

Senator Stephanie Pitcher proposes the following substitute bill:

CRIMINAL MONETARY THRESHOLD AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends the monetary threshold amounts required for certain offenses.

Highlighted Provisions:

This bill:

- ▶ amends the monetary threshold amounts required for certain offenses;
- ▶ creates sentencing provisions for certain theft related offenses; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-716, as last amended by Laws of Utah 2006, Chapter 55

10-3-1310, as last amended by Laws of Utah 1989, Chapter 147

26B-3-1108, as last amended by Laws of Utah 2023, Chapter 111 and renumbered and amended by Laws of Utah 2023, Chapter 306

34A-2-110, as last amended by Laws of Utah 2022, Chapter 430



- 26 [35A-8-410](#), as renumbered and amended by Laws of Utah 2012, Chapter 212
- 27 [53C-2-301](#), as last amended by Laws of Utah 2020, Chapter 123
- 28 [63M-7-510](#), as last amended by Laws of Utah 2020, Chapter 149
- 29 [73-2-27](#), as last amended by Laws of Utah 2023, Chapters 111, 179
- 30 [76-5-111.4](#), as enacted by Laws of Utah 2022, Chapter 181
- 31 [76-6-102](#), as last amended by Laws of Utah 2023, Chapter 111
- 32 [76-6-104](#), as last amended by Laws of Utah 2023, Chapter 111
- 33 [76-6-104.5](#), as last amended by Laws of Utah 2023, Chapter 111
- 34 [76-6-106](#), as last amended by Laws of Utah 2023, Chapters 111, 179 and 330
- 35 [76-6-106.1](#), as enacted by Laws of Utah 2023, Chapter 111
- 36 [76-6-107](#), as last amended by Laws of Utah 2023, Chapter 111
- 37 [76-6-404](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 38 Coordination Clause, Laws of Utah 2023, Chapter 407
- 39 [76-6-404.5](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 40 Coordination Clause, Laws of Utah 2023, Chapter 407
- 41 [76-6-404.7](#), as last amended by Laws of Utah 2023, Chapter 111
- 42 [76-6-405](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 43 Coordination Clause, Laws of Utah 2023, Chapter 407
- 44 [76-6-406](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 45 Coordination Clause, Laws of Utah 2023, Chapter 407
- 46 [76-6-407](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 47 Coordination Clause, Laws of Utah 2023, Chapter 407
- 48 [76-6-408](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 49 Coordination Clause, Laws of Utah 2023, Chapter 407
- 50 [76-6-409](#), as last amended by Laws of Utah 2023, Chapter 111
- 51 [76-6-409.3](#), as last amended by Laws of Utah 2023, Chapter 111
- 52 [76-6-409.6](#), as last amended by Laws of Utah 2023, Chapter 111
- 53 [76-6-410](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 54 Coordination Clause, Laws of Utah 2023, Chapter 407
- 55 [76-6-413](#), as last amended by Laws of Utah 2023, Chapter 111
- 56 [76-6-505](#), as last amended by Laws of Utah 2023, Chapter 111

- 57 [76-6-506.2](#), as last amended by Laws of Utah 2023, Chapter 111
- 58 [76-6-506.6](#), as last amended by Laws of Utah 2023, Chapter 111
- 59 [76-6-506.8](#), as enacted by Laws of Utah 2023, Chapter 111
- 60 [76-6-506.9](#), as enacted by Laws of Utah 2023, Chapter 111
- 61 [76-6-513](#), as last amended by Laws of Utah 2023, Chapter 111
- 62 [76-6-518](#), as last amended by Laws of Utah 2023, Chapter 111
- 63 [76-6-521](#), as last amended by Laws of Utah 2023, Chapter 111
- 64 [76-6-602](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 65 Coordination Clause, Laws of Utah 2023, Chapter 407
- 66 [76-6-608](#), as last amended by Laws of Utah 2023, Chapter 111
- 67 [76-6-703](#), as last amended by Laws of Utah 2023, Chapter 111
- 68 [76-6-703.3](#), as enacted by Laws of Utah 2023, Chapter 111
- 69 [76-6-801](#), as last amended by Laws of Utah 2023, Chapter 111
- 70 [76-6-803](#), as last amended by Laws of Utah 2023, Chapter 111
- 71 [76-6-803.30](#), as last amended by Laws of Utah 2023, Chapter 111
- 72 [76-6-902](#), as last amended by Laws of Utah 2023, Chapter 111
- 73 [76-6-902.1](#), as enacted by Laws of Utah 2023, Chapter 111
- 74 [76-6-902.2](#), as enacted by Laws of Utah 2023, Chapter 111
- 75 [76-6-1002](#), as last amended by Laws of Utah 2023, Chapter 111
- 76 [76-6-1102](#), as last amended by Laws of Utah 2023, Chapter 111
- 77 [76-6-1203](#), as last amended by Laws of Utah 2023, Chapter 111
- 78 [76-8-103](#), as last amended by Laws of Utah 1998, Chapter 92
- 79 [76-8-105](#), as repealed and reenacted by Laws of Utah 1998, Chapter 92
- 80 [76-8-402](#), as last amended by Laws of Utah 2020, Chapter 61
- 81 [76-8-1206](#), as last amended by Laws of Utah 2012, Chapter 41
- 82 [76-8-1301](#), as last amended by Laws of Utah 2010, Chapter 193
- 83 [76-10-1801](#), as last amended by Laws of Utah 2010, Chapter 193
- 84 [77-18-105](#), as last amended by Laws of Utah 2023, Chapters 111, 257

85 ENACTS:

86 [76-6-401.5](#), Utah Code Annotated 1953

87

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

89 Section 1. Section **10-3-716** is amended to read:

90 **10-3-716. Fines and forfeitures -- Disposition.**

91 All fines, penalties, and forfeitures for the violation of any ordinance, when collected,
92 shall be paid in accordance with Section [51-4-2](#). A violation of this section constitutes a class
93 C misdemeanor. The retention or use of any fine, penalty, or forfeiture by any person for
94 personal use or benefit constitutes a class B misdemeanor, except that if the amount or amounts
95 exceed [~~\$1,000~~] \$2,000 the offense is a class A misdemeanor as defined in the Utah Criminal
96 Code.

97 Section 2. Section **10-3-1310** is amended to read:

98 **10-3-1310. Penalties for violation -- Dismissal from employment or removal from**
99 **office.**

100 In addition to any penalty contained in any other provision of law, any person who
101 knowingly and intentionally violates this part, with the exception of Sections [10-3-1306](#),
102 [10-3-1307](#), [10-3-1308](#), and [10-3-1309](#), shall be dismissed from employment or removed from
103 office and is guilty of:

104 (1) a felony of the second degree if the total value of the compensation, conflict of
105 interest, or assistance exceeds [~~\$1,000~~] \$2,000;

106 (2) a felony of the third degree if:

107 (a) the total value of the compensation, conflict of interest, or assistance is more than
108 [~~\$250~~] \$500 but not more than [~~\$1,000~~] \$2,000; or

109 (b) the elected or appointed officer or municipal employee has been twice before
110 convicted of violation of this chapter and the value of the conflict of interest, compensation, or
111 assistance was [~~\$250~~] \$500 or less;

112 (3) a class A misdemeanor if the value of the compensation or assistance was more
113 than [~~\$100~~] \$200 but does not exceed [~~\$250~~] \$500; or

114 (4) a class B misdemeanor if the value of the compensation or assistance was [~~\$100~~]
115 \$200 or less.

116 Section 3. Section **26B-3-1108** is amended to read:

117 **26B-3-1108. Criminal penalties.**

118 (1) (a) Except as provided in Subsection (1)(b) the culpable mental state required for a

119 criminal violation of this part is knowingly, intentionally, or recklessly as defined in Section
120 76-2-103.

121 (b) The culpable mental state required for a criminal violation of this part for kickbacks
122 and bribes under Section 26B-3-1103 is knowingly and intentionally as defined in Section
123 76-2-103.

124 (2) The punishment for a criminal violation of any provision of this part, except as
125 provided under Section 26B-3-1104, is determined by the cumulative value of the funds or
126 other benefits received or claimed in the commission of all violations of a similar nature, and
127 not by each separate violation.

128 (3) Punishment for criminal violation of this part, except as provided under Section
129 26B-3-1104, is:

130 (a) a second degree felony if the value of the property or service is or exceeds [~~\$5,000~~]
131 \$10,000;

132 (b) a third degree felony if the value of the property or service is or exceeds [~~\$1,500~~]
133 \$2,000 but is less than [~~\$5,000~~] \$10,000;

134 (c) a class A misdemeanor if the value of the property or service is or exceeds [~~\$500~~]
135 \$600 but is less than [~~\$1,500~~] \$2,000; or

136 (d) a class B misdemeanor if the value of the property or service is less than [~~\$500~~]
137 \$600.

138 Section 4. Section 34A-2-110 is amended to read:

139 **34A-2-110. Workers' compensation insurance fraud -- Elements -- Penalties --**
140 **Notice.**

141 (1) As used in this section:

142 (a) "Corporation" means the same as that term is defined in Section 76-2-201.

143 (b) "Intentionally" means the same as that term is defined in Section 76-2-103.

144 (c) "Knowingly" means the same as that term is defined in Section 76-2-103.

145 (d) "Person" means the same as that term is defined in Section 76-1-101.5.

146 (e) "Recklessly" means the same as that term is defined in Section 76-2-103.

147 (f) "Thing of value" means one or more of the following obtained under this chapter or
148 Chapter 3, Utah Occupational Disease Act:

149 (i) workers' compensation insurance coverage;

150 (ii) disability compensation;

151 (iii) a medical benefit;

152 (iv) a good;

153 (v) a professional service;

154 (vi) a fee for a professional service; or

155 (vii) anything of value.

156 (2) (a) A person is guilty of workers' compensation insurance fraud if that person
157 intentionally, knowingly, or recklessly:

158 (i) devises a scheme or artifice to do the following by means of a false or fraudulent
159 pretense, representation, promise, or material omission:

160 (A) obtain a thing of value under this chapter or Chapter 3, Utah Occupational Disease
161 Act;

162 (B) avoid paying the premium that an insurer charges, for an employee on the basis of
163 the underwriting criteria applicable to that employee, to obtain a thing of value under this
164 chapter or Chapter 3, Utah Occupational Disease Act; or

165 (C) deprive an employee of a thing of value under this chapter or Chapter 3, Utah
166 Occupational Disease Act; and

167 (ii) communicates or causes a communication with another in furtherance of the
168 scheme or artifice.

169 (b) A violation of this Subsection (2) includes a scheme or artifice to:

170 (i) make or cause to be made a false written or oral statement with the intent to obtain
171 insurance coverage as mandated by this chapter or Chapter 3, Utah Occupational Disease Act,
172 at a rate that does not reflect the risk, industry, employer, or class code actually covered by the
173 insurance coverage;

174 (ii) form a business, reorganize a business, or change ownership in a business with the
175 intent to:

176 (A) obtain insurance coverage as mandated by this chapter or Chapter 3, Utah
177 Occupational Disease Act, at a rate that does not reflect the risk, industry, employer, or class
178 code actually covered by the insurance coverage;

179 (B) misclassify an employee as described in Subsection (2)(b)(iii); or

180 (C) deprive an employee of workers' compensation coverage as required by Subsection

181 34A-2-103(8);

182 (iii) misclassify an employee as one of the following so as to avoid the obligation to
183 obtain insurance coverage as mandated by this chapter or Chapter 3, Utah Occupational
184 Disease Act:

185 (A) an independent contractor;

186 (B) a sole proprietor;

187 (C) an owner;

188 (D) a partner;

189 (E) an officer; or

190 (F) a member in a limited liability company;

191 (iv) use a workers' compensation coverage waiver issued under Part 10, Workers'
192 Compensation Coverage Waivers Act, to deprive an employee of workers' compensation
193 coverage under this chapter or Chapter 3, Utah Occupational Disease Act; or

194 (v) collect or make a claim for temporary disability compensation as provided in
195 Section 34A-2-410 while working for gain.

196 (3) (a) Workers' compensation insurance fraud under Subsection (2) is punishable in
197 the manner prescribed in Subsection (3)(c).

198 (b) A corporation or association is guilty of the offense of workers' compensation
199 insurance fraud under the same conditions as those set forth in Section 76-2-204.

200 (c) (i) In accordance with Subsection (3)(c)(ii), the determination of the degree of an
201 offense under Subsection (2) shall be measured by the following on the basis of which creates
202 the greatest penalty:

203 (A) the total value of all property, money, or other things obtained or sought to be
204 obtained by the scheme or artifice described in Subsection (2); or

205 (B) the number of individuals not covered under this chapter or Chapter 3, Utah
206 Occupational Disease Act, because of the scheme or artifice described in Subsection (2).

207 (ii) A person is guilty of:

208 (A) a class A misdemeanor:

209 (I) if the value of the property, money, or other thing of value described in Subsection
210 (3)(c)(i)(A) is less than [~~\$1,000~~] \$2,000; or

211 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of

212 individuals described in Subsection (3)(c)(i)(B) is less than five;

213 (B) a third degree felony:

214 (I) if the value of the property, money, or other thing of value described in Subsection
215 (3)(c)(i)(A) is equal to or greater than [~~\$1,000~~] \$2,000, but is less than [~~\$5,000~~] \$10,000; or

216 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of
217 individuals described in Subsection (3)(c)(i)(B) is equal to or greater than five, but is less than
218 50; and

219 (C) a second degree felony:

220 (I) if the value of the property, money, or other thing of value described in Subsection
221 (3)(c)(i)(A) is equal to or greater than [~~\$5,000~~] \$10,000; or

222 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of
223 individuals described in Subsection (3)(c)(i)(B) is equal to or greater than 50.

224 (4) The following are not a necessary element of an offense described in Subsection
225 (2):

226 (a) reliance on the part of a person;

227 (b) the intent on the part of the perpetrator of an offense described in Subsection (2) to
228 permanently deprive a person of property, money, or anything of value; or

229 (c) an insurer or self-insured employer giving written notice in accordance with
230 Subsection (5) that workers' compensation insurance fraud is a crime.

231 (5) (a) An insurer or self-insured employer who, in connection with this chapter or
232 Chapter 3, Utah Occupational Disease Act, prints, reproduces, or furnishes a form described in
233 Subsection (5)(b) shall cause to be printed or displayed in comparative prominence with other
234 content on the form the statement: "Any person who knowingly presents false or fraudulent
235 underwriting information, files or causes to be filed a false or fraudulent claim for disability
236 compensation or medical benefits, or submits a false or fraudulent report or billing for health
237 care fees or other professional services is guilty of a crime and may be subject to fines and
238 confinement in state prison."

239 (b) Subsection (5)(a) applies to a form upon which a person:

240 (i) applies for insurance coverage;

241 (ii) applies for a workers' compensation coverage waiver issued under Part 10,
242 Workers' Compensation Coverage Waivers Act;

243 (iii) reports payroll;
244 (iv) makes a claim by reason of accident, injury, death, disease, or other claimed loss;

245 or

246 (v) makes a report or gives notice to an insurer or self-insured employer.

247 (c) An insurer or self-insured employer who issues a check, warrant, or other financial
248 instrument in payment of compensation issued under this chapter or Chapter 3, Utah
249 Occupational Disease Act, shall cause to be printed or displayed in comparative prominence
250 above the area for endorsement a statement substantially similar to the following: "Workers'
251 compensation insurance fraud is a crime punishable by Utah law."

252 (d) This Subsection (5) applies only to the legal obligations of an insurer or a
253 self-insured employer.

254 (e) A person who violates Subsection (2) is guilty of workers' compensation insurance
255 fraud, and the failure of an insurer or a self-insured employer to fully comply with this
256 Subsection (5) is not:

257 (i) a defense to violating Subsection (2); or

258 (ii) grounds for suppressing evidence.

