

1 **ANIMAL CRUELTY REVISIONS**

2 2007 FIRST SPECIAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Kerry W. Gibson**

5 Senate Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9 This bill amends the Cruelty to Animals part of the Utah Criminal Code by modifying  
10 definitions, describing offenses, providing penalties, and providing that a second  
11 offense of animal torture within five years is a third degree felony.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ modifies definitions;
- 16 ▶ describes the offense of torture of an animal and makes it a class A misdemeanor, or  
17 for a second offense within five years, a third degree felony, to torture an animal or  
18 livestock;
- 19 ▶ describes the offense of cruelty to an animal and makes it a class B or class C  
20 misdemeanor to engage in cruelty to an animal;
- 21 ▶ describes the offense of animal neglect and makes it a class B or C misdemeanor to  
22 engage in neglect of an animal;
- 23 ▶ provides that it is not a defense to the offenses described above that the person is the  
24 owner of the animal or livestock, or acting under the direction of the owner of the  
25 animal or livestock;
- 26 ▶ specifies what a judge may include in an order when sentencing a person for the  
27 offenses described above;



28           ▶ provides for enhanced penalties for second offense cruelty to an animal or animal  
29 neglect offenses;

30           ▶ expands the definition of unlawful activity under Title 76, Chapter 10, Part 16,  
31 Pattern of Unlawful Activity Act; and

32           ▶ makes technical changes.

33 **Monies Appropriated in this Bill:**

34           None

35 **Other Special Clauses:**

36           None

37 **Utah Code Sections Affected:**

38 AMENDS:

39           **76-3-203.3**, as last amended by Chapter 229, Laws of Utah 2007

40           **76-9-301**, as last amended by Chapter 7, Laws of Utah 1996, Second Special Session

41           **76-9-301.5**, as last amended by Chapter 7, Laws of Utah 1996, Second Special Session

42           **76-9-301.6**, as last amended by Chapter 282, Laws of Utah 1998

43           **76-9-301.7**, as enacted by Chapter 7, Laws of Utah 1996, Second Special Session

44           **76-10-1602**, as last amended by Chapter 129, Laws of Utah 2007



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

47           Section 1. Section **76-3-203.3** is amended to read:

48           **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

49           As used in this section:

50           (1) "Primary offense" means those offenses provided in Subsection (4).

51           (2) (a) A person who commits any primary offense with the intent to intimidate or  
52 terrorize another person or with reason to believe that his action would intimidate or terrorize  
53 that person is subject to Subsection (2)(b).

54           (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

55           (ii) a class B misdemeanor primary offense is a class A misdemeanor.

56           (3) "Intimidate or terrorize" means an act which causes the person to fear for his  
57 physical safety or damages the property of that person or another. The act must be  
58 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to

59 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the  
60 Constitution or laws of the United States.

61 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

62 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,  
63 76-5-107, and 76-5-108;

64 (b) any misdemeanor property destruction offense under Sections 76-6-102 and  
65 76-6-104, and Subsection 76-6-106(2)(b);

66 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

67 (d) any misdemeanor theft offense under Section 76-6-412;

68 (e) any offense of obstructing government operations under Sections 76-8-301,  
69 76-8-302, 76-8-304, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;

70 (f) any offense of interfering or intending to interfere with activities of colleges and  
71 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

72 (g) any misdemeanor offense against public order and decency as defined in Title 76,  
73 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

74 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Telephone Abuse;

75 (i) any misdemeanor cruelty to [~~animals~~] an animal, animal torture, or animal neglect  
76 offense under Section 76-9-301; and

77 (j) any weapons offense under Section 76-10-506.

78 (5) This section does not affect or limit any individual's constitutional right to the  
79 lawful expression of free speech or other recognized rights secured by the Constitution or laws  
80 of the state or by the Constitution or laws of the United States.

81 Section 2. Section **76-9-301** is amended to read:

82 **76-9-301. Animal torture -- Cruelty to an animal -- Animal neglect.**

83 (1) As used in this section:

84 (a) (i) "Abandon" means to intentionally leave a live animal:

85 (A) without providing for the care of the animal in accordance with accepted  
86 husbandry practices; or

87 (B) in a condition that:

88 (I) poses a serious threat to the life, safety, or health of the animal; and

89 (II) is not in accordance with accepted husbandry practices.

