

**Representative Sheryl L. Allen** proposes the following substitute bill:

**AMENDMENTS TO ANIMAL CRUELTY**

**PROVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Sheryl L. Allen**

Senate Sponsor: Allen M. Christensen

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Utah Criminal Code relating to animal cruelty.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ removes conflicting animal cruelty provisions related to hazing;
- ▶ clarifies and describes conduct that is a violation of the cruelty to animal provisions of the Utah Criminal Code;
- ▶ provides that a veterinarian is immune from civil liability for reporting, in good faith, an incident of cruelty to an animal;
- ▶ makes it a third degree felony to intentionally or knowingly torture a companion animal; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **76-5-107.5**, as last amended by Laws of Utah 1997, Chapters 240 and 289

29 **76-9-301**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 7

30 **76-9-301.5**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 7

31 **76-9-301.6**, as last amended by Laws of Utah 1998, Chapter 282

32 **76-9-301.7**, as enacted by Laws of Utah 1996, Second Special Session, Chapter 7

33 **76-10-1602**, as last amended by Laws of Utah 2007, Chapter 129



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

36 Section 1. Section **76-5-107.5** is amended to read:

37 **76-5-107.5. Prohibition of "hazing" -- Definitions -- Penalties.**

38 (1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly  
39 commits an act or causes another to commit an act that:

40 (a) (i) endangers the mental or physical health or safety of another; [or]

41 (ii) involves any brutality of a physical nature such as whipping, beating, branding,  
42 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or  
43 exposure to the elements; [or]

44 (iii) involves consumption of any food, liquor, drug, or other substance or any other  
45 physical activity that endangers the mental or physical health and safety of an individual; or

46 (iv) involves any activity that would subject the individual to extreme mental stress,  
47 such as sleep deprivation, extended isolation from social contact, or conduct that subjects  
48 another to extreme embarrassment, shame, or humiliation; [or] and

49 [~~v) involves cruelty to any animal as provided in Section 76-9-301; and~~]

50 (b) (i) is for the purpose of initiation, admission into, affiliation with, holding office in,  
51 or as a condition for continued membership in any organization; or

52 (ii) if the actor knew that the victim is a member of or candidate for membership with a  
53 school team or school organization to which the actor belongs or did belong within the  
54 preceding two years.

55 (2) It is not a defense to prosecution of hazing that a person under 21, against whom  
56 the hazing was directed, consented to or acquiesced in the hazing activity.

57 (3) An actor who hazes another is guilty of a:  
 58 [~~(a)~~] class C misdemeanor if the conduct violates Section 76-9-301;  
 59 [~~(b)~~] (a) class B misdemeanor if there are no aggravating circumstances;  
 60 [~~(c)~~] (b) class A misdemeanor if the act involves the operation or other use of a motor  
 61 vehicle;  
 62 [~~(d)~~] (c) third degree felony if the act involves the use of a dangerous weapon as  
 63 defined in Section 76-1-601;  
 64 [~~(e)~~] (d) third degree felony if the hazing results in serious bodily injury to a person; or  
 65 [~~(f)~~] (e) second degree felony if hazing under Subsection (3)[~~(c)~~](d) involves the use of  
 66 a dangerous weapon as defined in Section 76-1-601.

67 (4) A person who in good faith reports or participates in reporting of an alleged hazing  
 68 is not subject to any civil or criminal liability regarding the reporting.

69 (5) (a) This section does not apply to military training or other official military  
 70 activities.

71 (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.

72 (6) (a) A prosecution under this section does not bar a prosecution of the actor for:

73 (i) any other offense for which the actor may be liable as a party for conduct committed  
 74 by the person hazed; or

75 (ii) any offense, caused in the course of the hazing, that the actor commits against the  
 76 person who is hazed.

77 (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing  
 78 offense and the conduct committed by the person hazed.

79 (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for  
 80 the other offense, but shall be punished for the offense carrying the greater maximum penalty.