259 (6) In the absence of malice, a person, employer, insurer, or governmental entity that
260 reports a suspected fraudulent act relating to a workers' compensation insurance policy or claim
261 is not subject to civil liability for libel, slander, or another relevant cause of action.

262 (7) (a) In an action involving workers' compensation, this section supersedes Title 31A,
263 Chapter 31, Insurance Fraud Act.

264 (b) Nothing in this section prohibits the Insurance Department from investigating
265 violations of this section or from pursuing civil or criminal penalties for violations of this
266 section in accordance with Section [31A-31-109](#) and this title.

267 Section 5. Section **35A-8-410** is amended to read:

268 **35A-8-410. Penalties for fraudulently obtaining or continuing to receive housing**
269 **assistance benefits.**

270 (1) A person may not knowingly, by misrepresentation, impersonation, or other
271 fraudulent means, make a false statement to housing authority personnel or, after being
272 accepted as a recipient of housing authority benefits, fail to disclose to housing authority
273 personnel any:

274 (a) change in household composition;
275 (b) employment change;
276 (c) change in marital status;
277 (d) receipt of any other monetary assistance;
278 (e) receipt of in-kind gifts; or
279 (f) other material fact or change in circumstances that would affect the determination
280 of that person's eligibility to receive housing assistance benefits, or would affect the amount of
281 benefits for which the person is eligible.

282 (2) A person may not fail to disclose any of the information described in Subsection (1)
283 for the purpose of obtaining or continuing to receive funds or other housing assistance benefits
284 to which the person is not entitled, or in an amount larger than that to which the person is
285 entitled.

286 (3) A person who has duties relating to the administration of a housing authority
287 program may not fraudulently misappropriate funds or other assistance with which the person
288 has been entrusted, or of which the person has gained possession by virtue of the person's
289 position.

290 (4) A person may not knowingly:

291 (a) file or falsify a claim, report, or document required by state or federal law, or
292 provider agreement, to obtain or attempt to obtain unauthorized housing assistance benefits
293 under this part; or

294 (b) attempt to commit, or aid or abet the commission of, an act prohibited by this
295 section.

296 (5) The punishment for violation of a provision of this section by a housing assistance
297 recipient is determined by the cumulative value of the money or other benefits the person
298 received from all instances of fraud committed by the person, and not by each separate instance
299 of fraud.

300 (6) The punishment for the offenses of this section are:

301 (a) a second degree felony if the value of the funds or other benefits received,
302 misappropriated, claimed, or applied for, is equal to or exceeds [~~\$5,000~~] \$10,000;

303 (b) a third degree felony if the value of the funds or other benefits received,
304 misappropriated, claimed, or applied for, is equal to or greater than [~~\$1,500~~] \$2,000 but less

305 than [~~\$5,000~~] \$10,000;

306 (c) a class A misdemeanor if the value of the funds or other benefits received,
307 misappropriated, claimed, or applied for, is equal to or greater than [~~\$500~~] \$600 but less than
308 [~~\$1,500~~] \$2,000; or

309 (d) a class B misdemeanor if the value of the funds or other benefits received,
310 misappropriated, claimed, or applied for, is less than [~~\$500~~] \$600.

311 Section 6. Section **53C-2-301** is amended to read:

312 **53C-2-301. Illegal activities on trust lands -- Penalties.**

313 (1) A person is liable for the civil damages prescribed in Subsection (2) and is guilty of
314 a criminal offense specified in Subsection (4) if the person intentionally, knowingly, or
315 recklessly, and without written authorization from the director:

316 (a) removes, extracts, uses, consumes, or destroys a mineral resource, gravel, sand,
317 soil, vegetation, water resource, or improvement on trust lands;

318 (b) grazes livestock on trust lands;

319 (c) uses, occupies, or constructs improvements or structures on trust lands;

320 (d) uses or occupies trust lands for more than 30 days after the cancellation or
321 expiration of written authorization;

322 (e) knowingly and willfully uses trust lands for commercial gain;

323 (f) appropriates, alters, injures, or destroys an improvement or historical, prehistorical,
324 archaeological, or paleontological resource on trust lands;

325 (g) trespasses upon, uses, commits waste, dumps refuse, or occupies trust land;

326 (h) interferes with the activities of an employee or agent of the administration on trust
327 lands; or

328 (i) interferes with activities of a lessee or other person that have been authorized by the
329 administration, whether or not the trust land has been withdrawn from occupancy or use
330 pursuant to Subsection **53C-2-105**(1)(b).

331 (2) A person who commits an act described in Subsection (1) is liable for damages in
332 the amount of whichever of the following is greatest:

333 (a) three times the value at the point of sale of the mineral or other resource removed,
334 destroyed, or extracted;

335 (b) three times the amount of damage committed;

336 (c) three times the cost to cure the damage;

337 (d) three times the value of any losses suffered as a result of interference with
338 authorized activities; or

339 (e) three times the consideration which would have been charged by the director for
340 use of the land during the period of trespass.

341 (3) In addition to the damages described in Subsection (2), a person found guilty of a
342 criminal act under Subsection (1) is subject to the penalties provided in Title 76, Chapter 3,
343 Punishments, as specified in Subsection (4).

344 (4) A violation of this section is a:

345 (a) second degree felony if the actor's conduct causes property injury or damage, or
346 pecuniary loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;

347 (b) third degree felony if the actor's conduct causes property injury or damage, or
348 pecuniary loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in
349 value;

350 (c) class A misdemeanor if the actor's conduct causes property injury or damage, or
351 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
352 and

353 (d) class B misdemeanor if the actor's conduct causes property injury or damage, or
354 pecuniary loss less than [~~\$500~~] \$600 in value.

355 (5) The director shall deposit money collected under this section in the fund in which
356 like revenues from that land would be deposited.

357 (6) The director may award a portion of any of the damages collected under this section
358 in excess of actual damages to the general fund of the county in which the trespass occurred as
359 a reward for county assistance in the apprehension and prosecution of the trespassing party.

360 Section 7. Section **63M-7-510** is amended to read:

361 **63M-7-510. Ineligible individuals -- Fraudulent reparations claims -- Penalties.**

362 (1) The following individuals are not eligible to receive a reparations award:

363 (a) an individual who does not meet all of the provisions set forth in Section

364 [63M-7-509](#);

365 (b) the offender;

366 (c) an accomplice of the offender;

367 (d) an individual whose receipt of a reparations award would unjustly benefit the
368 offender, accomplice, or another individual reasonably suspected of participating in the
369 offense;

370 (e) the victim of a motor vehicle injury who was the owner or operator of the motor
371 vehicle and was not at the time of the injury in compliance with the state motor vehicle
372 insurance laws;

373 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or
374 residing in any other correctional facility;

375 (g) an individual who is on probation or parole if the circumstances surrounding the
376 offense of which the individual is a victim is a violation of the individual's probation or parole;

377 (h) an individual whose injuries are the result of criminally injurious conduct that
378 occurred in a prison, jail, or another correctional facility while the individual was incarcerated;
379 and

380 (i) an individual who:

381 (i) submits a fraudulent claim; or

382 (ii) misrepresents a material fact in requesting a reparations award.

383 (2) (a) An individual may not knowingly:

384 (i) submit a fraudulent claim; or

385 (ii) misrepresent a material fact in requesting a reparations award.

386 (b) A violation of Subsection (2)(a) is:

387 (i) a class B misdemeanor if:

388 (A) the individual who violates Subsection (2)(a) does not receive a reparations award;

389 or

390 (B) the value of the reparations award received is less than [~~\$500~~] \$600;

391 (ii) a class A misdemeanor if the value of the reparations award received is or exceeds
392 [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

393 (iii) a third degree felony if the value of the reparations award received is or exceeds
394 [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; and

395 (iv) a second degree felony if the value of the reparations award received is or exceeds
396 [~~\$5,000~~] \$10,000.

397 (3) The state attorney general may prosecute violations under this section or may make

398 arrangements with county or city attorneys for the prosecution of violations under this section
399 when the attorney general cannot conveniently prosecute.

400 (4) (a) A claimant who is not eligible to receive a reparations award under Subsection
401 (1) but receives a reparations award shall reimburse the fund for the amount of the reparations
402 award.

403 (b) The office may bring a civil action against a victim who does not reimburse the
404 fund for the amount of the reparations award in accordance with Subsection (4)(a).

405 Section 8. Section 73-2-27 is amended to read:

406 **73-2-27. Criminal penalties.**

407 (1) This section applies to offenses committed under:

408 (a) Section 73-1-14;

409 (b) Section 73-1-15;

410 (c) Section 73-2-20;

411 (d) Section 73-3-3;

412 (e) Section 73-3-26;

413 (f) Section 73-3-29;

414 (g) Section 73-5-9;

415 (h) Section 76-10-201;

416 (i) Section 76-10-202; and

417 (j) Section 76-10-203.

418 (2) Under circumstances not amounting to an offense with a greater penalty under
419 Subsection 76-6-106(2)(a)(ii), Section 76-6-106.3, or Section 76-6-404, violation of a
420 provision listed in Subsection (1) is punishable:

421 (a) as a felony of the third degree if:

422 (i) the value of the water diverted or property damaged or taken is [~~\$2,500~~] \$5,000 or
423 greater; and

424 (ii) the person violating the provision has previously been convicted of violating the
425 same provision;

426 (b) as a class A misdemeanor if:

427 (i) the value of the water diverted or property damaged or taken is [~~\$2,500~~] \$5,000 or
428 greater; or

429 (ii) the person violating the provision has previously been convicted of violating the
430 same provision; or

431 (c) as a class B misdemeanor if Subsection (2)(a) or (b) does not apply.

432 Section 9. Section **76-5-111.4** is amended to read:

433 **76-5-111.4. Financial exploitation of a vulnerable adult -- Penalties.**

434 (1) (a) As used in this section:

435 (i) "Abuse" means the same as that term is defined in Section [76-5-111](#).

436 (ii) "Business relationship" means a relationship between two or more individuals or
437 entities where there exists an oral or written agreement for the exchange of goods or services.

438 (iii) "Deception" means:

439 (A) a misrepresentation or concealment:

440 (I) of a material fact relating to services rendered, disposition of property, or use of
441 property intended to benefit a vulnerable adult;

442 (II) of the terms of a contract or agreement entered into with a vulnerable adult; or

443 (III) relating to the existing or preexisting condition of any property involved in a
444 contract or agreement entered into with a vulnerable adult; or

445 (B) the use or employment of any misrepresentation, false pretense, or false promise in
446 order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement.

447 (iv) "Endeavor" means to attempt or try.

448 (v) "Intimidation" means communication conveyed through verbal or nonverbal
449 conduct that threatens deprivation of money, food, clothing, medicine, shelter, social
450 interaction, supervision, health care, or companionship, or that threatens isolation or harm.

451 (vi) "Isolation" means the same as that term is defined in Section [76-5-111](#).

452 (vii) "Lacks capacity to consent" means an impairment by reason of mental illness,
453 developmental disability, organic brain disorder, physical illness or disability, chronic use of
454 drugs, chronic intoxication, short-term memory loss, or other cause to the extent that a
455 vulnerable adult lacks sufficient understanding of the nature or consequences of decisions
456 concerning the vulnerable adult's person or property.

457 (viii) "Neglect" means the same as that term is defined in Section [76-5-111](#).

458 (ix) "Undue influence" occurs when a person:

459 (A) uses influence to take advantage of a vulnerable adult's mental or physical

460 impairment; or

461 (B) uses the person's role, relationship, or power:

462 (I) to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or
463 fear of a vulnerable adult; or

464 (II) to gain control deceptively over the decision making of the vulnerable adult.

465 (x) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

466 (b) Terms defined in Section 76-1-101.5 apply to this section.

467 (2) An actor commits the offense of financial exploitation of a vulnerable adult if the
468 actor:

469 (a) is in a position of trust and confidence, or has a business relationship, with the
470 vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception
471 or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds,
472 credit, assets, or other property with the intent to temporarily or permanently deprive the
473 vulnerable adult of the use, benefit, or possession of the vulnerable adult's property, for the
474 benefit of someone other than the vulnerable adult;

475 (b) knows or should know that the vulnerable adult lacks the capacity to consent, and
476 obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or
477 endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to
478 temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the
479 vulnerable adult's property for the benefit of someone other than the vulnerable adult;

480 (c) unjustly or improperly uses or manages the resources of a vulnerable adult for the
481 profit or advantage of someone other than the vulnerable adult;

482 (d) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship
483 for the profit or advantage of someone other than the vulnerable adult; or

484 (e) involves a vulnerable adult who lacks the capacity to consent in the facilitation or
485 furtherance of any criminal activity.

486 (3) (a) A violation of Subsection (2) is a second degree felony if done intentionally or
487 knowingly and the aggregate value of the resources used or the profit made is or exceeds
488 ~~[\$5,000]~~ \$10,000.

489 (b) A violation of Subsection (2) is a third degree felony if done intentionally or
490 knowingly and the aggregate value of the resources used or the profit made is less than ~~[\$5,000]~~

491] \$10,000 or cannot be determined.

492 (c) A violation of Subsection (2) is a class A misdemeanor if done recklessly.

493 (d) A violation of Subsection (2) is a class B misdemeanor if done with criminal
494 negligence.

495 (4) It does not constitute a defense to a prosecution for a violation of this section that
496 the actor did not know the age of the vulnerable adult.

497 Section 10. Section **76-6-102** is amended to read:

498 **76-6-102. Arson.**

499 (1) Terms defined in Sections **76-1-101.5** and **76-6-101** apply to this section.

500 (2) An actor commits arson if, under circumstances not amounting to aggravated arson,
501 the person by means of fire or explosives unlawfully and intentionally damages:

502 (a) any property with intention of defrauding an insurer; or

503 (b) the property of another.

504 (3) (a) A violation of Subsection (2)(a) is a second degree felony.

505 (b) A violation of Subsection (2)(b) is a second degree felony if:

506 (i) the damage caused is or exceeds [~~\$5,000~~] \$10,000 in value;

507 (ii) as a proximate result of the fire or explosion, any person not a participant in the
508 offense suffers serious bodily injury as defined in Section **76-1-101.5**; or

509 (iii) (A) the damage caused is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
510 \$10,000 in value; and

511 (B) at the time of the offense the actor has been previously convicted of a violation of
512 this section or Section **76-6-103** regarding aggravated arson within 10 years prior to the
513 commission of the violation of Subsection (2)(b).

514 (c) A violation of Subsection (2)(b) is a third degree felony if:

515 (i) the damage caused is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000
516 in value;

517 (ii) as a proximate result of the fire or explosion, any person not a participant in the
518 offense suffers substantial bodily injury as defined in Section **76-1-101.5**;

519 (iii) the fire or explosion endangers human life; or

520 (iv) (A) the damage caused is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000
521 in value; and

522 (B) at the time of the offense the actor has been previously convicted of a violation of
523 this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the
524 commission of the violation of Subsection (2)(b).

525 (d) A violation of Subsection (2)(b) is a class A misdemeanor if the damage caused:

526 (i) is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value; or

527 (ii) (A) is less than [~~\$500~~] \$600; and

528 (B) at the time of the offense the actor has been previously convicted of a violation of
529 this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the
530 commission of the violation of Subsection (2)(b).

531 (e) A violation of Subsection (2)(b) is a class B misdemeanor if the damage caused is
532 less than [~~\$500~~] \$600.

533 Section 11. Section 76-6-104 is amended to read:

534 **76-6-104. Reckless burning.**

535 (1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

536 (2) An actor commits reckless burning if the actor:

537 (a) recklessly starts a fire or causes an explosion which endangers human life;

538 (b) having started a fire, whether recklessly or not, and knowing that it is spreading and
539 will endanger the life or property of another, either fails to take reasonable measures to put out
540 or control the fire or fails to give a prompt fire alarm;

541 (c) builds or maintains a fire without taking reasonable steps to remove all flammable
542 materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or

543 (d) damages the property of another by reckless use of fire or causing an explosion.