- 90 (ii) "Abandon" does not include:
- 91 (A) returning wildlife to its natural habitat; or
- 92 (B) leaving an animal at an animal shelter.
- 93 (b) (i) "Animal" means a live, nonhuman vertebrate creature.
- 94 (ii) "Animal" does not include:
- 95 (A) a live, nonhuman vertebrate creature that is:
- 96 (I) cared for in accordance with accepted husbandry practices; and
- 97 (II) (Aa) used for rodeo purposes;
- 98 (Bb) owned or kept by a zoological park that is accredited by, or a member of, the
- 99 American Zoo and Aquarium Association;
- 100 (Cc) kept, owned, or used for the purpose of training hunting dogs or raptors; or
- 101 (Dd) temporarily in the state as part of a circus or traveling exhibitor licensed by the
- 102 United States Department of Agriculture under 7 U.S.C. 2133;
- 103 (B) wildlife, as defined in Section 23-13-2, including protected and unprotected
- 104 wildlife; or
- 105 (C) livestock.
- 106 (c) "Custody" means ownership, possession, or control.
- 107 (d) "Legal privilege" means an act that is authorized by state law, including Division of
- 108 Wildlife Resources rules.
- 109 (e) (i) "Livestock" means:
- 110 (A) domesticated:
- 111 (I) cattle;
- 112 (II) sheep;
- 113 (III) goats;
- 114 (IV) turkeys;
- 115 (V) swine;
- 116 (VI) equines;
- 117 (VII) camelidae;
- 118 (VIII) ratites; or
- 119 (IX) bison;
- 120 (B) domesticated elk as defined in Section 4-39-102; or

121 (C) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic  
 122 poultry raised or kept for agricultural purposes.

123 (ii) "Livestock" does not include:

124 (A) dogs;

125 (B) cats; or

126 (C) creatures, including cocks, that are bred or used principally for fighting for:

127 (I) amusement;

128 (II) gambling; or

129 (III) profit.

130 (f) "Serious injury" means bodily injury that:

131 (i) creates or causes serious permanent disfigurement;

132 (ii) creates or causes protracted loss or impairment of the function of any bodily  
 133 member or organ;

134 (iii) creates a substantial risk of death; or

135 (iv) causes death.

136 (2) (a) A person is guilty of animal torture if the person, without having a legal  
 137 privilege to do so, intentionally or knowingly, and with depraved or sadistic intent, inflicts or  
 138 causes to be inflicted upon an animal or livestock severe physical pain or prolonged suffering,  
 139 regardless of whether the animal or livestock dies.

140 (b) Except as provided in Subsection (2)(c), animal torture is a class A misdemeanor.

141 (c) Animal torture is a third degree felony if, within five years after the day on which a  
 142 person is convicted under Subsection (2)(a), the person again commits a violation of  
 143 Subsection (2)(a).

144 ~~[(1)]~~ (3) (a) A person is guilty of cruelty to [animals if] an animal, if, under  
 145 circumstances not constituting animal torture, and without having a legal privilege to do so, the  
 146 person intentionally, knowingly, or recklessly~~[, or with criminal negligence:]~~:

147 ~~[(a) fails to provide necessary food, care, or shelter for an animal in his custody;]~~

148 ~~[(b) abandons an animal in the person's custody;]~~

149 ~~[(c) transports or confines an animal in a cruel manner;]~~

150 ~~[(d) injures an animal;]~~

151 (i) administers, or causes to be administered, poison or a poisonous substance to an

152 animal;

153 (ii) places, or causes to be placed in a location accessible to an animal, poison or a  
 154 poisonous substance that is attractive to one or more species of animals, with the intent of  
 155 attracting an animal to the poison or poisonous substance;

156 (iii) causes serious injury to an animal;

157 ~~[(e)]~~ (iv) causes any animal, not including a dog, to fight with another animal of like  
 158 kind for amusement or gain; or

159 ~~[(f)]~~ (v) causes any animal, including a dog, to fight with a different kind of animal or  
 160 creature for amusement or gain.

161 ~~[(2)]~~ (b) A violation of Subsection [(1)] (3)(a) is:

162 ~~[(a)]~~ (i) a class [B] A misdemeanor if committed intentionally or knowingly; [and] or

163 ~~[(b)]~~ (ii) a class [C] B misdemeanor if committed recklessly [or with criminal  
 164 negligence].

