

THREAT OF TERRORISM PENALTY AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Eric K. Hutchings

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

Committee Note:

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

General Description:

This bill modifies the Criminal Code regarding a threat to commit terrorism.

Highlighted Provisions:

This bill:

▶ provides that threatening to commit an act of terrorism with the intent to cause action by an official or volunteer of any emergency agency is a class B

misdemeanor; ~~H→~~ [and] ~~←H~~

▶ does not modify the felony penalties for acts that include intimidating the public, affecting government conduct, or affecting the use of any building or public carrier ~~H→~~ ; and

▶ modifies the elements of the offense of engaging in conduct that causes action by an emergency response agency ~~←H~~ .

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-107.3, as enacted by Laws of Utah 2010, Chapter 334

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



28 Section 1. Section 76-5-107.3 is amended to read:

29 **76-5-107.3. Threat of terrorism -- Penalty.**

30 (1) A person commits a threat of terrorism if the person threatens to commit any
31 offense involving bodily injury, death, or substantial property damage, and:

32 (a) (i) threatens the use of a weapon of mass destruction, as defined in Section
33 76-10-401; or

34 (ii) threatens the use of a hoax weapon of mass destruction, as defined in Section
35 76-10-401; or

36 (b) acts with intent to:

37 (i) intimidate or coerce a civilian population or to influence or affect the conduct of a
38 government or a unit of government;

39 (ii) prevent or interrupt the occupation of a building or a portion of the building, a
40 place to which the public has access, or a facility or vehicle of public transportation operated by
41 a common carrier; or

42 (iii) cause ~~H~~→ [action of any nature by] ←~~H~~ an official or volunteer agency
42a organized to deal with

43 emergencies ~~H~~→ **to take action due to the person's conduct posing a serious and substantial**
43a **risk to the general public** ←~~H~~ .

44 (2) (a) A violation of Subsection (1)(a) or (1)(b)(i) is a second degree felony.

45 (b) A violation of Subsection (1)(b)(ii) is a third degree felony.

46 (c) A violation of Subsection (1)(b)(iii) is a class B misdemeanor.

47 (3) It is not a defense under this section that the person did not attempt to carry out or
48 was incapable of carrying out the threat.

49 (4) A threat under this section may be express or implied.

50 (5) A person who commits an offense under this section is subject to punishment for
51 that offense, in addition to any other offense committed, including the carrying out of the
52 threatened act.

53 (6) In addition to any other penalty authorized by law, a court shall order any person
54 convicted of any violation of this section to reimburse any federal, state, or local unit of
55 government, or any private business, organization, individual, or entity for all expenses and
56 losses incurred in responding to the violation, unless the court states on the record the reasons
57 why the reimbursement would be inappropriate.

Legislative Review Note
as of 9-18-12 3:35 PM

Office of Legislative Research and General Counsel