544 (3) (a) A violation of Subsection (2)(a) or (b) is a class A misdemeanor.

545 (b) A violation of Subsection (2)(c) is a class B misdemeanor.

546 (c) A violation of Subsection (2)(d) is:

547 (i) a class A misdemeanor if damage to property is or exceeds [~~\$1,500~~] \$2,000 in
548 value;

549 (ii) a class B misdemeanor if the damage to property is or exceeds [~~\$500~~] \$600 but is
550 less than [~~\$1,500~~] \$2,000 in value; and

551 (iii) a class C misdemeanor if the damage to property is or exceeds [~~\$150~~] \$200 but is
552 less than [~~\$500~~] \$600 in value.

553 (d) Any other violation under Subsection (2)(d) is an infraction.

554 Section 12. Section **76-6-104.5** is amended to read:

555 **76-6-104.5. Abandonment of a fire -- Penalties.**

556 (1) Terms defined in Sections **76-1-101.5** and **76-6-101** apply to this section.

557 (2) An actor commits abandonment of a fire if, under circumstances not amounting to
558 the offense of arson, aggravated arson, or causing a catastrophe, the actor leaves a fire:

559 (a) without first completely extinguishing it; and

560 (b) with the intent to not return to the fire.

561 (3) A violation of Subsection (2):

562 (a) is a class C misdemeanor if there is no property damage;

563 (b) is a class B misdemeanor if property damage is less than [~~\$1,000~~] \$2,000 in value;

564 and

565 (c) is a class A misdemeanor if property damage is or exceeds [~~\$1,000~~] \$2,000 in
566 value.

567 (4) An actor does not commit a violation of Subsection (2) if the actor leaves a fire to
568 report an uncontrolled fire.

569 (5) If a violation of Subsection (2) involves a wildland fire, the actor is also liable for
570 suppression costs under Section **65A-3-4**.

571 (6) A fire spreading or reigniting is prima facie evidence that the actor did not
572 completely extinguish the fire as required by Subsection (2)(a).

573 Section 13. Section **76-6-106** is amended to read:

574 **76-6-106. Criminal mischief.**

575 (1) (a) As used in this section, "critical infrastructure" includes:

576 (i) financial and banking systems;

577 (ii) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed
578 guideways, or other transportation systems intended for the transportation of persons or
579 property;

580 (iii) health care facilities as listed in Section **26B-2-201**, and emergency fire, medical,
581 and law enforcement response systems;

582 (iv) public health facilities and systems;

583 (v) food distribution systems; and

- 584 (vi) other government operations and services.
- 585 (b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
- 586 (2) An actor commits criminal mischief if the actor:
- 587 (a) intentionally and unlawfully tampers with the property of another and as a result:
- 588 (i) recklessly endangers:
- 589 (A) human life; or
- 590 (B) human health or safety; or
- 591 (ii) recklessly causes or threatens a substantial interruption or impairment of any
- 592 critical infrastructure; or
- 593 (b) recklessly or willfully shoots or propels a missile or other object at or against a
- 594 motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving
- 595 or standing.
- 596 (3) (a) A violation of Subsection (2)(a)(i)(A) is a class A misdemeanor.
- 597 (b) A violation of Subsection (2)(a)(i)(B) is a class B misdemeanor.
- 598 (c) A violation of Subsection (2)(a)(ii) is a second degree felony.
- 599 (d) Any other violation of this section is a:
- 600 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
- 601 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;
- 602 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
- 603 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;
- 604 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
- 605 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
- 606 and
- 607 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
- 608 loss less than [~~\$500~~] \$600 in value.
- 609 (4) In determining the value of damages under this section, or for computer crimes
- 610 under Section 76-6-703, the value of any item, computer, computer network, computer
- 611 property, computer services, software, or data includes the measurable value of the loss of use
- 612 of the items and the measurable cost to replace or restore the items.
- 613 (5) In addition to any other penalty authorized by law, a court shall order an actor
- 614 convicted of any violation of this section to reimburse any federal, state, or local unit of

615 government, or any private business, organization, individual, or entity for all expenses
616 incurred in responding to a violation of Subsection (2)(a)(ii), unless the court states on the
617 record the reasons why the reimbursement would be inappropriate.

618 Section 14. Section **76-6-106.1** is amended to read:

619 **76-6-106.1. Property damage or destruction.**

620 (1) Terms defined in Sections **76-1-101.5** and **76-6-101** apply to this section.

621 (2) An actor commits property damage or destruction if the actor under circumstances
622 not amounting to arson or criminal mischief:

623 (a) damages or destroys property with the intention of defrauding an insurer; or

624 (b) intentionally damages, defaces, or destroys the property of another.

625 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a violation of Subsection (2)(a) is
626 a third degree felony.

627 (ii) A violation of Subsection (2)(a) is a second degree felony if the actor's conduct
628 causes or is intended to cause pecuniary loss equal to or in excess of [~~\$5,000~~] \$10,000.

629 (b) A violation of Subsection (2)(b) is a:

630 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
631 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;

632 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
633 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;

634 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
635 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
636 and

637 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
638 loss less than [~~\$500~~] \$600 in value.

639 (4) In determining the value of damages under this section, or for computer crimes
640 under Section **76-6-703**, the value of any item, computer, computer network, computer
641 property, computer services, software, or data includes the measurable value of the loss of use
642 of the items and the measurable cost to replace or restore the items.

643 Section 15. Section **76-6-107** is amended to read:

644 **76-6-107. Defacement by graffiti defined -- Penalties -- Removal costs --**
645 **Reimbursement liability -- Victim liability.**

646 (1) (a) As used in this section, "victim" means the person whose property is defaced or
647 damaged by the use of graffiti and who bears the expense for removal of the graffiti.

648 (b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

649 (2) An actor commits defacement by graffiti if the actor, without permission, defaces or
650 damages the property of another by graffiti.

651 (3) A violation of Subsection (2) is a:

652 (a) second degree felony if the damage caused is in excess of [~~\$5,000~~] \$10,000;

653 (b) third degree felony if the damage caused is equal to or in excess of [~~\$1,000~~] \$2,000
654 but less than or equal to [~~\$5,000~~] \$10,000;

655 (c) class A misdemeanor if the damage caused is equal to or in excess of [~~\$300~~] \$600
656 but less than [~~\$1,000~~] \$2,000; and

657 (d) class B misdemeanor if the damage caused is less than [~~\$300~~] \$600.

658 (4) Damages under Subsection (3) include removal costs, repair costs, or replacement
659 costs, whichever is less.

660 (5) The court shall order an individual convicted under Subsection (3) to pay restitution
661 to the victim in an amount equal to the costs incurred by the victim as a result of the graffiti.

662 (6) An additional amount of \$1,000 in restitution shall be added to removal costs if the
663 graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in
664 order to remove it, or the entity responsible for the area in which the clean-up is to take place
665 must provide assistance in order for the removal to take place safely.

666 (7) An individual who voluntarily, at the individual's own expense, and with the
667 consent of the property owner, removes graffiti for which the individual is responsible may be
668 credited for the removal costs against restitution ordered by a court.

669 (8) Before an authorized government agency may issue a citation or assess a fine to a
670 victim for the victim's failure to remove graffiti from the victim's property, the agency shall:

671 (a) provide written notice to the victim alerting the victim of the graffiti;

672 (b) allow the victim one week after the day on which the agency provides written
673 notice of the graffiti to remove the graffiti; and

674 (c) provide the victim with a list of resources available to assist the victim with
675 removal of the graffiti.

676 (9) (a) After receiving notification of graffiti under Subsection (8)(a), a victim who is

677 unable to remove the graffiti due to physical or financial hardship may alert the agency that
678 provided notice under Subsection (8)(a) of the hardship.

679 (b) If an authorized government agency finds a victim has demonstrated that the victim
680 would experience significant hardship in removing the graffiti, the agency:

681 (i) may not issue a citation or assess a fee to the victim for failure to remove the
682 graffiti; and

683 (ii) shall provide, or hire an outside entity to provide, the assistance necessary to
684 remove the graffiti from the victim's property.

685 (c) An authorized government agency that provides, or hires an outside agency to
686 provide, assistance under Subsection (9)(b)(ii), may request reimbursement from a restitution
687 order, under Subsection (5), against an individual who used graffiti to damage the property that
688 the agency removed, or paid another to remove.

689 Section 16. Section **76-6-401.5** is enacted to read:

690 **76-6-401.5. Sentencing Requirements.**

691 In addition to a sentence required or allowed by this [part](#), Chapter 3, Part 2, Sentencing,
692 or any other provision of the Utah Code, a court shall:

693 (1) order a defendant to undergo a mental health evaluation and a substance abuse
694 evaluation if the defendant is convicted of a second offense under this part;

695 (2) order the defendant to complete the terms and conditions of probation that is
696 supervised by the Department of Corrections if:

697 (a) the defendant is convicted of a third or subsequent offense under this part that is a
698 felony; and

699 (b) the court is not imposing a prison sentence for the conviction; and

700 (3) consider ordering the defendant to probation that is supervised by the Department
701 of Corrections, or an agency of a local government or a private organization, if the defendant is
702 convicted of a third or subsequent offense under this part that is a class A misdemeanor.

703 Section 17. Section **76-6-404** is amended to read:

704 **76-6-404. Theft -- Elements.**

705 (1) Terms defined in Section [76-1-101.5](#) apply to this section.

706 (2) An actor commits theft if the actor obtains or exercises unauthorized control over
707 another person's property with a purpose to deprive the person of the person's property.

- 708 (3) A violation of Subsection (2) is:
- 709 (a) a second degree felony if the:
- 710 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;
- 711 (ii) property stolen is a firearm or an operable motor vehicle; or
- 712 (iii) property is stolen from the person of another;
- 713 (b) a third degree felony if:
- 714 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
- 715 \$10,000;
- 716 (ii) the property is:
- 717 (A) a catalytic converter as defined under Section [76-6-1402](#); or
- 718 (B) 25 pounds or more of a suspect metal item as defined under Section [76-6-1402](#) if
- 719 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
- 720 or copper and is not a lead battery;
- 721 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
- 722 before convicted of any of the following offenses, if each prior offense was committed within
- 723 10 years before the date of the current conviction or the date of the offense upon which the
- 724 current conviction is based and at least one of those convictions is for a class A misdemeanor:
- 725 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 726 (B) any offense under Part 5, Fraud; or
- 727 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
- 728 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
- 729 \$2,000;
- 730 (B) the theft occurs on a property where the offender has committed any theft within
- 731 the past five years; and
- 732 (C) the offender has received written notice from the merchant prohibiting the offender
- 733 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or
- 734 (v) the actor has been previously convicted of a felony violation of any of the offenses
- 735 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
- 736 within 10 years before the date of the current conviction or the date of the offense upon which
- 737 the current conviction is based;
- 738 (c) a class A misdemeanor if:

739 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
740 \$2,000;

741 (ii) (A) the value of property is less than [~~\$500~~] \$600;

742 (B) the theft occurs on a property where the offender has committed any theft within
743 the past five years; and

744 (C) the offender has received written notice from the merchant prohibiting the offender
745 from entering the property pursuant to Subsection 78B-3-108(4); or

746 (iii) the actor has been twice before convicted of any of the offenses listed in
747 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
748 years before the date of the current conviction or the date of the offense upon which the current
749 conviction is based; or

750 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
751 and the theft is not an offense under Subsection (3)(c).

752 Section 18. Section ~~76-6-404.5~~ is amended to read:

753 **76-6-404.5. Unauthorized possession of property.**

754 (1) Terms defined in Section 76-1-101.5 apply to this section.

755 (2) An actor commits unauthorized possession of property if the actor obtains or
756 exercises unauthorized control over another person's property, without the consent of the
757 property's owner or legal custodian, and with the intent to temporarily appropriate, possess, or
758 use the property or to temporarily deprive the property's owner or legal custodian of possession
759 of the property.

760 (3) A violation of Subsection (2) is:

761 (a) a third degree felony if:

762 (i) the value of the property is or exceeds [~~\$5,000~~] \$10,000;

763 (ii) the property is a firearm or an operable motor vehicle; or

764 (iii) the property is taken from the person of another;

765 (b) a class A misdemeanor if:

766 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
767 \$10,000;

768 (ii) the property is:

769 (A) a catalytic converter as defined under Section 76-6-1402; or

770 (B) 25 pounds or more of a suspect metal item is defined under Section 76-6-1402 if
771 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
772 or copper and is not a lead battery;

773 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
774 before convicted of any of the following offenses, if each prior offense was committed within
775 10 years before the date of the current conviction or the date of the offense upon which the
776 current conviction is based and at least one of those convictions is for a class A misdemeanor:

777 (A) any theft, any robbery, or any burglary with intent to commit theft;

778 (B) any offense under Part 5, Fraud; or

779 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

780 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
781 \$2,000;

782 (B) the unauthorized possession of property occurs on a property where the offender
783 has committed any theft within the past five years; and

784 (C) the offender has received written notice from the merchant prohibiting the offender
785 from entering the property pursuant to Subsection 78B-3-108(4); or

786 (v) the actor has been previously convicted of a felony violation of any of the offenses
787 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
788 within 10 years before the date of the current conviction or the date of the offense upon which
789 the current conviction is based;

790 (c) a class B misdemeanor if:

791 (i) the value of the property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

792 (ii) (A) the value of property is less than [~~\$500~~] \$600;

793 (B) the unauthorized possession of property occurs on a property where the offender
794 has committed any theft within the past five years; and

795 (C) the offender has received written notice from the merchant prohibiting the offender
796 from entering the property pursuant to Subsection 78B-3-108(4); or

797 (iii) the actor has been twice before convicted of any of the offenses listed in
798 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
799 years before the date of the current conviction or the date of the offense upon which the current
800 conviction is based; or

801 (d) a class C misdemeanor if the value of the property is less than [~~\$500~~] \$600 and the
802 unauthorized possession of property is not an offense under Subsection (3)(c).

803 (4) Unauthorized possession of property is a lesser included offense of the offense of
804 theft under Section 76-6-404.

805 (5) The consent of the owner or legal custodian of the property to the property's control
806 by the actor is not presumed or implied because of the owner's or legal custodian's consent on a
807 previous occasion to the control of the property by any person.

808 Section 19. Section ~~76-6-404.7~~ is amended to read:

809 **76-6-404.7. Theft of motor vehicle fuel.**

810 (1) (a) As used in this section, "motor vehicle fuel" means any combustible gas, liquid,
811 matter, or substance that is used in an internal combustion engine for the generation of power.

812 (b) Terms defined in Section 76-1-101.5 apply to this section.

813 (2) An actor commits theft of motor vehicle fuel if the actor:

814 (a) causes a motor vehicle to leave any premises where motor vehicle fuel is offered for
815 retail sale when motor fuel has been dispensed into:

816 (i) the fuel tank of the motor vehicle; or

817 (ii) any other container that is then removed from the premises by means of the motor
818 vehicle; and

819 (b) commits the act under Subsection (2)(a) with the intent to deprive the owner or
820 operator of the premises of the motor vehicle fuel without making full payment for the fuel.