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

82 **76-9-301. Cruelty to animals.**

83 (1) As used in this section:

84 (a) (i) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

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

87 (B) in a situation where conditions present an immediate, direct, and serious threat to

88 the life, safety, or health of the animal.

89 (ii) "Abandon" does not include returning wildlife to its natural habitat.

90 (b) (i) "Animal" means, except as provided in Subsection (1)(b)(ii), a live, nonhuman  
91 vertebrate creature.

92 (ii) "Animal" does not include:

93 (A) a live, nonhuman vertebrate creature, if:

94 (I) the conduct toward the creature, and the care provided to the creature, is in  
95 accordance with accepted animal husbandry practices; and

96 (II) the creature is:

97 (Aa) owned or kept by a zoological park that is accredited by, or a member of, the  
98 American Zoo and Aquarium Association;

99 (Bb) kept, owned, or used for the purpose of training hunting dogs or raptors; or

100 (Cc) temporarily in the state as part of a circus or traveling exhibitor licensed by the  
101 United States Department of Agriculture under 7 U.S.C. 2133;

102 (B) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo  
103 purposes, if the conduct toward the creature, and the care provided to the creature, is in  
104 accordance with accepted rodeo practices;

105 (C) livestock, if the conduct toward the creature, and the care provided to the creature,  
106 is in accordance with accepted animal husbandry practices or customary farming practices; or

107 (D) wildlife, as defined in Section 23-13-2, including protected and unprotected  
108 wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or  
109 trapping practices or other lawful practices.

110 (c) "Companion animal" means an animal that is a dog or a cat.

111 (d) "Custody" means ownership, possession, or control over an animal.

112 (e) "Legal privilege" means an act that:

113 (i) is authorized by state law, including Division of Wildlife Resources rules; and

114 (ii) is not in violation of a local ordinance.

115 (f) "Livestock" means:

116 (i) domesticated:

117 (A) cattle;

118 (B) sheep;

- 119            (C) goats;
- 120            (D) turkeys;
- 121            (E) swine;
- 122            (F) equines;
- 123            (G) camelidae;
- 124            (H) ratites; or
- 125            (I) bison;
- 126            (ii) domesticated elk, as defined in Section 4-39-102; or
- 127            (iii) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
- 128 poultry, raised, kept, or used for agricultural purposes.
- 129            (g) "Necessary food, water, care, or shelter" means the following, taking into account
- 130 the species, age, and physical condition of the animal:
- 131            (i) appropriate and essential food and water;
- 132            (ii) adequate protection, including appropriate shelter, against extreme weather
- 133 conditions; and
- 134            (iii) other essential care.
- 135            (h) "Torture" means intentionally or knowingly causing or inflicting extreme physical
- 136 pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
- 137            ~~[(1) A]~~ (2) Except as provided in Subsection (4) or (6), a person is guilty of cruelty to
- 138 animals if the person, without legal privilege to do so, intentionally, knowingly, recklessly, or
- 139 with criminal negligence:
- 140            (a) fails to provide necessary food, water, care, or shelter for an animal in ~~[his]~~ the
- 141 person's custody;
- 142            (b) abandons an animal in the person's custody;
- 143            (c) transports or confines an animal in a cruel manner;
- 144            (d) injures an animal;
- 145            (e) causes any animal, not including a dog, to fight with another animal of like kind for
- 146 amusement or gain; or
- 147            (f) causes any animal, including a dog, to fight with a different kind of animal or
- 148 creature for amusement or gain.
- 149            ~~[(2) A]~~ (3) Except as provided in Section 76-9-301.7, a violation of Subsection [(1)]

150 (2) is:

- 151 (a) a class B misdemeanor if committed intentionally or knowingly; and
- 152 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

153 ~~[(3)]~~ (4) A person is guilty of aggravated cruelty to an animal if the person:

- 154 (a) tortures an animal;
- 155 (b) administers, ~~or causes to be administered,~~ poison or a poisonous ~~[substances]~~
- 156 substance to an animal ~~[without having a legal privilege to do so]; or~~

157 (c) kills an animal or causes an animal to be killed ~~[an animal]~~ without having a legal

158 privilege to do so.