165 ~~[(3) A person is guilty of aggravated cruelty to an animal if the person:]~~

166 ~~[(a) tortures an animal;]~~

167 ~~[(b) administers poison or poisonous substances to an animal without having a legal~~  
 168 ~~privilege to do so;]~~

169 ~~[(c) kills or causes to be killed an animal without having a legal privilege to do so:]~~

170 (4) (a) A person is guilty of animal neglect, if, under circumstances not constituting  
 171 animal torture or cruelty to an animal, and without having a legal privilege to do so, the person,  
 172 in a manner not in keeping with accepted husbandry practices, intentionally, knowingly,  
 173 recklessly, or with criminal negligence:

174 (i) fails to provide an animal with the necessary food, water, care, or shelter appropriate  
 175 for the species, age, and physical condition of the animal;

176 (ii) abandons an animal that is in the person's custody; or

177 (iii) transports or confines an animal in a manner that is cruel or likely to result in  
 178 serious injury.

179 ~~[(4)]~~ (b) A violation of Subsection [(3)] (4)(a) is:

180 ~~[(a)]~~ (i) a class [A] B misdemeanor if committed intentionally or knowingly; or

181 ~~[(b)]~~ (ii) a class [B] C misdemeanor if committed recklessly [; and (c) a class C  
 182 misdemeanor if committed] or with criminal negligence.

183 (5) It is a defense to prosecution under this section that the conduct of the actor towards  
184 the animal was:

185 (a) by a licensed veterinarian using accepted veterinary practice;

186 (b) directly related to bona fide experimentation for scientific research, provided that if  
187 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless  
188 directly necessary to the veterinary purpose or scientific research involved;

189 (c) permitted under Section 18-1-3;

190 (d) by a person who humanely destroys any animal found suffering past recovery for  
191 any useful purpose; or

192 (e) by a person who humanely destroys any apparently abandoned animal found on the  
193 person's property.

194 (6) For purposes of Subsection (5)(d), before destroying the suffering animal, the  
195 person who is not the owner of the animal shall obtain:

196 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;

197 (b) the judgment of two other persons called by the person to view the unrecoverable  
198 condition of the animal in the person's presence;

199 (c) the consent from the owner of the animal to the destruction of the animal; or

200 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the  
201 person's own observation, if the person is in a location or circumstance where the person is  
202 unable to contact another person.

203 (7) This section does not affect or prohibit the training, instruction, and grooming of  
204 animals, so long as the methods used are in accordance with accepted husbandry practices.

205 (8) (a) This section does not affect or prohibit the use of an electronic locating or  
206 training collar by the owner of an animal for the purpose of lawful animal training, lawful  
207 hunting practices, or protecting against loss of that animal.

208 (b) County and municipal governments may not prohibit the use of an electronic  
209 locating or training collar.

210 (9) It is not a defense under this section that the person is:

211 (a) the owner of the animal or livestock; or

212 (b) acting under the direction of the owner of the animal or livestock.

213 [~~9~~] (10) Upon conviction under this section, the court may in its discretion, in

214 addition to other penalties:

215 ~~[(a) order the defendant to be evaluated to determine the need for psychiatric or~~  
216 ~~psychological counseling, to receive counseling as the court determines to be appropriate, and~~  
217 ~~to pay the costs of the evaluation and counseling;]~~

218 ~~[(b) require the defendant to]~~

219 (a) order the defendant to:

220 (i) undergo a psychological evaluation;

221 (ii) receive treatment addressing issues involved in animal abuse;

222 (iii) to the extent that the court finds the defendant is able, pay the costs of the  
223 evaluation and treatment described in Subsections (10)(a)(i) and (ii);

224 (iv) forfeit any rights the defendant has to the animal or livestock subjected to a  
225 violation of this section [and to];

226 (v) repay the reasonable costs incurred by any person or agency in caring for each  
227 animal or livestock subjected to violation of this section; or

228 ~~[(c) order the defendant to]~~ (vi) no longer possess or retain custody of any animal, as  
229 specified by the court, during the period of the defendant's probation or parole or other period  
230 as designated by the court; [and] or

231 ~~[(d) order the animal to be placed]~~ (b) in accordance with Subsection (11), enter an  
232 order disposing of an animal or livestock subjected to a violation of this section.