821 (3) A violation of Subsection (2) is:

822 (a) a second degree felony if the value of the motor vehicle fuel is or exceeds [~~\$5,000~~]
823 \$10,000;

824 (b) a third degree felony if:

825 (i) the value of the motor vehicle fuel is or exceeds [~~\$1,500~~] \$2,000 but is less than
826 [~~\$5,000~~] \$10,000; [or]

827 (ii) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 and the actor has been
828 twice before convicted of any of the following offenses, if each prior offense was committed
829 within 10 years before the date of the current conviction or the date of the offense upon which
830 the current conviction is based and at least one of those convictions is for a class A
831 misdemeanor:

- 832 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 833 (B) any offense under Part 5, Fraud; or
- 834 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
- 835 (iii) (A) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 but is less than
- 836 [~~\$1,500~~] \$2,000;
- 837 (B) the theft occurs on a property where the offender has committed any theft within
- 838 the past five years; and
- 839 (C) the offender has received written notice from the merchant prohibiting the offender
- 840 from entering the property pursuant to Subsection 78B-3-108(4); or
- 841 (iv) the actor has been previously convicted of a felony violation of any of the offenses
- 842 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
- 843 within 10 years before the date of the current conviction or the date of the offense upon which
- 844 the current conviction is based;
- 845 (c) a class A misdemeanor if:
- 846 (i) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 but is less than
- 847 [~~\$1,500~~] \$2,000;
- 848 (ii) (A) the value of the motor vehicle fuel is less than [~~\$500~~] \$600;
- 849 (B) the theft occurs on a property where the offender has committed any theft within
- 850 the past five years; and
- 851 (C) the offender has received written notice from the merchant prohibiting the offender
- 852 from entering the property pursuant to Subsection 78B-3-108(4); or
- 853 (iii) the actor has been twice before convicted of any of the offenses listed in
- 854 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
- 855 years before the date of the current conviction or the date of the offense upon which the current
- 856 conviction is based; or
- 857 (d) a class B misdemeanor if the value of the motor vehicle fuel is less than [~~\$500~~]
- 858 \$600 and the theft is not an offense under Subsection (3)(c).
- 859 (4) (a) In addition to the penalties described in Subsection (3), the sentencing court
- 860 may order the suspension of the driver license of an actor convicted of theft of motor vehicle
- 861 fuel.
- 862 (b) The suspension described in Subsection (4)(a) may not be for more than 90 days as

863 provided in Section [53-3-220](#).

864 Section 20. Section ~~76-6-405~~ is amended to read:

865 **76-6-405. Theft by deception.**

866 (1) (a) As used in this section, "puffing" means an exaggerated commendation of wares
867 or worth in a communication addressed to an individual, group, or the public.

868 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

869 (2) (a) An actor commits theft by deception if the actor obtains or exercises control
870 over property of another person:

871 (i) by deception; and

872 (ii) with a purpose to deprive the other person of property.

873 (b) The deception described in Subsection (2)(a)(i) and the deprivation described in
874 Subsection (2)(a)(ii) may occur at separate times.

875 (3) A violation of Subsection (2) is:

876 (a) a second degree felony if the:

877 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000; or

878 (ii) property stolen is a firearm or an operable motor vehicle;

879 (b) a third degree felony if:

880 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
881 \$10,000;

882 (ii) the property:

883 (A) is a catalytic converter as defined under Section [76-6-1402](#); or

884 (B) 25 pounds or more of a suspect metal item as defined under Section [76-6-1402](#) if
885 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
886 or copper and is not a lead battery;

887 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
888 before convicted of any of the following offenses, if each prior offense was committed within
889 10 years before the date of the current conviction or the date of the offense upon which the
890 current conviction is based and at least one of those convictions is for a class A misdemeanor:

891 (A) any theft, any robbery, or any burglary with intent to commit theft;

892 (B) any offense under Part 5, Fraud; or

893 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

894 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
895 \$2,000;

896 (B) the theft occurs on a property where the offender has committed any theft within
897 the past five years; and

898 (C) the offender has received written notice from the merchant prohibiting the offender
899 from entering the property pursuant to Subsection 78B-3-108(4); or

900 (v) the actor has been previously convicted of a felony violation of any of the offenses
901 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
902 within 10 years before the date of the current conviction or the date of the offense upon which
903 the current conviction is based;

904 (c) a class A misdemeanor if:

905 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
906 \$2,000;

907 (ii) (A) the value of property is less than [~~\$500~~] \$600;

908 (B) the theft occurs on a property where the offender has committed any theft within
909 the past five years; and

910 (C) the offender has received written notice from the merchant prohibiting the offender
911 from entering the property pursuant to Subsection 78B-3-108(4); or

912 (iii) the actor has been twice before convicted of any of the offenses listed in
913 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
914 years before the date of the current conviction or the date of the offense upon which the current
915 conviction is based; or

916 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
917 and the theft is not an offense under Subsection (3)(c).

918 (4) Theft by deception does not occur when there is only:

919 (a) falsity as to matters having no pecuniary significance; or

920 (b) puffing by statements unlikely to deceive an ordinary person in the group
921 addressed.

922 Section 21. Section ~~76-6-406~~ is amended to read:

923 **76-6-406. Theft by extortion.**

924 (1) (a) As used in this section, extortion occurs when an actor threatens to:

- 925 (i) cause physical harm in the future to the person threatened, to any other person, or to
926 property at any time;
- 927 (ii) subject the person threatened or any other person to physical confinement or
928 restraint;
- 929 (iii) engage in other conduct constituting a crime;
- 930 (iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;
- 931 (v) reveal any information sought to be concealed by the person threatened;
- 932 (vi) testify, provide information, or withhold testimony or information with respect to a
933 person's legal claim or defense;
- 934 (vii) take action as an official against anyone or anything, or withhold official action, or
935 cause such action or withholding;
- 936 (viii) bring about or continue a strike, boycott, or other similar collective action to
937 obtain property that is not demanded or received for the benefit of the group that the actor
938 purports to represent; or
- 939 (ix) do any other act which would not in itself substantially benefit the actor but which
940 would harm substantially any other person with respect to that person's health, safety, business,
941 calling, career, financial condition, reputation, or personal relationships.
- 942 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 943 (2) An actor commits theft by extortion if the actor obtains or exercises control over
944 the property of another person by extortion and with a purpose to deprive the person of the
945 person's property.
- 946 (3) A violation of Subsection (2) is:
- 947 (a) a second degree felony if the:
- 948 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;
- 949 (ii) property stolen is a firearm or an operable motor vehicle; or
- 950 (iii) property is stolen from the person of another;
- 951 (b) a third degree felony if:
- 952 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
953 \$10,000;
- 954 (ii) the property is:
- 955 (A) a catalytic converter as defined under Section 76-6-1402; or

956 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if
957 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
958 or copper and is not a lead battery;

959 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
960 before convicted of any of the following offenses, if each prior offense was committed within
961 10 years before the date of the current conviction or the date of the offense upon which the
962 current conviction is based and at least one of those convictions is for a class A misdemeanor:

963 (A) any theft, any robbery, or any burglary with intent to commit theft;

964 (B) any offense under Part 5, Fraud; or

965 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

966 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
967 \$2,000;

968 (B) the theft occurs on a property where the offender has committed any theft within
969 the past five years; and

970 (C) the offender has received written notice from the merchant prohibiting the offender
971 from entering the property pursuant to Subsection 78B-3-108(4); or

972 (v) the actor has been previously convicted of a felony violation of any of the offenses
973 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
974 within 10 years before the date of the current conviction or the date of the offense upon which
975 the current conviction is based;

976 (c) a class A misdemeanor if:

977 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
978 \$2,000;

979 (ii) (A) the value of property is less than [~~\$500~~] \$600;

980 (B) the theft occurs on a property where the offender has committed any theft within
981 the past five years; and

982 (C) the offender has received written notice from the merchant prohibiting the offender
983 from entering the property pursuant to Subsection 78B-3-108(4); or

984 (iii) the actor has been twice before convicted of any of the offenses listed in
985 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
986 years before the date of the current conviction or the date of the offense upon which the current

987 conviction is based; or

988 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600

989 and the theft is not an offense under Subsection (3)(c).

990 (4) (a) A person who is adversely impacted by the conduct prohibited in Subsection (2)

991 may bring a civil action for equitable relief and damages.

992 (b) In accordance with Section [78B-2-305](#), a person who brings an action under

993 Subsection (4)(a) shall commence the action within three years after the day on which the cause

994 of action arises.

995 Section 22. Section ~~76-6-407~~ is amended to read:

996 **76-6-407. Theft of lost, mislaid, or mistakenly delivered property.**

997 (1) Terms defined in Section [76-1-101.5](#) apply to this section.

998 (2) An actor commits theft of lost, mislaid, or mistakenly delivered property if the

999 actor:

1000 (a) obtains another person's property and knows the property to have been lost or

1001 mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the

1002 nature or amount of the property, without taking reasonable measures to return the property to

1003 the owner; and

1004 (b) has the purpose to deprive the owner of the property when the actor obtains the

1005 property or at any time before taking the measures described in Subsection (2)(a).

1006 (3) A violation of Subsection (2) is:

1007 (a) a second degree felony if the:

1008 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;

1009 (ii) property stolen is a firearm or an operable motor vehicle; or

1010 (iii) property is stolen from the person of another;

1011 (b) a third degree felony if:

1012 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

1013 \$10,000;

1014 (ii) the property is:

1015 (A) a catalytic converter as defined under Section [76-6-1402](#); or

1016 (B) 25 pounds or more of a suspect metal item as defined under Section [76-6-1402](#) if

1017 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum

1018 or copper and is not a lead battery;

1019 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
1020 before convicted of any of the following offenses, if each prior offense was committed within
1021 10 years before the date of the current conviction or the date of the offense upon which the
1022 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1023 (A) any theft, any robbery, or any burglary with intent to commit theft;

1024 (B) any offense under Part 5, Fraud; or

1025 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

1026 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1027 \$2,000;

1028 (B) the theft occurs on a property where the offender has committed any theft within
1029 the past five years; and

1030 (C) the offender has received written notice from the merchant prohibiting the offender
1031 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or

1032 (v) the actor has been previously convicted of a felony violation of any of the offenses
1033 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
1034 within 10 years before the date of the current conviction or the date of the offense upon which
1035 the current conviction is based;

1036 (c) a class A misdemeanor if:

1037 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1038 \$2,000;

1039 (ii) (A) the value of property is less than [~~\$500~~] \$600;

1040 (B) the theft occurs on a property where the offender has committed any theft within
1041 the past five years; and

1042 (C) the offender has received written notice from the merchant prohibiting the offender
1043 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or

1044 (iii) the actor has been twice before convicted of any of the offenses listed in
1045 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1046 years before the date of the current conviction or the date of the offense upon which the current
1047 conviction is based; or

1048 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600

1049 and the theft is not an offense under Subsection (3)(c).

1050 Section 23. Section **76-6-408** is amended to read:

1051 **76-6-408. Theft by receiving stolen property -- Duties of pawnbrokers,**
1052 **secondhand businesses, coin dealers, and catalytic converter purchasers.**

1053 (1) (a) As used in this section:

1054 (i) "Catalytic converter purchaser" means the same as that term is defined in Section
1055 [13-32a-102](#).

1056 (ii) "Coin dealer" means the same as that term is defined in Section [13-32a-102](#).

1057 (iii) "Pawnbroker" means the same as that term is defined in Section [13-32a-102](#).

1058 (iv) "Receives" means acquiring possession, control, title, or lending on the security of
1059 the property.

1060 (v) "Scrap metal processor" means the same as that term is defined in Section
1061 [76-6-1402](#).

1062 (vi) "Secondhand actor" means:

1063 (A) a pawnbroker;

1064 (B) a person who has or operates a business dealing in or collecting used or
1065 secondhand merchandise or personal property; or

1066 (C) an agent, employee, or representative of a pawnbroker or person who buys,
1067 receives, or obtains property.

1068 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

1069 (2) An actor commits theft by receiving stolen property if the actor receives, retains, or
1070 disposes of the property of another knowing that the property is stolen, or believing that the
1071 property is probably stolen, or who conceals, sells, withholds, or aids in concealing, selling, or
1072 withholding the property from the owner, knowing or believing the property to be stolen,
1073 intending to deprive the owner of the property.

1074 (3) A violation of Subsection (2) is:

1075 (a) a second degree felony if:

1076 (i) the value of the property is or exceeds [~~\$5,000~~] \$10,000; or

1077 (ii) the property is a firearm or an operable motor vehicle;

1078 (b) a third degree felony if:

1079 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

1080 \$10,000;

1081 (ii) the property is:

1082 (A) a catalytic converter as defined under Section 76-6-1402; or

1083 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if

1084 the value is less the [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum

1085 or copper and is not a lead battery;

1086 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice

1087 before convicted of any of the following offenses, if each prior offense was committed within

1088 10 years before the date of the current conviction or the date of the offense upon which the

1089 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1090 (A) any theft, any robbery, or any burglary with intent to commit theft;

1091 (B) any offense under Part 5, Fraud; or

1092 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

1093 (iv) the actor has been previously convicted of a felony violation of any of the offenses

1094 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed

1095 within 10 years before the date of the current conviction or the date of the offense upon which

1096 the current conviction is based;

1097 (c) a class A misdemeanor if:

1098 (i) the value of the property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1099 or

1100 (ii) the actor has been twice before convicted of any of the offenses listed in

1101 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10

1102 years before the date of the current conviction or the date of the offense upon which the current

1103 conviction is based; or

1104 (d) a class B misdemeanor if the value of the property is less than [~~\$500~~] \$600 and the

1105 theft is not an offense under Subsection (3)(c).

1106 (4) Except as provided in Subsection (5), the knowledge or belief required under

1107 Subsection (2) is presumed in the case of an actor who:

1108 (a) is found in possession or control of other property stolen on a separate occasion; or

1109 (b) has received other stolen property within the year preceding the receiving offense

1110 charged.

1111 (5) (a) The knowledge or belief required under Subsection (2) may only be presumed
1112 of a secondhand actor if the secondhand actor does not substantially comply with the material
1113 requirements of Section 13-32a-104.

1114 (b) The knowledge or belief required under Subsection (2) may only be presumed of a
1115 coin dealer or an employee of a coin dealer if the coin dealer or the employee of the coin dealer
1116 does not substantially comply with the requirements of Section 13-32a-104.5.

1117 (c) The knowledge or belief required under Subsection (2) may only be presumed of a
1118 catalytic converter purchaser if the catalytic converter purchaser does not substantially comply
1119 with the material requirements of Section 13-32a-104.7.

1120 (6) Unless acting as a catalytic converter purchaser, Subsection (5)(c) does not apply to
1121 a scrap metal processor.

1122 (7) This section does not preclude the admission of evidence in accordance with the
1123 Utah Rules of Evidence.

1124 (8) An actor who violates Subsection (2) is civilly liable for three times the amount of
1125 actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney
1126 fees.

1127 Section 24. Section 76-6-409 is amended to read:

1128 **76-6-409. Theft of service.**

1129 (1) (a) As used in this section, "service" includes:

1130 (i) labor, professional service, a public utility or transportation service, restaurant,
1131 hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of
1132 equipment, a tool, a vehicle, or a trailer for temporary use, telegraph service, steam, admission
1133 to entertainment, an exhibition, a sporting event, or other event for which a charge is made;

1134 (ii) gas, electricity, water, sewer, or cable television service, only if the service is
1135 obtained by threat, force, or a form of deception not described in Section 76-6-409.3; and

1136 (iii) telephone service, only if the service is obtained by threat, force, or a form of
1137 deception not described in Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.

1138 (b) Terms defined in Section 76-1-101.5 apply to this section.

1139 (2) An actor commits theft of service if:

1140 (a) the actor, by deception, threat, force, or another means designed to avoid due
1141 payment, obtains a service that the actor knows is available only for compensation; or

1142 (b) the actor:

1143 (i) has control over the disposition of another person's service; and

1144 (ii) (A) diverts the other person's service to the benefit of the actor, knowing that the

1145 actor is not entitled to the service; or

1146 (B) diverts the other person's service to the benefit of a third person, knowing that the

1147 third person is not entitled to the service.