159 ~~[(4)-A]~~ (5) Except as provided in Subsection (6) or Section 76-9-301.7, a violation of

160 Subsection ~~[(3)]~~ (4) is:

- 161 (a) a class A misdemeanor if committed intentionally or knowingly;
- 162 (b) a class B misdemeanor if committed recklessly; and
- 163 (c) a class C misdemeanor if committed with criminal negligence.
- 164 (6) A person is guilty of a third degree felony if the person intentionally or knowingly
- 165 tortures a companion animal.

166 ~~[(5)]~~ (7) It is a defense to prosecution under this section that the conduct of the actor

167 towards the animal was:

- 168 (a) by a licensed veterinarian using accepted veterinary practice;
- 169 (b) directly related to bona fide experimentation for scientific research, provided that if
- 170 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless
- 171 directly necessary to the veterinary purpose or scientific research involved;
- 172 (c) permitted under Section 18-1-3;
- 173 (d) by a person who humanely destroys any animal found suffering past recovery for
- 174 any useful purpose; or
- 175 (e) by a person who humanely destroys any apparently abandoned animal found on the
- 176 person's property.

177 ~~[(6)]~~ (8) For purposes of Subsection ~~[(5)]~~ (7)(d), before destroying the suffering

178 animal, the person who is not the owner of the animal shall obtain:

- 179 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
- 180 (b) the judgment of two other persons called by the person to view the unrecoverable

181 condition of the animal in the person's presence;

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

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

186 ~~[(7)]~~ (9) This section does not affect or prohibit:

187 (a) the training, instruction, and grooming of animals, ~~[so long as]~~ if the methods used  
188 are in accordance with accepted animal husbandry practices[-] or customary farming practices;

189 ~~[(8)(a)]~~ This section does not affect or prohibit

190 (b) the use of an electronic locating or training collar by the owner of an animal for the  
191 purpose of lawful animal training, lawful hunting practices, or protecting against loss of that  
192 animal[-]; or

193 (c) the lawful hunting of, fishing for, or trapping of, wildlife.

194 ~~[(b)]~~ (10) County and municipal governments may not prohibit the use of an electronic  
195 locating or training collar.

196 ~~[(9)]~~ (11) Upon conviction under this section, the court may in its discretion, in  
197 addition to other penalties:

198 (a) order the defendant to be evaluated to determine the need for psychiatric or  
199 psychological counseling, to receive counseling as the court determines to be appropriate, and  
200 to pay the costs of the evaluation and counseling;

201 (b) require the defendant to forfeit any rights the defendant has to the animal subjected  
202 to a violation of this section and to repay the reasonable costs incurred by any person or agency  
203 in caring for each animal subjected to violation of this section;

204 (c) order the defendant to no longer possess or retain custody of any animal, as  
205 specified by the court, during the period of the defendant's probation or parole or other period  
206 as designated by the court; and

207 (d) order the animal to be placed for the purpose of adoption or care in the custody of a  
208 county and municipal animal control agency, an animal welfare agency registered with the  
209 state, sold at public auction, or humanely destroyed.

210 ~~[(10)]~~ (12) This section does not prohibit the use of animals in lawful training.

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

212 ~~[(a) "Abandons" means to intentionally deposit, leave, or drop off any live animal:]~~  
213 ~~[(i) without providing for the care of that animal; or]~~  
214 ~~[(ii) in a situation where conditions present an immediate, direct, and serious threat to~~  
215 ~~the life, safety, or health of the animal.]~~

216 ~~[(b) (i) "Animal" means a live, nonhuman vertebrate creature.]~~  
217 ~~[(ii) "Animal" does not include animals kept or owned for agricultural purposes and~~  
218 ~~cared for in accordance with accepted husbandry practices, animals used for rodeo purposes,~~  
219 ~~and does not include protected and unprotected wildlife as defined in Section 23-13-2.]~~

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

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

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

226 (13) A veterinarian who, acting in good faith, reports a violation of this section to law  
227 enforcement, may not be held civilly liable for making the report.