233 (11) (a) An order disposing of an animal under Subsection (10)(b) shall provide for  
234 disposition in the following order of priority, with Subsection (11)(a)(i) being the first priority:

235 (i) placing the animal for the purpose of adoption or care in the custody of a county and  
236 municipal animal control agency[;] or an animal welfare agency registered with the state[;  
237 sold];

238 (ii) selling the animal at public auction[;] or

239 (iii) humanely [destroyed] euthanizing the animal.

240 (b) An order disposing of livestock under Subsection (10)(b) shall provide for  
241 disposition in the following order of priority, with Subsection (11)(b)(i) being the first priority:

242 (i) selling the livestock at public auction; or

243 (ii) destroying the livestock using accepted husbandry practices.

244 ~~[(10)]~~ (12) This section does not prohibit the use of animals in lawful training.

245 ~~[(11) As used in this section:]~~

246 ~~[(a) "Abandons" means to intentionally deposit, leave, or drop off any live animal:]~~

247 ~~[(i) without providing for the care of that animal; or]~~

248 ~~[(ii) in a situation where conditions present an immediate, direct, and serious threat to~~  
249 ~~the life, safety, or health of the animal.]~~

250 ~~[(b) (i) "Animal" means a live, nonhuman vertebrate creature.]~~

251 ~~[(ii) "Animal" does not include animals kept or owned for agricultural purposes and~~  
252 ~~cared for in accordance with accepted husbandry practices, animals used for rodeo purposes,~~  
253 ~~and does not include protected and unprotected wildlife as defined in Section 23-13-2.]~~

254 ~~[(c) "Custody" means ownership, possession, or control over an animal.]~~

255 ~~[(d) "Legal privilege" means an act authorized by state law, including Division of~~  
256 ~~Wildlife Resources statutes and rules, and conducted in conformance with local ordinances.]~~

257 ~~[(e) "Necessary food, care, and shelter" means appropriate and essential food and other~~  
258 ~~needs of the animal, including veterinary care, and adequate protection against extreme weather~~  
259 ~~conditions.]~~

260 Section 3. Section **76-9-301.5** is amended to read:

261 **76-9-301.5. Spectator at organized animal fighting exhibitions.**

262 (1) It is unlawful for a person to knowingly be present as a spectator at any place,  
263 building, or tenement where preparations are being made for an exhibition of the fighting of  
264 animals, as prohibited by ~~[Subsection]~~ Subsections 76-9-301~~[(1)(e)](3)(a)(iv)~~ and ~~[(f)]~~ (v), or  
265 to be present at such exhibition, regardless of whether any entrance fee has been charged.

266 (2) A person who violates ~~[this subsection]~~ Subsection (1) is guilty of a class B  
267 misdemeanor.

268 Section 4. Section **76-9-301.6** is amended to read:

269 **76-9-301.6. Dog fighting exhibition -- Authority to arrest and take possession of**  
270 **dogs and property.**

271 (1) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications,  
272 may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or  
273 where preparations are being made for ~~[such]~~ an exhibition and, without a warrant, arrest all  
274 persons present.

275 (2) (a) Notwithstanding the provisions of Section 76-9-305, any authorized officer who

276 makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia,  
277 implements, or other property or things used or employed, or to be employed, in an exhibition  
278 of dog fighting prohibited by Subsection 76-9-301~~(+)(f)~~(3)(a)(v) or Section 76-9-301.1.

279 (b) The officer, at the time of the taking of property pursuant to Subsection (2)(a), shall  
280 state his name and provide other identifying information to the person in charge of the dogs or  
281 property taken.

282 (3) (a) After taking possession of dogs, paraphernalia, implements, or other property or  
283 things under Subsection (2), the officer shall file an affidavit with the judge or magistrate  
284 before whom a complaint has been made against any person arrested under this section.

285 (b) The affidavit shall include:

286 (i) the name of the person charged in the complaint;

287 (ii) a description of all property taken;

288 (iii) the time and place of the taking of the property;

289 (iv) the name of the person from whom the property was taken;

290 (v) the name of the person who claims to own the property, if known; and

291 (vi) a statement that the officer has reason to believe and believes that the property  
292 taken was used or employed, or was to be used or employed, in violation of Section 76-9-301  
293 or 76-9-301.1, and the grounds for the belief.