1148 (3) A violation of Subsection (2) is:

1149 (a) a second degree felony if the value of the service is or exceeds [~~\$5,000~~] \$10,000;

1150 (b) a third degree felony if:

1151 (i) the value of the service is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

1152 \$10,000;

1153 (ii) the value of the service is or exceeds [~~\$500~~] \$600 and the actor has been twice

1154 before convicted of any of the following offenses, if each prior offense was committed within

1155 10 years before the date of the current conviction or the date of the offense upon which the

1156 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1157 (A) any theft, any robbery, or any burglary with intent to commit theft;

1158 (B) any offense under Part 5, Fraud; or

1159 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

1160 (iii) (A) the value of the service is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]

1161 \$2,000;

1162 (B) the theft occurs on a property where the offender has committed any theft within

1163 the past five years; and

1164 (C) the offender has received written notice from the merchant prohibiting the offender

1165 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or

1166 (iv) the actor has been previously convicted of a felony violation of any of the offenses

1167 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed

1168 within 10 years before the date of the current conviction or the date of the offense upon which

1169 the current conviction is based;

1170 (c) a class A misdemeanor if:

1171 (i) the value of the service stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]

1172 \$2,000;

- 1173 (ii) (A) the value of the service is less than [~~\$500~~] \$600;
 - 1174 (B) the theft occurs on a property where the offender has committed any theft within
 - 1175 the past five years; and
 - 1176 (C) the offender has received written notice from the merchant prohibiting the offender
 - 1177 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or
 - 1178 (iii) the actor has been twice before convicted of any of the offenses listed in
 - 1179 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
 - 1180 years before the date of the current conviction or the date of the offense upon which the current
 - 1181 conviction is based; or
 - 1182 (d) a class B misdemeanor if the value of the service is less than [~~\$500~~] \$600 and the
 - 1183 theft is not an offense under Subsection (3)(c).
- 1184 Section 25. Section ~~76-6-409.3~~ is amended to read:
- 1185 **76-6-409.3. Theft of utility or cable television services -- Restitution -- Civil action**
- 1186 **for damages.**
- 1187 (1) (a) As used in this section:
 - 1188 (i) "Cable television service" means an audio, video, or data service provided for
 - 1189 payment by a cable television company over the cable company's cable system facilities, but
 - 1190 does not include the use of a satellite dish or antenna.
 - 1191 (ii) "Occupant" includes a person, including the owner, who occupies the whole or part
 - 1192 of a building, whether alone or with others.
 - 1193 (iii) "Owner" includes a partial owner, joint owner, tenant in common, joint tenant, or
 - 1194 tenant by the entirety of the whole or a part of a building and the property on which the
 - 1195 building is located.
 - 1196 (iv) "Person" means an individual, firm, partnership, corporation, company,
 - 1197 association, or other legal entity.
 - 1198 (v) "Tenant" includes a person, including the owner, who occupies the whole or part of
 - 1199 any building, whether alone or with others.
 - 1200 (vi) "Utility" means any public utility, municipally owned utility, or cooperative utility
 - 1201 that provides electricity, gas, water, or sewer, or any combination of electricity, gas, water, or
 - 1202 sewer, for sale to consumers.
 - 1203 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

1204 (2) An actor commits theft of a utility or cable television service if, with intent to avoid
1205 due payment to the utility or cable television company, the actor makes gas, electricity, water,
1206 sewer, or cable television available to a tenant or occupant, including to the actor, by
1207 committing any of the following acts:

1208 (a) connecting a tube, pipe, wire, cable, or other instrument with any meter, device, or
1209 other instrument used for conducting gas, electricity, water, sewer, or cable television in a
1210 manner as permits the use of the gas, electricity, water, sewer, or cable television without the
1211 gas, electricity, water, sewer, or cable television passing through a meter or other instrument
1212 recording the usage for billing;

1213 (b) altering, injuring, or preventing the normal action of a meter, valve, stopcock, or
1214 other instrument used for measuring quantities of gas, electricity, water, or sewer service, or
1215 making or maintaining any modification or alteration to any device installed with the
1216 authorization of a cable television company for the purpose of intercepting or receiving any
1217 program or other service carried by the company that the actor is not authorized by the
1218 company to receive;

1219 (c) reconnecting a gas, electricity, water, sewer, or cable television connection or
1220 otherwise restoring service when one or more of those utilities or cable service has been
1221 lawfully disconnected or turned off by the provider of the utility or cable service;

1222 (d) intentionally breaking, defacing, or causing to be broken or defaced a seal, locking
1223 device, or other part of a metering device for recording usage of gas, electricity, water, or sewer
1224 service, or a security system for the recording device, or a cable television control device;

1225 (e) removing a metering device designed to measure quantities of gas, electricity,
1226 water, or sewer service;

1227 (f) transferring from one location to another location a metering device for measuring
1228 quantities of public utility services of gas, electricity, water, or sewer service;

1229 (g) changing the indicated consumption, jamming the measuring device, bypassing the
1230 meter or measuring device with a jumper so that it does not indicate use or registers use
1231 incorrectly, or otherwise obtaining quantities of gas, electricity, water, or sewer service from
1232 the utility without the gas, electricity, water, or sewer service passing through a metering
1233 device for measuring quantities of consumption for billing purposes;

1234 (h) using a metering device belonging to the utility that has not been assigned to the

1235 location and installed by the utility;

1236 (i) fabricating or using a device to pick or otherwise tamper with the locks used to deter
1237 utility service diversion, meter tampering, meter thefts, and unauthorized cable television
1238 service;

1239 (j) assisting or instructing a person in obtaining or attempting to obtain any cable
1240 television service without payment of all lawful compensation to the company providing the
1241 service;

1242 (k) making or maintaining a connection or connections, whether physical, electrical,
1243 mechanical, acoustical, or by other means, with a cable, wire, component, or other device used
1244 for the distribution of cable television services without authority from the cable television
1245 company; or

1246 (l) possessing without authority any device or printed circuit board designed in whole
1247 or in part to receive any cable television programming or service offered for sale over a cable
1248 television system, unless the device or printed circuit board includes the use of a satellite dish
1249 or antenna, with the intent that the device or printed circuit be used for the reception of the
1250 cable television company's services without payment.

1251 (3) (a) A violation of Subsection (2), if the violation is a theft of a utility service, is:

1252 (i) a second degree felony if:

1253 (A) the value of the gas, electricity, water, or sewer service is or exceeds [~~\$5,000~~]
1254 \$10,000; or

1255 (B) if the actor previously has been convicted of a violation of this section;

1256 (ii) a third degree felony if the value of the gas, electricity, water, or sewer service is or
1257 exceeds [~~\$1,500~~] \$2,000 but is not more than [~~\$5,000~~] \$10,000;

1258 (iii) a class A misdemeanor if the value of the gas, electricity, water, or sewer service is
1259 or exceeds [~~\$500~~] \$600 but is not more than [~~\$1,500~~] \$2,000; or

1260 (iv) a class B misdemeanor if the value of the gas, electricity, water, or sewer service is
1261 less than [~~\$500~~] \$600.

1262 (b) A violation of Subsection (2), if the violation is a theft of a cable television service,
1263 is:

1264 (i) a second degree felony if the value of the service is or exceeds [~~\$5,000~~] \$10,000;

1265 (ii) a third degree felony if:

1266 (A) the value of the service is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~
1267 \$10,000;

1268 (B) the value of the service is or exceeds [~~\$500~~] \$600 and the actor has been twice
1269 before convicted of any of the following offenses, if each prior offense was committed within
1270 10 years before the date of the current conviction or the date of the offense upon which the
1271 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1272 (I) any theft, any robbery, or any burglary with intent to commit theft;

1273 (II) any offense under Part 5, Fraud; or

1274 (III) any attempt to commit any offense under Subsection (3)(b)(ii)(B)(I) or (II); or

1275 (C) the actor has been previously convicted of a felony violation of any of the offenses
1276 listed in Subsections (3)(b)(ii)(B)(I) through (3)(b)(ii)(B)(III), if the prior offense was
1277 committed within 10 years before the date of the current conviction or the date of the offense
1278 upon which the current conviction is based;

1279 (iii) a class A misdemeanor if:

1280 (A) the value of the service stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1281 \$2,000; or

1282 (B) the actor has been twice before convicted of any of the offenses listed in
1283 Subsections (3)(b)(ii)(B)(I) through (3)(b)(ii)(B)(III), if each prior offense was committed
1284 within 10 years before the date of the current conviction or the date of the offense upon which
1285 the current conviction is based; or

1286 (iv) a class B misdemeanor if the value of the service is less than [~~\$500~~] \$600 and the
1287 theft is not an offense under Subsection (3)(b)(iii).

1288 (c) (i) An actor who violates this section shall make restitution to the utility or cable
1289 television company for the value of the gas, electricity, water, sewer, or cable television service
1290 consumed in violation of this section plus all reasonable expenses and costs incurred on
1291 account of the violation of this section.

1292 (ii) Reasonable expenses and costs include expenses and costs for investigation,
1293 disconnection, reconnection, service calls, employee time, and equipment use.

1294 (4) (a) The presence on property in the possession of an actor of a device or alteration
1295 that permits the diversion or use of utility or cable service to avoid the registration of the use by
1296 or on a meter installed by the utility or to otherwise avoid the recording of use of the service for

1297 payment or otherwise avoid payment gives rise to an inference that the actor in possession of
1298 the property installed the device or caused the alteration if:

1299 (i) the presence of the device or alteration can be attributed only to a deliberate act in
1300 furtherance of an intent to avoid payment for utility or cable television service; and

1301 (ii) the actor charged has received the direct benefit of the reduction of the cost of the
1302 utility or cable television service.

1303 (b) An actor who aids or abets in a prohibited act is a party to the offense under Section
1304 [76-2-202](#).

1305 (5) (a) Criminal prosecution under this section does not affect the right of a utility or
1306 cable television company to bring a civil action for redress for damages suffered as a result of
1307 the commission of any of the acts prohibited by this section.

1308 (b) This section does not abridge or alter any other right, action, or remedy otherwise
1309 available to a utility or cable television company.

1310 Section 26. Section ~~76-6-409.6~~ is amended to read:

1311 **76-6-409.6. Use of telecommunication device to avoid lawful charge for service.**

1312 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-409.5](#) apply to this section.

1313 (2) An actor commits use of a telecommunication device to avoid lawful charge for
1314 service if the actor uses a telecommunication device:

1315 (a) with the intent to avoid the payment of a lawful charge for telecommunication
1316 service; or

1317 (b) with the knowledge that the use of the telecommunication device was to avoid the
1318 payment of a lawful charge for telecommunication service.

1319 (3) (a) A violation of Subsection (2) is:

1320 (i) a class B misdemeanor, if the value of the telecommunication service is less than
1321 ~~[\$300]~~ \$600 or cannot be ascertained;

1322 (ii) a class A misdemeanor, if the value of the telecommunication service charge is or
1323 exceeds ~~[\$300]~~ \$600 but is not more than ~~[\$1,000]~~ \$2,000;

1324 (iii) a third degree felony, if the value of the telecommunication service is or exceeds
1325 ~~[\$1,000]~~ \$2,000 but is not more than ~~[\$5,000]~~ \$10,000; or

1326 (iv) a second degree felony, if:

1327 (A) the value of the telecommunication service is or exceeds ~~[\$5,000]~~ \$10,000;

1328 (B) the cloned cellular telephone was used to facilitate the commission of a felony; or

1329 (C) the actor previously has been convicted of a violation of this section.

1330 (b) An actor who violates this section is subject to the restitution and civil action

1331 provisions described in Section 76-6-409.10.

1332 Section 27. Section 76-6-410 is amended to read:

1333 **76-6-410. Theft by custodian of property pursuant to repair or rental agreement.**

1334 (1) Terms defined in Section 76-1-101.5 apply to this section.

1335 (2) An actor commits theft by custodian of property pursuant to repair or rental

1336 agreement if:

1337 (a) (i) the actor has custody of property pursuant to an agreement between the actor or
1338 another person and the property's owner;

1339 (ii) the actor or another person is to perform for compensation a specific service for the
1340 property's owner involving the maintenance, repair, or use of the owner's property; and

1341 (iii) the actor intentionally uses or operates the owner's property, without the consent of
1342 the owner, for the actor's own purposes in a manner constituting a gross deviation from the
1343 agreed purpose; or

1344 (b) (i) the actor has custody of any property pursuant to a rental or lease agreement in
1345 which the property is to be returned in a specified manner or at a specified time; and

1346 (ii) the actor intentionally fails to comply with the terms of the agreement concerning
1347 return so as to render such failure a gross deviation from the agreement.

1348 (3) A violation of Subsection (2) is:

1349 (a) a second degree felony if the:

1350 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000; or

1351 (ii) property stolen is a firearm or an operable motor vehicle;

1352 (b) a third degree felony if:

1353 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

1354 \$10,000;

1355 (ii) the property is:

1356 (A) a catalytic converter as defined under Section 76-6-1402; or

1357 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if

1358 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum

1359 or copper and is not a lead battery;

1360 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
1361 before convicted of any of the following offenses, if each prior offense was committed within
1362 10 years before the date of the current conviction or the date of the offense upon which the
1363 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1364 (A) any theft, any robbery, or any burglary with intent to commit theft;

1365 (B) any offense under Part 5, Fraud; or

1366 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

1367 (iv) the actor has been previously convicted of a felony violation of any of the offenses
1368 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
1369 within 10 years before the date of the current conviction or the date of the offense upon which
1370 the current conviction is based;

1371 (c) a class A misdemeanor if:

1372 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1373 \$2,000; or

1374 (ii) the actor has been twice before convicted of any of the offenses listed in
1375 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1376 years before the date of the current conviction or the date of the offense upon which the current
1377 conviction is based; or

1378 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
1379 and the theft is not an offense under Subsection (3)(c).

1380 Section 28. Section **76-6-413** is amended to read:

1381 **76-6-413. Release of a fur-bearing animal -- Finding.**

1382 (1) Terms defined in Section **76-1-101.5** apply to this section.

1383 (2) An actor commits release of a fur-bearing animal if the actor intentionally and
1384 without permission of the owner releases a fur-bearing animal raised for commercial purposes.

1385 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third
1386 degree felony.

1387 (b) A violation of Subsection (2) is a second degree felony if the value of the property
1388 is or exceeds [~~\$5,000~~] \$10,000.

1389 (4) The Legislature finds that the release of a fur-bearing animal raised for commercial

1390 purposes subjects the animal to unnecessary suffering through deprivation of food and shelter
1391 and compromises the animal's genetic integrity, thereby permanently depriving the owner of
1392 substantial value.

1393 (5) An actor who violates Subsection (2) is civilly liable for three times the amount of
1394 actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney
1395 fees.

1396 Section 29. Section **76-6-505** is amended to read:

1397 **76-6-505. Issuing a bad check or draft -- Presumption.**

1398 (1) Terms defined in Section **76-1-101.5** apply to this section.

1399 (2) (a) (i) An actor commits issuing a bad check or draft if:

1400 (A) the actor issues or passes a check or draft for the payment of money, for the
1401 purpose of obtaining from any person, firm, partnership, or corporation, any money, property,
1402 or other thing of value or paying for any services, wages, salary, labor, or rent;

1403 (B) the actor knows the check or draft will not be paid by the drawee; and

1404 (C) payment is refused by the drawee.

1405 (ii) For purposes of this Subsection (2)(a), an actor who issues a check or draft for
1406 which payment is refused by the drawee is presumed to know the check or draft would not be
1407 paid if the actor had no account with the drawee at the time of issue.

1408 (b) An actor commits issuing a bad check or draft if:

1409 (i) the actor issues or passes a check or draft for:

1410 (A) the payment of money, for the purpose of obtaining from any person, firm,
1411 partnership, or corporation, any money, property, or other thing of value; or

1412 (B) paying for any services, wages, salary, labor, or rent;

1413 (ii) payment of the check or draft is legally refused by the drawee; and

1414 (iii) the actor fails to make good and actual payment to the payee in the amount of the
1415 refused check or draft within 14 days of the actor receiving actual notice of the check or draft's
1416 nonpayment.