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

229 **76-9-301.5. Spectator at organized animal fighting exhibitions.**

230 It is unlawful for a person to knowingly be present as a spectator at any place, building,  
231 or tenement where preparations are being made for an exhibition of the fighting of animals, as  
232 prohibited by ~~[Subsection]~~ Subsections 76-9-301~~[(+)]~~(2)(e) and (f), or to be present at such  
233 exhibition, regardless of whether any entrance fee has been charged. A person who violates  
234 this ~~[subsection]~~ section is guilty of a class B misdemeanor.

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

236 **76-9-301.6. Dog fighting exhibition -- Authority to arrest and take possession of**  
237 **dogs and property.**

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

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

243 makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia,  
244 implements, or other property or things used or employed, or to be employed, in an exhibition  
245 of dog fighting prohibited by Subsection 76-9-301[(+)](2)(f) or Section 76-9-301.1.

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

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

252 (b) The affidavit shall include:

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

254 (ii) a description of all property taken;

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

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

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

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

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

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

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

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

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

272 **76-9-301.7. Cruelty to animals -- Enhanced penalties.**

273 (1) [~~"Conviction"~~] As used in this section, "conviction" means a conviction by plea or

274 by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77,  
275 Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently  
276 reduced or dismissed in accordance with the plea in abeyance agreement.

277 (2) ~~[A]~~ Except as provided in Subsection (4), a person who commits any violation of  
278 Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4) within the state and on at  
279 least one previous occasion has been convicted of violating Section 76-9-301, Section  
280 76-9-301.5, or Subsection 76-9-301.1(4) shall be subject to an enhanced penalty as provided in  
281 Subsection (3).

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

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

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

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

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

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

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

296 (4) The penalty enhancements described in this section do not apply to a conviction for  
297 the offense described in Subsection 76-9-301(6).

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

299 **76-10-1602. Definitions.**

300 As used in this part:

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

304 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the

305 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
306 have the same or similar purposes, results, participants, victims, or methods of commission, or  
307 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
308 demonstrate continuing unlawful conduct and be related either to each other or to the  
309 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
310 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful  
311 activity as defined by this part shall have occurred within five years of the commission of the  
312 next preceding act alleged as part of the pattern.

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

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

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

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

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

328 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title  
329 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;

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

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

334 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
335 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,

336 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
337 Clandestine Drug Lab Act;

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

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

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

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

344 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;

345 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;

346 (n) sexual exploitation of a minor, Section 76-5a-3;

347 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;

348 (p) causing a catastrophe, Section 76-6-105;

349 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;

350 (r) burglary of a vehicle, Section 76-6-204;

351 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;

352 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;

353 (u) theft, Section 76-6-404;

354 (v) theft by deception, Section 76-6-405;

355 (w) theft by extortion, Section 76-6-406;

356 (x) receiving stolen property, Section 76-6-408;

357 (y) theft of services, Section 76-6-409;

358 (z) forgery, Section 76-6-501;

359 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;

360 (bb) deceptive business practices, Section 76-6-507;

361 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or  
362 criticism of goods, Section 76-6-508;

363 (dd) bribery of a labor official, Section 76-6-509;

364 (ee) defrauding creditors, Section 76-6-511;

365 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;

366 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;