294 (4) (a) The officer shall deliver the confiscated property to the judge or magistrate who  
295 shall, by order, place the property in the custody of the officer or any other person designated in  
296 the order, and that person shall keep the property until conviction or final discharge of the  
297 person against whom the complaint was made.

298 (b) The person designated in Subsection (4)(a) shall assume immediate custody of the  
299 property, and retain the property until further order of the court.

300 (c) Upon conviction of the person charged, all confiscated property shall be forfeited  
301 and destroyed or otherwise disposed of, as the court may order.

302 (d) If the person charged is acquitted or discharged without conviction, the court shall,  
303 on demand, order the property to be returned to its owner.

304 Section 5. Section **76-9-301.7** is amended to read:

305 **76-9-301.7. Enhanced penalties for cruelty to an animal or animal neglect.**

306 (1) "Conviction" means:

307           (a) a conviction by plea ~~[or by verdict.]~~ of guilty, nolo contendere, guilty and mentally  
308 ill, or no contest;

309           (b) a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, even  
310 if the charge was subsequently reduced or dismissed in accordance with the plea in abeyance  
311 agreement; or

312           (c) a verdict of guilty.

313           (2) ~~[A]~~ (a) Except as provided in Subsection (2)(b), a person who commits any  
314 violation of Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(1) or (4) within  
315 the state and on at least one previous occasion has been convicted of violating Section  
316 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(1) or (4) [shall be] or has been  
317 convicted in another jurisdiction of an offense that is substantially similar to any of these  
318 offenses is subject to an enhanced penalty [as provided in] under Subsection (3).

319           (b) The enhancements described in this section do not apply to a conviction for animal  
320 torture under Subsection 76-9-301(2).

321           (3) The enhanced degree of offense for offenses committed under this section are:

322           (a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and

323           (b) if the offense is a class B misdemeanor, it is a class A misdemeanor.

324           ~~[(4)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall~~  
325 ~~provide written notice upon the information or indictment that the defendant is subject to an~~  
326 ~~enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon~~  
327 ~~the defendant or his attorney not later than ten days prior to trial.]~~

328           ~~[(b) If the notice is not included initially, the court may subsequently allow the~~  
329 ~~prosecutor to amend the charging document to include the notice if the court finds:]~~

330           ~~[(i) that the amended charging documents, including any statement of probable cause,~~  
331 ~~provide notice that the defendant is subject to an enhanced penalty provided under this section;~~  
332 ~~and]~~

333           ~~[(ii) that the defendant has not otherwise been substantially prejudiced by the~~  
334 ~~amendment.]~~

335           Section 6. Section **76-10-1602** is amended to read:

336           **76-10-1602. Definitions.**

337           As used in this part:

338 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,  
339 business trust, association, or other legal entity, and any union or group of individuals  
340 associated in fact although not a legal entity, and includes illicit as well as licit entities.

341 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
342 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
343 have the same or similar purposes, results, participants, victims, or methods of commission, or  
344 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
345 demonstrate continuing unlawful conduct and be related either to each other or to the  
346 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
347 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful  
348 activity as defined by this part shall have occurred within five years of the commission of the  
349 next preceding act alleged as part of the pattern.

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

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

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

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

362 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary  
363 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, [~~Chapter 13;~~] Wildlife  
364 Resources Code of Utah, or Section 23-20-4;

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

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

- 369 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform  
370 Land Sales Practices Act;
- 371 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
372 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,  
373 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
374 Clandestine Drug Lab Act;
- 375 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform  
376 Securities Act;
- 377 (i) any act prohibited by the criminal provisions of Title 63, Chapter 56, Utah  
378 Procurement Code;
- 379 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
- 380 (k) a terroristic threat, Section 76-5-107;
- 381 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;
- 382 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 383 (n) sexual exploitation of a minor, Section 76-5a-3;
- 384 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 385 (p) causing a catastrophe, Section 76-6-105;
- 386 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 387 (r) burglary of a vehicle, Section 76-6-204;
- 388 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 389 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 390 (u) theft, Section 76-6-404;
- 391 (v) theft by deception, Section 76-6-405;
- 392 (w) theft by extortion, Section 76-6-406;
- 393 (x) receiving stolen property, Section 76-6-408;
- 394 (y) theft of services, Section 76-6-409;
- 395 (z) forgery, Section 76-6-501;
- 396 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
- 397 (bb) deceptive business practices, Section 76-6-507;
- 398 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or  
399 criticism of goods, Section 76-6-508;