1417 (3) A violation of Subsection (2)(a) or (b) is punished as follows:

1418 (a) if the check or draft or series of checks or drafts made or drawn in this state within
1419 a period not exceeding six months amounts to a sum that is less than [~~\$500~~] \$600, the offense
1420 is a class B misdemeanor;

1421 (b) if the check or draft or checks or drafts made or drawn in this state within a period
1422 not exceeding six months amounts to a sum that is or exceeds [~~\$500~~] \$600 but is less than
1423 [~~\$1,500~~] \$2,000, the offense is a class A misdemeanor;

1424 (c) if the check or draft or checks or drafts made or drawn in this state within a period
1425 not exceeding six months amounts to a sum that is or exceeds [~~\$1,500~~] \$2,000 but is less than
1426 [~~\$5,000~~] \$10,000, the offense is a third degree felony; or

1427 (d) if the check or draft or checks or drafts made or drawn in this state within a period
1428 not exceeding six months amounts to a sum that is or exceeds [~~\$5,000~~] \$10,000, the offense is
1429 a second degree felony.

1430 (4) This section may not be construed to impose criminal or civil liability on any law
1431 enforcement officer acting within the scope of a criminal investigation.

1432 (5) The forfeiture of property under this section, including any seizure and disposition
1433 of the property and any related judicial or administrative proceeding, shall be conducted in
1434 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1435 11c, Retention of Evidence.

1436 Section 30. Section **76-6-506.2** is amended to read:

1437 **76-6-506.2. Unlawful use of financial transaction card.**

1438 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-506](#) apply to this section.

1439 (2) An actor commits unlawful use of financial transaction card if the actor:

1440 (a) knowingly uses a revoked, expired, stolen, or fraudulently obtained financial
1441 transaction card to obtain or attempt to obtain credit, goods, property, or services;

1442 (b) knowingly, with the intent to defraud, uses a financial transaction card, credit
1443 number, personal identification code, or any other information contained on the card or in the
1444 account from which the card is issued, to obtain or attempt to obtain credit, goods, or services;

1445 (c) knowingly, with the intent to defraud, uses a financial transaction card to willfully
1446 exceed an authorized credit line by [~~\$500~~] \$600 or more, or by 50% or more of the line of
1447 credit, whichever is greater; or

1448 (d) knowingly, with the intent to defraud, presents or causes to be presented to the
1449 issuer or an authorized credit card merchant, for payment or collection, any credit card sales
1450 draft, if:

1451 (i) the draft is counterfeit or fictitious;

1452 (ii) the purported sales evidenced by any credit card sales draft did not take place;
1453 (iii) the purported sale was not authorized by the card holder; or
1454 (iv) the items or services purported to be sold as evidenced by the credit card sales
1455 drafts are not delivered or rendered to the card holder or person intended to receive them.

1456 (3) (a) A violation of Subsection (2) is:

1457 (i) a class B misdemeanor if the value of the property, money, or thing obtained or
1458 sought to be obtained is less than [~~\$500~~] \$600;

1459 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1460 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1461 (iii) a third degree felony if the value of the property, money, or thing obtained or
1462 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1463 (iv) a second degree felony if the value of the property, money, or thing obtained or
1464 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1465 (b) Multiple violations of Subsection (2)(a) may be aggregated into a single offense,
1466 and the degree of the offense is determined by the total value of all property, money, or things
1467 obtained or attempted to be obtained through the multiple violations.

1468 (4) The court shall make appropriate findings in any prosecution under this section that
1469 the card holder did not commit the crime.

1470 (5) This section may not be construed to impose criminal or civil liability on any law
1471 enforcement officer acting within the scope of a criminal investigation.

1472 (6) The forfeiture of property under this section, including any seizure and disposition
1473 of the property and any related judicial or administrative proceeding, shall be conducted in
1474 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1475 11c, Retention of Evidence.

1476 Section 31. Section ~~76-6-506.6~~ is amended to read:

1477 **76-6-506.6. Financial transaction card offenses -- Unauthorized factoring of**
1478 **credit card sales drafts.**

1479 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-506](#) apply to this section.

1480 (2) An actor commits an unauthorized factoring of credit card sales draft if the actor
1481 acts:

1482 (a) knowingly, with intent to defraud;

1483 (b) without the express authorization of the issuer; and
1484 (c) to employ, solicit, or otherwise cause an authorized credit card merchant, or for the
1485 authorized credit card merchant himself or herself, to present any credit card sales draft to the
1486 issuer:

1487 (i) for payment pertaining to any sale or purported sale of goods or services; and

1488 (ii) the sale or purported sale was not made by the authorized credit card merchant in
1489 the ordinary course of business.

1490 (3) (a) A violation of Subsection (2) is:

1491 (i) a class B misdemeanor if the value of the property, money, or thing obtained or
1492 sought to be obtained is less than [~~\$500~~] \$600;

1493 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1494 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1495 (iii) a third degree felony if the value of the property, money, or thing obtained or
1496 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1497 (iv) a second degree felony if the value of the property, money, or thing obtained or
1498 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1499 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
1500 the degree of the offense is determined by the total value of all property, money, or things
1501 obtained or attempted to be obtained through the multiple violations.

1502 (4) The court shall make appropriate findings in any prosecution under this section that
1503 the card holder did not commit the crime.

1504 (5) This section may not be construed to impose criminal or civil liability on any law
1505 enforcement officer acting within the scope of a criminal investigation.

1506 (6) The forfeiture of property under this section, including any seizure and disposition
1507 of the property and any related judicial or administrative proceeding, shall be conducted in
1508 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1509 11c, Retention of Evidence.

1510 Section 32. Section ~~76-6-506.8~~ is amended to read:

1511 **76-6-506.8. False application for financial transaction card.**

1512 (1) Terms defined in Sections ~~76-1-101.5~~ and ~~76-6-506~~ apply to this section.

1513 (2) An actor commits false application for a card if the actor:

- 1514 (a) knowingly, with the intent to defraud:
- 1515 (i) makes application for a financial transaction card to an issuer; and
- 1516 (ii) makes or causes to be made a false statement or report of the actor's name,
- 1517 occupation, financial condition, assets, or personal identifying information; or
- 1518 (b) willfully and substantially undervalues or understates any indebtedness for the
- 1519 purposes of influencing the issuer to issue the financial transaction card.
- 1520 (3) A violation of Subsection (2) is:
- 1521 (a) a class B misdemeanor if the value of the property, money, or thing obtained or
- 1522 sought to be obtained is less than [~~\$500~~] \$600;
- 1523 (b) a class A misdemeanor if the value of the property, money, or thing obtained or
- 1524 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;
- 1525 (c) a third degree felony if the value of the property, money, or thing obtained or
- 1526 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or
- 1527 (d) a second degree felony if the value of the property, money, or thing obtained or
- 1528 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.
- 1529 (4) The court shall make appropriate findings in any prosecution under this section that
- 1530 the card holder did not commit the crime.
- 1531 (5) This section may not be construed to impose criminal or civil liability on any law
- 1532 enforcement officer acting within the scope of a criminal investigation.
- 1533 (6) The forfeiture of property under this section, including any seizure and disposition
- 1534 of the property and any related judicial or administrative proceeding, shall be conducted in
- 1535 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
- 1536 11c, Retention of Evidence.

1537 Section 33. Section ~~76-6-506.9~~ is amended to read:

1538 **76-6-506.9. Use of fraudulent financial transaction card.**

- 1539 (1) Terms defined in Sections ~~76-1-101.5~~ and ~~76-6-506~~ apply to this section.
- 1540 (2) An actor commits fraudulent use of a financial transaction card if the actor
- 1541 knowingly uses a false, fictitious, altered, or counterfeit financial transaction card to obtain or
- 1542 attempt to obtain credit, goods, property, or services.
- 1543 (3) (a) A violation of Subsection (2) is:
- 1544 (i) a class B misdemeanor if the value of the property, money, or thing obtained or

1545 sought to be obtained is less than [~~\$500~~] \$600;

1546 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1547 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1548 (iii) a third degree felony if the value of the property, money, or thing obtained or
1549 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1550 (iv) a second degree felony if the value of the property, money, or thing obtained or
1551 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1552 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
1553 the degree of the offense is determined by the total value of all property, money, or things
1554 obtained or attempted to be obtained through the multiple violations.

1555 (4) The court shall make appropriate findings in any prosecution under this section that
1556 the card holder did not commit the crime.

1557 (5) This section may not be construed to impose criminal or civil liability on any law
1558 enforcement officer acting within the scope of a criminal investigation.

1559 (6) The forfeiture of property under this section, including any seizure and disposition
1560 of the property and any related judicial or administrative proceeding, shall be conducted in
1561 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1562 11c, Retention of Evidence.

1563 Section 34. Section **76-6-513** is amended to read:

1564 **76-6-513. Unlawful dealing of property by a fiduciary.**

1565 (1) (a) As used in this section:

1566 (i) "Fiduciary" means the same as that term is defined in Section [22-1-1](#).

1567 (ii) "Financial institution" means "depository institution" and "trust company" as
1568 defined in Section [7-1-103](#).

1569 (iii) "Governmental entity" is as defined in Section [63G-7-102](#).

1570 (iv) "Person" does not include a financial institution whose fiduciary functions are
1571 supervised by the Department of Financial Institutions or a federal regulatory agency.

1572 (v) "Property" means the same as that term is defined in Section [76-6-401](#).

1573 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

1574 (2) An actor commits unlawfully dealing with property by a fiduciary if the actor:

1575 (a) deals with property:

1576 (i) that has been entrusted to the actor as a fiduciary, or property of a governmental
1577 entity, public money, or of a financial institution; and
1578 (ii) in a manner which:
1579 (A) the actor knows is a violation of the actor's duty; and
1580 (B) involves substantial risk of loss or detriment to the property owner or to a person
1581 for whose benefit the property was entrusted; or
1582 (b) acting as a fiduciary pledges:
1583 (i) as collateral for a personal loan, or as collateral for the benefit of some party, other
1584 than the owner or the person for whose benefit the property was entrusted, the property that has
1585 been entrusted to the fiduciary; and
1586 (ii) without permission of the owner of the property or some other authorized person.
1587 (3) (a) A violation of Subsection (2)(a) is:
1588 (i) a second degree felony if the:
1589 (A) value of the property is or exceeds [~~\$5,000~~] \$10,000; or
1590 (B) property is stolen from the person of another;
1591 (ii) a third degree felony if:
1592 (A) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1593 \$10,000;
1594 (B) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
1595 before convicted of any of the following offenses, if each prior offense was committed within
1596 10 years before the date of the current conviction or the date of the offense upon which the
1597 current conviction is based and at least one of those convictions is for a class A misdemeanor:
1598 (I) any theft, any robbery, or any burglary with intent to commit theft;
1599 (II) any offense under Part 5, Fraud; or
1600 (III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II);
1601 (C) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000; or
1602 (D) the actor has been previously convicted of a felony violation of any of the offenses
1603 listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was
1604 committed within 10 years before the date of the current conviction or the date of the offense
1605 upon which the current conviction is based;
1606 (iii) a class A misdemeanor if:

1607 (A) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1608 \$2,000; or

1609 (B) the actor has been twice before convicted of any of the offenses listed in
1610 Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed
1611 within 10 years before the date of the current conviction or the date of the offense upon which
1612 the current conviction is based; or

1613 (iv) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
1614 and the theft is not an offense under Subsection (3)(a)(iii)(B).

1615 (b) A violation of Subsection (2)(b) is:

1616 (i) a second degree felony if the value of the property wrongfully pledged is or exceeds
1617 [~~\$5,000~~] \$10,000;

1618 (ii) a third degree felony if the value of the property wrongfully pledged is or exceeds
1619 [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000;

1620 (iii) a class A misdemeanor if the value of the property is or exceeds [~~\$500~~] \$600, but
1621 is less than [~~\$1,500~~] \$2,000 or the actor has been twice before convicted of theft, robbery,
1622 burglary with intent to commit theft, or unlawful dealing with property by a fiduciary; or

1623 (iv) a class B misdemeanor if the value of the property is less than [~~\$500~~] \$600.

1624 (4) This section may not be construed to impose criminal or civil liability on any law
1625 enforcement officer acting within the scope of a criminal investigation.

1626 (5) The forfeiture of property under this section, including any seizure and disposition
1627 of the property and any related judicial or administrative proceeding, shall be conducted in
1628 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1629 11c, Retention of Evidence.

1630 Section 35. Section **76-6-518** is amended to read:

1631 **76-6-518. Criminal simulation.**

1632 (1) Terms defined in Section **76-1-101.5** apply to this section.

1633 (2) An actor commits criminal simulation if, with intent to defraud another, the actor:

1634 (a) makes or alters an object in whole or in part so that it appears to have value because
1635 of age, antiquity, rarity, source, or authorship that it does not have;

1636 (b) sells, passes, or otherwise utters an object so made or altered;

1637 (c) possesses an object so made or altered with intent to sell, pass, or otherwise utter it;

1638 or

1639 (d) authenticates or certifies an object so made or altered as genuine or as different
1640 from what it is.

1641 (3) A violation of Subsection (2) is punishable as follows:

1642 (a) if the value defrauded or intended to be defrauded is less than [~~\$500~~] \$600, the
1643 offense is a class B misdemeanor;

1644 (b) if the value defrauded or intended to be defrauded is or exceeds [~~\$500~~] \$600 but is
1645 less than [~~\$1,500~~] \$2,000, the offense is a class A misdemeanor;

1646 (c) if the value defrauded or intended to be defrauded is or exceeds [~~\$1,500~~] \$2,000 but
1647 is less than [~~\$5,000~~] \$10,000, the offense is a third degree felony; or

1648 (d) if the value defrauded or intended to be defrauded is or exceeds [~~\$5,000~~] \$10,000,
1649 the offense is a second degree felony.

1650 (4) This section may not be construed to impose criminal or civil liability on any law
1651 enforcement officer acting within the scope of a criminal investigation.

1652 (5) The forfeiture of property under this section, including any seizure and disposition
1653 of the property and any related judicial or administrative proceeding, shall be conducted in
1654 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1655 11c, Retention of Evidence.

1656 Section 36. Section **76-6-521** is amended to read:

1657 **76-6-521. Insurance fraud.**

1658 (1) (a) As used in this section, "runner" means the same as that term is defined in
1659 Section [31A-31-102](#).

