

28 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
29 interest in property, including state, county, and local governmental entities.

30 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
31 command, encourage, or intentionally aid another person to engage in conduct which would
32 constitute any offense described by the following crimes or categories of crimes, or to attempt
33 or conspire to engage in an act which would constitute any of those offenses, regardless of
34 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
35 or a felony:

36 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
37 Recording Practices Act;

38 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
39 Code, Sections 19-1-101 through 19-7-109;

40 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
41 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, Chapter 13, Wildlife
42 Resources Code of Utah, or Section 23-20-4;

43 (d) false claims for medical benefits, kickbacks, and any other act prohibited by False
44 Claims Act, Sections 26-20-1 through 26-20-12;

45 (e) any act prohibited by the criminal provisions of Title 32A, Chapter 12, Criminal
46 Offenses;

47 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
48 Land Sales Practices Act;

49 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
50 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, [or]
51 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,
52 Clandestine Drug Lab Act;

53 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
54 Securities Act;

55 (i) any act prohibited by the criminal provisions of Title 63, Chapter 56, Utah
56 Procurement Code;

57 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;

58 (k) a terroristic threat, Section 76-5-107;

- 59 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;
- 60 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 61 (n) sexual exploitation of a minor, Section 76-5a-3;
- 62 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 63 (p) causing a catastrophe, Section 76-6-105;
- 64 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 65 (r) burglary of a vehicle, Section 76-6-204;
- 66 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 67 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 68 (u) theft, Section 76-6-404;
- 69 (v) theft by deception, Section 76-6-405;
- 70 (w) theft by extortion, Section 76-6-406;
- 71 (x) receiving stolen property, Section 76-6-408;
- 72 (y) theft of services, Section 76-6-409;
- 73 (z) forgery, Section 76-6-501;
- 74 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
- 75 (bb) deceptive business practices, Section 76-6-507;
- 76 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or
77 criticism of goods, Section 76-6-508;
- 78 (dd) bribery of a labor official, Section 76-6-509;
- 79 (ee) defrauding creditors, Section 76-6-511;
- 80 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 81 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
- 82 (hh) bribery or threat to influence contest, Section 76-6-514;
- 83 (ii) making a false credit report, Section 76-6-517;
- 84 (jj) criminal simulation, Section 76-6-518;
- 85 (kk) criminal usury, Section 76-6-520;
- 86 (ll) false or fraudulent insurance claim, Section 76-6-521;
- 87 (mm) computer crimes, Section 76-6-703;
- 88 (nn) sale of a child, Section 76-7-203;
- 89 (oo) bribery to influence official or political actions, Section 76-8-103;

- 90 (pp) threats to influence official or political action, Section 76-8-104;
- 91 (qq) receiving bribe or bribery by public servant, Section 76-8-105;
- 92 (rr) receiving bribe or bribery for endorsement of person as public servant, Section
93 76-8-106;
- 94 (ss) official misconduct, Sections 76-8-201 and 76-8-202;
- 95 (tt) obstruction of justice, Section 76-8-306;
- 96 (uu) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 97 (vv) false or inconsistent material statements, Section 76-8-502;
- 98 (ww) false or inconsistent statements, Section 76-8-503;
- 99 (xx) written false statements, Section 76-8-504;
- 100 (yy) tampering with a witness, retaliation against a witness or informant, or bribery,
101 Section 76-8-508;
- 102 (zz) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 103 (aaa) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
104 76-8-1205;
- 105 (bbb) intentionally or knowingly causing one animal to fight with another, Subsection
106 76-9-301(1)(f);
- 107 (ccc) possession, use, or removal of explosives, chemical, or incendiary devices or
108 parts, Section 76-10-306;
- 109 (ddd) delivery to common carrier, mailing, or placement on premises of an incendiary
110 device, Section 76-10-307;
- 111 (eee) possession of a deadly weapon with intent to assault, Section 76-10-507;
- 112 (fff) unlawful marking of pistol or revolver, Section 76-10-521;
- 113 (ggg) alteration of number or mark on pistol or revolver, Section 76-10-522;
- 114 (hhh) forging or counterfeiting trademarks, trade name, or trade device, Section
115 76-10-1002;
- 116 (iii) selling goods under counterfeited trademark, trade name, or trade devices, Section
117 76-10-1003;
- 118 (jjj) sales in containers bearing registered trademark of substituted articles, Section
119 76-10-1004;
- 120 (kkk) selling or dealing with article bearing registered trademark or service mark with

- 121 intent to defraud, Section 76-10-1006;
- 122 (lll) gambling, Section 76-10-1102;
- 123 (mmm) gambling fraud, Section 76-10-1103;
- 124 (nnn) gambling promotion, Section 76-10-1104;
- 125 (ooo) possessing a gambling device or record, Section 76-10-1105;
- 126 (ppp) confidence game, Section 76-10-1109;
- 127 (qqq) distributing pornographic material, Section 76-10-1204;
- 128 (rrr) inducing acceptance of pornographic material, Section 76-10-1205;
- 129 (sss) dealing in harmful material to a minor, Section 76-10-1206;
- 130 (ttt) distribution of pornographic films, Section 76-10-1222;
- 131 (uuu) indecent public displays, Section 76-10-1228;
- 132 (vvv) prostitution, Section 76-10-1302;
- 133 (www) aiding prostitution, Section 76-10-1304;
- 134 (xxx) exploiting prostitution, Section 76-10-1305;
- 135 (yyy) aggravated exploitation of prostitution, Section 76-10-1306;
- 136 (zzz) communications fraud, Section 76-10-1801;
- 137 (aaaa) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,
138 Money Laundering and Currency Transaction Reporting Act;
- 139 (bbbb) any act prohibited by the criminal provisions of the laws governing taxation in
140 this state; and
- 141 (cccc) any act illegal under the laws of the United States and enumerated in Title 18,
142 Section 1961 (1)(B), (C), and (D) of the United States Code.

Legislative Review Note
as of 1-9-03 11:23 AM

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

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0041

Clandestine Lab Racketeering Amendments

20-Jan-03

2:57 PM

State Impact

No significant fiscal impact.

Individual and Business Impact

No significant fiscal impact.

Office of the Legislative Fiscal Analyst