customers, personnel, or operations of a business and also with the intent to:

(a) obtain unauthorized control over any merchandise, property, records, data, or proprietary information of the business;

(b) alter, eradicate, or remove any merchandise, records, data, or proprietary information of the business;

(c) damage, deface, or destroy any property on the premises of the business;

(d) commit an assault on any person; or

(e) commit any other felony.

(3) A person who violates any provision in Subsection (2) is guilty of a felony of the second degree.

(4) This section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.

(5) [~~It is the intent of the Legislature that this~~] This section does not [~~prohibit or interfere with~~] apply to a person's exercise of the rights under the First Amendment to the Constitution of the United States or under Article I, Sec. 15 of the Utah Constitution.