1660 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

1661 (2) An actor commits a fraudulent insurance act if the actor with intent to deceive or
1662 defraud:

1663 (a) presents or causes to be presented any oral or written statement or representation
1664 knowing that the statement or representation contains false or fraudulent information
1665 concerning any fact material to an application for the issuance or renewal of an insurance
1666 policy, certificate, or contract, as part of or in support of:

1667 (i) obtaining an insurance policy the insurer would otherwise not issue on the basis of
1668 underwriting criteria applicable to the person;

- 1669 (ii) a scheme or artifice to avoid paying the premium that an insurer charges on the
1670 basis of underwriting criteria applicable to the person; or
- 1671 (iii) a scheme or artifice to file an insurance claim for a loss that has already occurred;
- 1672 (b) presents, or causes to be presented, any oral or written statement or representation:
- 1673 (i) (A) as part of or in support of a claim for payment or other benefit pursuant to an
1674 insurance policy, certificate, or contract; or
- 1675 (B) in connection with any civil claim asserted for recovery of damages for personal or
1676 bodily injuries or property damage; and
- 1677 (ii) knowing that the statement or representation contains false, incomplete, or
1678 fraudulent information concerning any fact or thing material to the claim;
- 1679 (c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
- 1680 (d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees
1681 for professional services, or anything of value by means of false or fraudulent pretenses,
1682 representations, promises, or material omissions;
- 1683 (e) knowingly employs, uses, or acts as a runner for the purpose of committing a
1684 fraudulent insurance act;
- 1685 (f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent
1686 insurance act;
- 1687 (g) knowingly supplies false or fraudulent material information in any document or
1688 statement required by the Department of Insurance; or
- 1689 (h) knowingly fails to forward a premium to an insurer in violation of Section
1690 [31A-23a-411.1](#).
- 1691 (3) (a) A violation of Subsection (2)(a)(i) is a class A misdemeanor.
- 1692 (b) A violation of Subsections (2)(a)(ii) or (2)(b) through (2)(h) is:
- 1693 (i) a class B misdemeanor when the value of the property, money, or thing obtained or
1694 sought to be obtained is less than [~~\$500~~] \$600;
- 1695 (ii) a class A misdemeanor when the value of the property, money, or thing obtained or
1696 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;
- 1697 (iii) a third degree felony when the value of the property, money, or thing obtained or
1698 sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or
- 1699 (iv) a second degree felony when the value of the property, money, or thing obtained or

1700 sought to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1701 (c) A violation of Subsection (2)(a)(iii) is:

1702 (i) a class A misdemeanor if the value of the loss is less than [~~\$1,500~~] \$2,000 or unable
1703 to be determined;

1704 (ii) a third degree felony when the value of the loss is or exceeds [~~\$1,500~~] \$2,000 but is
1705 less than [~~\$5,000~~] \$10,000; or

1706 (iii) a second degree felony when the value of the loss is or exceeds [~~\$5,000~~] \$10,000.

1707 (4) A corporation or association is guilty of the offense of insurance fraud under the
1708 same conditions as those set forth in Section [76-2-204](#).

1709 (5) The determination of the degree of any offense under Subsections (2)(a)(ii) and
1710 (2)(b) through (2)(h) shall be measured by the total value of all property, money, or other things
1711 obtained or sought to be obtained by the fraudulent insurance act or acts described in
1712 Subsections (2)(a)(ii) and (2)(b) through (2)(h).

1713 (6) This section may not be construed to impose criminal or civil liability on any law
1714 enforcement officer acting within the scope of a criminal investigation.

1715 (7) The forfeiture of property under this section, including any seizure and disposition
1716 of the property and any related judicial or administrative proceeding, shall be conducted in
1717 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1718 11c, Retention of Evidence.

1719 Section 37. Section **76-6-602** is amended to read:

1720 **76-6-602. Retail theft.**

1721 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-601](#) apply to this section.

1722 (2) An actor commits retail theft if the actor knowingly:

1723 (a) takes possession of, conceals, carries away, transfers or causes to be carried away or
1724 transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile
1725 establishment with the intention of:

1726 (i) retaining the merchandise; or

1727 (ii) depriving the merchant permanently of the possession, use or benefit of such
1728 merchandise without paying the retail value of the merchandise;

1729 (b) (i) alters, transfers, or removes any label, price tag, marking, indicia of value, or any
1730 other markings which aid in determining value of any merchandise displayed, held, stored, or

1731 offered for sale, in a retail mercantile establishment; and

1732 (ii) attempts to purchase the merchandise described in Subsection (2)(b)(i) personally
1733 or in consort with another at less than the retail value with the intention of depriving the
1734 merchant of the retail value of the merchandise;

1735 (c) transfers any merchandise displayed, held, stored, or offered for sale in a retail
1736 mercantile establishment from the container in or on which the merchandise is displayed to any
1737 other container with the intention of depriving the merchant of the retail value of the
1738 merchandise;

1739 (d) under-rings with the intention of depriving the merchant of the retail value of the
1740 merchandise; or

1741 (e) removes a shopping cart from the premises of a retail mercantile establishment with
1742 the intent of depriving the merchant of the possession, use, or benefit of the shopping cart.

1743 (3) A violation of Subsection (2) is:

1744 (a) a second degree felony if the:

1745 (i) value of the merchandise or shopping cart is or exceeds [~~\$5,000~~] \$10,000; or

1746 (ii) merchandise stolen is a firearm or an operable motor vehicle; [~~or~~]

1747 (b) a third degree felony if:

1748 (i) the value of the merchandise is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1749 \$10,000;

1750 (ii) the merchandise is:

1751 (A) a catalytic converter as defined under Section [76-6-1402](#); or

1752 (B) 25 pounds or more of a suspect metal item as defined under Section [76-6-1402](#) if
1753 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
1754 or copper and is not a lead battery;

1755 (iii) the value of the merchandise or shopping cart is or exceeds [~~\$500~~] \$600 and the
1756 actor has been twice before convicted of any of the following offenses, if each prior offense
1757 was committed within 10 years before the date of the current conviction or the date of the
1758 offense upon which the current conviction is based and at least one of those convictions is for a
1759 class A misdemeanor:

1760 (A) any theft, any robbery, or any burglary with intent to commit theft;

1761 (B) any offense under Part 5, Fraud; or

1762 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
1763 (iv) (A) the value of merchandise or shopping cart is or exceeds [~~\$500~~] \$600 but is less
1764 than [~~\$1,500~~] \$2,000;
1765 (B) the theft occurs in a retail mercantile establishment or on the premises of a retail
1766 mercantile establishment where the offender has committed any theft within the past five years;
1767 and
1768 (C) the offender has received written notice from the merchant prohibiting the offender
1769 from entering the retail mercantile establishment or premises of a retail mercantile
1770 establishment pursuant to Subsection 78B-3-108(4); or
1771 (v) the actor has been previously convicted of a felony violation of any of the offenses
1772 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
1773 within 10 years before the date of the current conviction or the date of the offense upon which
1774 the current conviction is based;
1775 (c) a class A misdemeanor if:
1776 (i) the value of the merchandise or shopping cart stolen is or exceeds [~~\$500~~] \$600 but
1777 is less than [~~\$1,500~~] \$2,000;
1778 (ii) (A) the value of merchandise or shopping cart is less than [~~\$500~~] \$600;
1779 (B) the theft occurs in a retail mercantile establishment or premises of a retail
1780 mercantile establishment where the offender has committed any theft within the past five years;
1781 and
1782 (C) the offender has received written notice from the merchant prohibiting the offender
1783 from entering the retail mercantile establishment or premises of a retail mercantile
1784 establishment pursuant to Subsection 78B-3-108(4); or
1785 (iii) the actor has been twice before convicted of any of the offenses listed in
1786 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1787 years before the date of the current conviction or the date of the offense upon which the current
1788 conviction is based; or
1789 (d) a class B misdemeanor if the value of the merchandise or shopping cart stolen is
1790 less than [~~\$500~~] \$600 and the theft is not an offense under Subsection (3)(c).
1791 Section 38. Section **76-6-608** is amended to read:
1792 **76-6-608. Theft detection shielding devices prohibited.**

- 1793 (1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.
- 1794 (2) An actor commits the unlawful shielding of a theft detection device if the actor
1795 knowingly:
- 1796 (a) makes or possesses any container or device used for, intended for use for, or
1797 represented as having the purpose of shielding merchandise from any electronic or magnetic
1798 theft alarm sensor, with the intent to commit a theft of merchandise;
- 1799 (b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another
1800 any container or device intended for use for or represented as having the purpose of shielding
1801 merchandise from any electronic or magnetic theft alarm sensor;
- 1802 (c) possesses any tool or instrument designed to remove any theft detection device
1803 from any merchandise, with the intent to use the tool or instrument to remove any theft
1804 detection device from any merchandise without the permission of the merchant or the person
1805 owning or in possession of the merchandise; or
- 1806 (d) intentionally removes a theft detection device from merchandise prior to purchase
1807 and without the permission of the merchant.
- 1808 (3) (a) A violation of Subsection (2)(a), (b), or (c) is a class A misdemeanor.
- 1809 (b) A violation of Subsection (2)(d) is a:
- 1810 (i) class B misdemeanor if the value of the merchandise from which the theft detection
1811 device is removed is less than [~~\$500~~] \$600; or
- 1812 (ii) class A misdemeanor if the value of the merchandise from which the theft detection
1813 device is removed is or exceeds [~~\$500~~] \$600.
- 1814 (4) A violation of Subsection (2) is a separate offense from any offense listed in Part 4,
1815 Theft, or Part 6, Retail Theft.
- 1816 (5) Criminal prosecutions under this section do not affect any person's right of civil
1817 action for redress for damages suffered as a result of any violation of this section.
- 1818 Section 39. Section 76-6-703 is amended to read:
- 1819 **76-6-703. Unlawful computer technology access or action or denial of service**
1820 **attack.**
- 1821 (1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
- 1822 (2) An actor commits unlawful computer technology access or action or denial of
1823 service attack if the actor:

1824 (a) without authorization, or in excess of the actor's authorization, accesses or attempts
1825 to access computer technology if the access or attempt to access results in:

1826 (i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure
1827 of computer technology;

1828 (ii) interference with or interruption of:

1829 (A) the lawful use of computer technology; or

1830 (B) the transmission of data;

1831 (iii) physical damage to or loss of real, personal, or commercial property;

1832 (iv) audio, video, or other surveillance of another person; or

1833 (v) economic loss to any person or entity;

1834 (b) after accessing computer technology that the actor is authorized to access,
1835 knowingly takes or attempts to take unauthorized or unlawful action that results in:

1836 (i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure
1837 of computer technology;

1838 (ii) interference with or interruption of:

1839 (A) the lawful use of computer technology; or

1840 (B) the transmission of data;

1841 (iii) physical damage to or loss of real, personal, or commercial property;

1842 (iv) audio, video, or other surveillance of another person; or

1843 (v) economic loss to any person or entity; or

1844 (c) knowingly engages in a denial of service attack.

1845 (3) A violation of Subsection (2) is:

1846 (a) a class B misdemeanor if:

1847 (i) the economic loss or other loss or damage caused or the value of the money,
1848 property, or benefit obtained or sought to be obtained is less than [~~\$500~~] \$600; or

1849 (ii) the information obtained is not confidential;

1850 (b) a class A misdemeanor if the economic loss or other loss or damage caused or the
1851 value of the money, property, or benefit obtained or sought to be obtained is or exceeds [~~\$500~~]
1852 \$600 but is less than [~~\$1,500~~] \$2,000;

1853 (c) a third degree felony if:

1854 (i) the economic loss or other loss or damage caused or the value of the money,

1855 property, or benefit obtained or sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less
1856 than [~~\$5,000~~] \$10,000;

1857 (ii) the property or benefit obtained or sought to be obtained is a license or entitlement;

1858 (iii) the damage is to the license or entitlement of another person;

1859 (iv) the information obtained is confidential or identifying information; or

1860 (v) in gaining access the actor breaches or breaks through a security system; or

1861 (d) a second degree felony if the economic loss or other loss or damage caused or the

1862 value of the money, property, or benefit obtained or sought to be obtained is or exceeds

1863 [~~\$5,000~~] \$10,000.

1864 (4) (a) It is an affirmative defense that the actor obtained access or attempted to obtain
1865 access:

1866 (i) in response to, and for the purpose of protecting against or investigating, a prior
1867 attempted or successful breach of security of computer technology whose security the actor is
1868 authorized or entitled to protect, and the access attempted or obtained was no greater than
1869 reasonably necessary for that purpose; or

1870 (ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a
1871 search warrant.

1872 (b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing
1873 in this section may be construed to impose liability or culpability on, an interactive computer
1874 service for content provided by another person.

1875 (c) This section does not affect, limit, or apply to any activity or conduct that is
1876 protected by the constitution or laws of this state, or by the constitution or laws of the United
1877 States.

1878 (5) (a) An interactive computer service is not guilty of violating this section if a person
1879 violates this section using the interactive computer service and the interactive computer service
1880 did not knowingly assist the person to commit the violation.

1881 (b) A service provider is not guilty of violating this section for:

1882 (i) action taken in relation to a customer of the service provider, for a legitimate
1883 business purpose, to install software on, monitor, or interact with the customer's Internet or
1884 other network connection, service, or computer for network or computer security purposes,
1885 authentication, diagnostics, technical support, maintenance, repair, network management,

1886 updates of computer software or system firmware, or remote system management; or
1887 (ii) action taken, including scanning and removing computer software, to detect or
1888 prevent the following:

- 1889 (A) unauthorized or fraudulent use of a network, service, or computer software;
- 1890 (B) illegal activity; or
- 1891 (C) infringement of intellectual property rights.

1892 Section 40. Section ~~76-6-703.3~~ is amended to read:

1893 **76-6-703.3. Unlawful use of technology to defraud.**

1894 (1) (a) As used in this section, "sensitive personal identifying information" means the
1895 same as that term is defined in Section ~~76-10-1801~~.

1896 (b) Terms defined in Sections ~~76-1-101.5~~ and ~~76-6-702~~ apply to this section.

1897 (2) An actor commits unlawful use of technology to defraud if the actor uses or
1898 knowingly allows another person to use a computer, computer network, computer property, or
1899 computer system, program, or software to devise or execute any artifice or scheme to defraud
1900 or to obtain money, property, a service, or other thing of value by a false pretense, promise, or
1901 representation.

1902 (3) A violation of Subsection (2) is:

1903 (a) a class B misdemeanor if the value of the money, property, service, or thing
1904 obtained or sought to be obtained is less than [~~\$500~~] \$600;

1905 (b) a class A misdemeanor if the value of the money, property, service, or thing
1906 obtained or sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1907 (c) a third degree felony if the value of the money, property, service, or thing obtained
1908 or sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1909 (d) a second degree felony if:

1910 (i) the value of the money, property, service, or thing obtained or sought to be obtained
1911 is or exceeds [~~\$5,000~~] \$10,000; or

1912 (ii) the object or purpose of the artifice or scheme to defraud is the obtaining of
1913 sensitive personal identifying information, regardless of the value.

1914 (4) (a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and
1915 nothing in this section may be construed to impose liability or culpability on, an interactive
1916 computer service for content provided by another person.

1917 (b) This section does not affect, limit, or apply to any activity or conduct that is
1918 protected by the constitution or laws of this state, or by the constitution or laws of the United
1919 States.

1920 (5) (a) An interactive computer service is not guilty of violating this section if a person
1921 violates this section using the interactive computer service and the interactive computer service
1922 did not knowingly assist the person to commit the violation.

1923 (b) A service provider is not guilty of violating this section for:

1924 (i) action taken in relation to a customer of the service provider, for a legitimate
1925 business purpose, to install software on, monitor, or interact with the customer's Internet or
1926 other network connection, service, or computer for network or computer security purposes,
1927 authentication, diagnostics, technical support, maintenance, repair, network management,
1928 updates of computer software or system firmware, or remote system management; or

1929 (ii) action taken, including scanning and removing computer software, to detect or
1930 prevent the following:

1931 (A) unauthorized or fraudulent use of a network, service, or computer software;

1932 (B) illegal activity; or

1933 (C) infringement of intellectual property rights.

1934 Section 41. Section **76-6-801** is amended to read:

1935 **76-6-801. Library theft.**

1936 (1) (a) As used in this section:

1937 (i) "Library" means:

1938 (A) a public library;

1939 (B) a library of an educational or historical society;

1940 (C) a museum; or

1941 (D) a repository of public records.

1942 (ii) "Library materials" means a book, plate, picture, photograph, engraving, painting,
1943 drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public
1944 record, microfilm, sound recording, audiovisual materials in any format, electronic data
1945 processing records, artifacts, or other documentary, written or printed materials regardless of
1946 physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a
1947 library.