- 400 (dd) bribery of a labor official, Section 76-6-509;
- 401 (ee) defrauding creditors, Section 76-6-511;
- 402 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 403 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
- 404 (hh) bribery or threat to influence contest, Section 76-6-514;
- 405 (ii) making a false credit report, Section 76-6-517;
- 406 (jj) criminal simulation, Section 76-6-518;
- 407 (kk) criminal usury, Section 76-6-520;
- 408 (ll) fraudulent insurance act, Section 76-6-521;
- 409 (mm) retail theft, Section 76-6-602;
- 410 (nn) computer crimes, Section 76-6-703;
- 411 (oo) identity fraud, Section 76-6-1102;
- 412 (pp) sale of a child, Section 76-7-203;
- 413 (qq) bribery to influence official or political actions, Section 76-8-103;
- 414 (rr) threats to influence official or political action, Section 76-8-104;
- 415 (ss) receiving bribe or bribery by public servant, Section 76-8-105;
- 416 (tt) receiving bribe or bribery for endorsement of person as public servant, Section  
417 76-8-106;
- 418 (uu) official misconduct, Sections 76-8-201 and 76-8-202;
- 419 (vv) obstruction of justice, Section 76-8-306;
- 420 (ww) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 421 (xx) false or inconsistent material statements, Section 76-8-502;
- 422 (yy) false or inconsistent statements, Section 76-8-503;
- 423 (zz) written false statements, Section 76-8-504;
- 424 (aaa) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 425 (bbb) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 426 (ccc) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 427 (ddd) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or  
428 76-8-1205;
- 429 (eee) unemployment insurance fraud, Section 76-8-1301;
- 430 (fff) intentionally or knowingly causing one animal to fight with another, Subsection

431 76-9-301[(+)(f)](3)(a)(iv) or (v) or Section 76-9-301.1;  
432 (ggg) possession, use, or removal of explosives, chemical, or incendiary devices or  
433 parts, Section 76-10-306;  
434 (hhh) delivery to common carrier, mailing, or placement on premises of an incendiary  
435 device, Section 76-10-307;  
436 (iii) possession of a deadly weapon with intent to assault, Section 76-10-507;  
437 (jjj) unlawful marking of pistol or revolver, Section 76-10-521;  
438 (kkk) alteration of number or mark on pistol or revolver, Section 76-10-522;  
439 (lll) forging or counterfeiting trademarks, trade name, or trade device, Section  
440 76-10-1002;  
441 (mmm) selling goods under counterfeited trademark, trade name, or trade devices,  
442 Section 76-10-1003;  
443 (nnn) sales in containers bearing registered trademark of substituted articles, Section  
444 76-10-1004;  
445 (ooo) selling or dealing with article bearing registered trademark or service mark with  
446 intent to defraud, Section 76-10-1006;  
447 (ppp) gambling, Section 76-10-1102;  
448 (qqq) gambling fraud, Section 76-10-1103;  
449 (rrr) gambling promotion, Section 76-10-1104;  
450 (sss) possessing a gambling device or record, Section 76-10-1105;  
451 (ttt) confidence game, Section 76-10-1109;  
452 (uuu) distributing pornographic material, Section 76-10-1204;  
453 (vvv) inducing acceptance of pornographic material, Section 76-10-1205;  
454 (www) dealing in harmful material to a minor, Section 76-10-1206;  
455 (xxx) distribution of pornographic films, Section 76-10-1222;  
456 (yyy) indecent public displays, Section 76-10-1228;  
457 (zzz) prostitution, Section 76-10-1302;  
458 (aaaa) aiding prostitution, Section 76-10-1304;  
459 (bbbb) exploiting prostitution, Section 76-10-1305;  
460 (cccc) aggravated exploitation of prostitution, Section 76-10-1306;  
461 (dddd) communications fraud, Section 76-10-1801;

462 (eeee) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,  
463 Money Laundering and Currency Transaction Reporting Act;

464 (ffff) any act prohibited by the criminal provisions of the laws governing taxation in  
465 this state; and

466 (gggg) any act illegal under the laws of the United States and enumerated in Title 18,  
467 Section 1961 (1)(B), (C), and (D) of the United States Code.

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**Legislative Review Note**  
**as of 8-22-07 4:04 PM**

**Office of Legislative Research and General Counsel**