



28           **76-10-1308**, as enacted by Chapter 107, Laws of Utah 1991

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

31           Section 1. Section **76-10-1104** is amended to read:

32           **76-10-1104. Gambling promotion.**

33           (1) A person is guilty of gambling promotion if he derives or intends to derive an  
34 economic benefit other than personal winnings from gambling and:

35           (a) he induces or aids another to engage in gambling, including by means of advertising  
36 directed to residents of Utah; or

37           (b) he knowingly invests in, finances, owns, controls, supervises, manages, or  
38 participates in any gambling.

39           (2) Gambling promotion is a class B misdemeanor~~[-provided, however]~~ except that  
40 any person who is [~~twice~~] convicted a second or subsequent time under this section [~~shall be~~] is  
41 guilty of a third degree felony [~~of the third degree~~].

42           Section 2. Section **76-10-1304** is amended to read:

43           **76-10-1304. Aiding prostitution.**

44           (1) A person is guilty of aiding prostitution if he:

45           (a) solicits a person to patronize a prostitute, including by means of advertising  
46 directed to residents of Utah;

47           (b) procures or attempts to procure a prostitute for a patron;

48           (c) leases or otherwise permits a place controlled by the actor, alone or in association  
49 with another, to be used for prostitution or the promotion of prostitution; or

50           (d) solicits, receives, or agrees to receive any benefit for doing any of the acts  
51 prohibited by this Subsection (1).

52           (2) Aiding prostitution is a class B misdemeanor~~[-However,]~~ except that a person who  
53 is convicted a second or subsequent time~~[-and on all subsequent convictions,]~~ under this  
54 section or under a local ordinance adopted in compliance with Section 76-10-1307 is guilty of a  
55 [~~class A misdemeanor~~] third degree felony.

56           Section 3. Section **76-10-1308** is amended to read:

57           **76-10-1308. Prosecution.**

58           ~~[The following class A misdemeanors]~~ Class A misdemeanor violations of Section

59 76-10-1302 may be prosecuted by attorneys of cities and towns, as well as by prosecutors  
60 authorized elsewhere in this code to prosecute these alleged violations[+].  
61 [~~(1) class A misdemeanor violations of Section 76-10-1302; and~~]  
62 [~~(2) class A misdemeanor violations of Section 76-10-1304.~~]

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**Legislative Review Note**  
as of 2-2-05 9:45 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

**Office of Legislative Research and General Counsel**

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**Fiscal Note**  
**Bill Number HB0123**

**Restrictions of Advertising Illegal Activities**

*08-Feb-05*

*5:27 PM*

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**State Impact**

It is estimated that the fiscal impact of this bill can be handled within existing budgets.

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**Individual and Business Impact**

There is a potential loss of revenue to Utah based advertisers. The amount will depend on whether current promoters will modify their messages or cease to advertise.

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**Office of the Legislative Fiscal Analyst**