- 367 (hh) bribery or threat to influence contest, Section 76-6-514;  
368 (ii) making a false credit report, Section 76-6-517;  
369 (jj) criminal simulation, Section 76-6-518;  
370 (kk) criminal usury, Section 76-6-520;  
371 (ll) fraudulent insurance act, Section 76-6-521;  
372 (mm) retail theft, Section 76-6-602;  
373 (nn) computer crimes, Section 76-6-703;  
374 (oo) identity fraud, Section 76-6-1102;  
375 (pp) sale of a child, Section 76-7-203;  
376 (qq) bribery to influence official or political actions, Section 76-8-103;  
377 (rr) threats to influence official or political action, Section 76-8-104;  
378 (ss) receiving bribe or bribery by public servant, Section 76-8-105;  
379 (tt) receiving bribe or bribery for endorsement of person as public servant, Section  
380 76-8-106;  
381 (uu) official misconduct, Sections 76-8-201 and 76-8-202;  
382 (vv) obstruction of justice, Section 76-8-306;  
383 (ww) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;  
384 (xx) false or inconsistent material statements, Section 76-8-502;  
385 (yy) false or inconsistent statements, Section 76-8-503;  
386 (zz) written false statements, Section 76-8-504;  
387 (aaa) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;  
388 (bbb) retaliation against a witness, victim, or informant, Section 76-8-508.3;  
389 (ccc) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;  
390 (ddd) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or  
391 76-8-1205;  
392 (eee) unemployment insurance fraud, Section 76-8-1301;  
393 (fff) intentionally or knowingly causing one animal to fight with another, Subsection  
394 76-9-301[~~(1)~~](2)(e) or (f), or Section 76-9-301.1;  
395 (ggg) possession, use, or removal of explosives, chemical, or incendiary devices or  
396 parts, Section 76-10-306;  
397 (hhh) delivery to common carrier, mailing, or placement on premises of an incendiary

398 device, Section 76-10-307;

399 (iii) possession of a deadly weapon with intent to assault, Section 76-10-507;

400 (jjj) unlawful marking of pistol or revolver, Section 76-10-521;

401 (kkk) alteration of number or mark on pistol or revolver, Section 76-10-522;

402 (lll) forging or counterfeiting trademarks, trade name, or trade device, Section

403 76-10-1002;

404 (mmm) selling goods under counterfeited trademark, trade name, or trade devices,

405 Section 76-10-1003;

406 (nnn) sales in containers bearing registered trademark of substituted articles, Section

407 76-10-1004;

408 (ooo) selling or dealing with article bearing registered trademark or service mark with

409 intent to defraud, Section 76-10-1006;

410 (ppp) gambling, Section 76-10-1102;

411 (qqq) gambling fraud, Section 76-10-1103;

412 (rrr) gambling promotion, Section 76-10-1104;

413 (sss) possessing a gambling device or record, Section 76-10-1105;

414 (ttt) confidence game, Section 76-10-1109;

415 (uuu) distributing pornographic material, Section 76-10-1204;

416 (vvv) inducing acceptance of pornographic material, Section 76-10-1205;

417 (www) dealing in harmful material to a minor, Section 76-10-1206;

418 (xxx) distribution of pornographic films, Section 76-10-1222;

419 (yyy) indecent public displays, Section 76-10-1228;

420 (zzz) prostitution, Section 76-10-1302;

421 (aaaa) aiding prostitution, Section 76-10-1304;

422 (bbbb) exploiting prostitution, Section 76-10-1305;

423 (cccc) aggravated exploitation of prostitution, Section 76-10-1306;

424 (dddd) communications fraud, Section 76-10-1801;

425 (eeee) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,

426 Money Laundering and Currency Transaction Reporting Act;

427 (ffff) any act prohibited by the criminal provisions of the laws governing taxation in

428 this state; and

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

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**H.B. 470 1st Sub. (Buff) - Amendments to Animal Cruelty Provisions**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will require General Fund appropriations of \$8,000 in FY 2009 and \$16,000 in FY 2010 to the Department of Corrections. It is estimated that the Department of Corrections will require General Funds of \$24,000 in FY 2011 and each year thereafter.

	<u>FY 2008</u> <u>Approp.</u>	<u>FY 2009</u> <u>Approp.</u>	<u>FY 2010</u> <u>Approp.</u>	<u>FY 2008</u> <u>Revenue</u>	<u>FY 2009</u> <u>Revenue</u>	<u>FY 2010</u> <u>Revenue</u>
General Fund	\$0	\$16,000	\$16,000	\$0	\$0	\$0
General Fund, One-Time	\$0	(\$8,000)	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$8,000</b>	<b>\$16,000</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.