1948 (b) Terms defined in Section 76-1-101.5 apply to this section.
1949 (2) An actor commits library theft if the actor:
1950 (a) willfully, for the purpose of converting to personal use, and depriving the owner,
1951 conceals on the actor's person or among the actor's belongings library materials while on the
1952 premises of the library; or
1953 (b) willfully and without authority removes library materials from the library building
1954 with the intention of converting them to the actor's own use.
1955 (3) A violation of Subsection (2) is:
1956 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~
1957 \$10,000];
1958 (b) a third degree felony if:
1959 (i) the value of the library materials is or exceeds [~~\$1,500~~ \$2,000 but is less than
1960 [~~\$5,000~~ \$10,000];
1961 (ii) the value of the library materials is or exceeds [~~\$500~~ \$600 and the actor has been
1962 twice before convicted of any of the following offenses, if each prior offense was committed
1963 within 10 years before the date of the current conviction or the date of the offense upon which
1964 the current conviction is based and at least one of those convictions is for a class A
1965 misdemeanor:
1966 (A) any theft, any robbery, or any burglary with intent to commit theft;
1967 (B) any offense under Part 5, Fraud; or
1968 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
1969 (iii) (A) the value of the library materials is or exceeds [~~\$500~~ \$600 but is less than
1970 [~~\$1,500~~ \$2,000];
1971 (B) the theft occurs on a property where the offender has committed any theft within
1972 the past five years; and
1973 (C) the offender has received written notice from the library prohibiting the offender
1974 from entering the property if the library has complied with the provisions of Subsection
1975 78B-3-108(4) governing notice by a merchant; or
1976 (iv) the actor has been previously convicted of a felony violation of any of the offenses
1977 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
1978 within 10 years before the date of the current conviction or the date of the offense upon which

1979 the current conviction is based;

1980 (c) a class A misdemeanor if:

1981 (i) the value of the library materials stolen is or exceeds [~~\$500~~] \$600 but is less than
1982 [~~\$1,500~~] \$2,000;

1983 (ii) (A) the value of the library materials is less than [~~\$500~~] \$600;

1984 (B) the theft occurs on a property where the offender has committed any theft within
1985 the past five years; and

1986 (C) the offender has received written notice from the library if the library has complied
1987 with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

1988 (iii) the actor has been twice before convicted of any of the offenses listed in
1989 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
1990 years before the date of the current conviction or the date of the offense upon which the current
1991 conviction is based; or

1992 (d) a class B misdemeanor if the value of the library materials stolen is less than [~~\$500~~]
1993 \$600 and the theft is not an offense under Subsection (3)(c).

1994 (4) (a) An actor who willfully conceals library materials on the actor's person or among
1995 the actor's belongings while on the premises of the library or in the library's immediate vicinity
1996 is prima facie presumed to have concealed library materials with the intention of converting the
1997 library materials to the actor's own use.

1998 (b) If library materials are found concealed upon the actor's person or among the actor's
1999 belongings, or electronic security devices are activated by the actor's presence, it is prima facie
2000 evidence of willful concealment.

2001 Section 42. Section **76-6-803** is amended to read:

2002 **76-6-803. Mutilation or damaging of library material.**

2003 (1) (a) As used in this section:

2004 (i) "Library" means the same as that term is defined in Section 76-6-801.

2005 (ii) "Library materials" means the same as that term is defined in Section 76-6-801.

2006 (b) Terms defined in Section 76-1-101.5 apply to this section.

2007 (2) An actor is guilty of mutilation or damage of library materials if the actor
2008 intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or
2009 otherwise damages library materials.

2010 (3) A violation of Subsection (2) is:

2011 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~

2012 \$10,000;

2013 (b) a third degree felony if:

2014 (i) the value of the library materials is or exceeds [~~\$1,500~~ \$2,000 but is less than

2015 [~~\$5,000~~ \$10,000;

2016 (ii) the value of the library materials is or exceeds [~~\$500~~ \$600 and the actor has been

2017 twice before convicted of any of the following offenses, if each prior offense was committed

2018 within 10 years before the date of the current conviction or the date of the offense upon which

2019 the current conviction is based and at least one of those convictions is for a class A

2020 misdemeanor:

2021 (A) any theft, any robbery, or any burglary with intent to commit theft;

2022 (B) any offense under Part 5, Fraud; or

2023 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

2024 (iii) (A) the value of the library materials is or exceeds [~~\$500~~ \$600 but is less than

2025 [~~\$1,500~~ \$2,000;

2026 (B) the theft occurs on a property where the offender has committed any theft within

2027 the past five years; and

2028 (C) the offender has received written notice from the library if the library has complied

2029 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2030 (iv) the actor has been previously convicted of a felony violation of any of the offenses

2031 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed

2032 within 10 years before the date of the current conviction or the date of the offense upon which

2033 the current conviction is based;

2034 (c) a class A misdemeanor if:

2035 (i) the value of the library materials stolen is or exceeds [~~\$500~~ \$600 but is less than

2036 [~~\$1,500~~ \$2,000;

2037 (ii) (A) the value of the library materials is less than [~~\$500~~ \$600;

2038 (B) the theft occurs on a property where the offender has committed any theft within

2039 the past five years; and

2040 (C) the offender has received written notice from the library if the library has complied

2041 with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
2042 (iii) the actor has been twice before convicted of any of the offenses listed in
2043 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
2044 years before the date of the current conviction or the date of the offense upon which the current
2045 conviction is based; or

2046 (d) a class B misdemeanor if the value of the library materials stolen is less than [~~\$500~~]
2047 \$600 and the theft is not an offense under Subsection (3)(c).

2048 Section 43. Section 76-6-803.30 is amended to read:

2049 **76-6-803.30. Failure to return library material -- Written notice.**

2050 (1) (a) As used in this section:

2051 (i) "Library" means the same as that term is defined in Section 76-6-801.

2052 (ii) "Library materials" means the same as that term is defined in Section 76-6-801.

2053 (b) Terms defined in Section 76-1-101.5 apply to this section.

2054 (2) (a) An actor is guilty of failure to return library materials if the actor, having
2055 possession or having been in possession of library materials:

2056 (i) fails to return the materials within 30 days after receiving written notice demanding
2057 return of the materials; or

2058 (ii) if the materials are lost or destroyed, fails to pay the replacement value of the
2059 materials within 30 days after being notified.

2060 (b) Written notice is considered received upon the sworn affidavit of the person
2061 delivering the notice with a statement as to the date, place, and manner of delivery, or upon
2062 proof that the notice was mailed postage prepaid, via the United States Postal Service, to the
2063 current address listed for the person in the library records.

2064 (3) A violation of Subsection (2) is:

2065 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~]
2066 \$10,000;

2067 (b) a third degree felony if:

2068 (i) the value of the library materials is or exceeds [~~\$1,500~~] \$2,000 but is less than
2069 [~~\$5,000~~] \$10,000;

2070 (ii) the value of the library materials is or exceeds [~~\$500~~] \$600 and the actor has been
2071 twice before convicted of any of the following offenses, if each prior offense was committed

2072 within 10 years before the date of the current conviction or the date of the offense upon which
2073 the current conviction is based and at least one of those convictions is for a class A
2074 misdemeanor:

2075 (A) any theft, any robbery, or any burglary with intent to commit theft;

2076 (B) any offense under Part 5, Fraud; or

2077 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

2078 (iii) (A) the value of the library materials is or exceeds [~~\$500~~] \$600 but is less than
2079 [~~\$1,500~~] \$2,000;

2080 (B) the theft occurs on a property where the offender has committed any theft within
2081 the past five years; and

2082 (C) the offender has received written notice from the library if the library has complied
2083 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2084 (iv) the actor has been previously convicted of a felony violation of any of the offenses
2085 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
2086 within 10 years before the date of the current conviction or the date of the offense upon which
2087 the current conviction is based;

2088 (c) a class A misdemeanor if:

2089 (i) the value of the library materials stolen is or exceeds [~~\$500~~] \$600 but is less than
2090 [~~\$1,500~~] \$2,000;

2091 (ii) (A) the value of the library materials is less than [~~\$500~~] \$600;

2092 (B) the theft occurs on a property where the offender has committed any theft within
2093 the past five years; and

2094 (C) the offender has received written notice from the library if the library has complied
2095 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2096 (iii) the actor has been twice before convicted of any of the offenses listed in
2097 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
2098 years before the date of the current conviction or the date of the offense upon which the current
2099 conviction is based; or

2100 (d) a class B misdemeanor if the value of the library material stolen is less than [~~\$500~~]
2101 \$600 and the theft is not an offense under Subsection (3)(c).

2102 Section 44. Section **76-6-902** is amended to read:

2103 **76-6-902. Antiquities alteration, removal, injury, or destruction.**
2104 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
2105 (2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:
2106 (a) intentionally alters, removes, injures, or destroys antiquities from state lands or
2107 private lands without the landowner's consent; or
2108 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
2109 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2110 B misdemeanor.
2111 (b) A violation of Subsection (2) is a third degree felony if:
2112 (i) the violation is the actor's second or subsequent violation of this section, Section
2113 76-6-902.1, or Section 76-6-902.2; or
2114 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.
2115 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
2116 (i) the commercial or archaeological value of the antiquities involved in the violation;
2117 and
2118 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
2119 (d) An actor shall surrender to the landowner all articles and material discovered,
2120 collected, excavated, or offered for sale or exchange in violation of this section.
2121 Section 45. Section **76-6-902.1** is amended to read:
2122 **76-6-902.1. Unlawful creation, labeling, or sale of reproduction of antiquities.**
2123 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
2124 (2) An actor commits unlawful reproduction, labeling, or sale of reproduction of
2125 antiquities if the actor:
2126 (a) with the intent to represent one or more objects as original and genuine antiquities,
2127 intentionally:
2128 (i) reproduces, reworks, or forges antiquities; or
2129 (ii) (A) makes an object, whether as a copy or not; or
2130 (B) falsely labels, describes, identifies, or offers for sale or exchange an object; or
2131 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
2132 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2133 B misdemeanor.

2134 (b) A violation of Subsection (2) is a third degree felony if:
2135 (i) the violation is the actor's second or subsequent violation of this section, Section
2136 76-6-902, or Section 76-6-902.2; or
2137 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.
2138 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
2139 (i) the commercial or archaeological value of the antiquities involved in the violation;
2140 and
2141 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
2142 (d) An actor shall surrender to the landowner all articles and material discovered,
2143 collected, excavated, or offered for sale or exchange in violation of this section.
2144 Section 46. Section 76-6-902.2 is amended to read:
2145 **76-6-902.2. Unlawful sale or exchange of antiquities.**
2146 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
2147 (2) An actor commits unlawful sale or exchange of antiquities if the actor:
2148 (a) offers for sale or exchange an object that was collected or excavated in violation of
2149 Section 76-6-902; or
2150 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
2151 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2152 B misdemeanor.
2153 (b) A violation of Subsection (2) is a third degree felony if:
2154 (i) the violation is the actor's second or subsequent violation of this section, Section
2155 76-6-902, or Section 76-6-902.1; or
2156 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.
2157 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
2158 (i) the commercial or archaeological value of the antiquities involved in the violation;
2159 and
2160 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
2161 (d) An actor shall surrender to the landowner all articles and material discovered,
2162 collected, excavated, or offered for sale or exchange in violation of this section.
2163 Section 47. Section 76-6-1002 is amended to read:
2164 **76-6-1002. Damage to mail receptacle.**

- 2165 (1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.
- 2166 (2) An actor commits damage to a mail receptacle if the actor knowingly damages the
2167 condition of a mail receptacle, including:
- 2168 (a) taking, concealing, damaging, or destroying a key; or
- 2169 (b) breaking open, tearing down, taking, damaging, or destroying a mail receptacle.
- 2170 (3) (a) A violation of Subsection (2) is a:
- 2171 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
2172 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;
- 2173 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
2174 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;
- 2175 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
2176 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
2177 and
- 2178 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
2179 loss less than [~~\$500~~] \$600 in value.
- 2180 (b) If the act committed amounts to an offense subject to a greater penalty, Subsection
2181 (3)(a) does not prohibit prosecution and sentencing for the more serious offense.
- 2182 (4) The following presumptions and defenses shall be applicable to this section:
- 2183 (a) possession of property recently stolen, when no satisfactory explanation of such
2184 possession is made, is prima facie evidence that the actor in possession stole the property;
- 2185 (b) it is no defense under this part that the actor has an interest in the property or
2186 service stolen if another person also has an interest that the actor is not entitled to infringe,
2187 provided an interest in property for purposes of this Subsection (4)(b) shall not include a
2188 security interest for the repayment of a debt or obligation; and
- 2189 (c) it is a defense under this section that the actor:
- 2190 (i) acted under an honest claim of right to the property or service involved;
- 2191 (ii) acted in the honest belief that the actor had the right to obtain or exercise control
2192 over the property or service as the actor did; or
- 2193 (iii) obtained or exercised control over the property or service honestly believing that
2194 the owner, if present, would have consented.
- 2195 Section 48. Section 76-6-1102 is amended to read:

2196 **76-6-1102. Identity fraud.**

2197 (1) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.

2198 (2) An actor commits identity fraud if the actor knowingly or intentionally uses, or
2199 attempts to use, the personal identifying information of another person, whether that person is
2200 alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit,
2201 goods, services, employment, any other thing of value, or medical information.

2202 (3) A violation of Subsection (2) is:

2203 (a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the
2204 credit, goods, services, employment, or any other thing of value is less than [~~\$5,000~~] \$10,000;
2205 or

2206 (b) a second degree felony if:

2207 (i) the value of the credit, goods, services, employment, or any other thing of value is
2208 or exceeds [~~\$5,000~~] \$10,000; or

2209 (ii) the use described in Subsection (2) of personal identifying information results,
2210 directly or indirectly, in bodily injury to another person.

2211 (4) (a) It is not a defense to a violation of Subsection (2) that the actor did not know
2212 that the personal information belonged to another person.

2213 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
2214 the degree of the offense is determined by the total value of all credit, goods, services, or any
2215 other thing of value used, or attempted to be used, through the multiple violations.

2216 (5) (a) If a defendant is convicted of a violation of this section, the court shall order the
2217 defendant to pay restitution in accordance with Title 77, Chapter 38b, Crime Victims
2218 Restitution Act.

2219 (b) Restitution under Subsection (5)(a) may include:

2220 (i) payment for any costs incurred, including attorney fees, lost wages, and replacement
2221 of checks; and

2222 (ii) the value of the victim's time incurred due to the offense:

2223 (A) in clearing the victim's credit history or credit rating;

2224 (B) in any civil or administrative proceedings necessary to satisfy or resolve any debt,
2225 lien, or other obligation of the victim or imputed to the victim and arising from the offense; and

2226 (C) in attempting to remedy any other intended or actual harm to the victim incurred as

2227 a result of the offense.

2228 Section 49. Section **76-6-1203** is amended to read:

2229 **76-6-1203. Mortgage fraud.**

2230 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-1202](#) apply to this section.

2231 (2) An actor commits mortgage fraud if the actor does any of the following with the
2232 intent to defraud:

2233 (a) knowingly makes any material misstatement, misrepresentation, or omission during
2234 the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower,
2235 or any other party to the mortgage lending process;

2236 (b) knowingly uses or facilitates the use of any material misstatement,
2237 misrepresentation, or omission, during the mortgage lending process, intending that it be relied
2238 upon by a mortgage lender, borrower, or any other party to the mortgage lending process;

2239 (c) files or causes to be filed with any county recorder in Utah any document that the
2240 actor knows contains a material misstatement, misrepresentation, or omission; or

2241 (d) receives any proceeds or any compensation in connection with a mortgage loan that
2242 the actor knows resulted from a violation of this section.

2243 (3) (a) Notwithstanding any other administrative, civil, or criminal penalties, a
2244 violation of Subsection (2) is a:

2245 (i) class A misdemeanor if the value is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
2246 \$2,000;

2247 (ii) third degree felony if the value is or exceeds [~~\$1,500~~] \$2,000 but is less than
2248 [~~\$5,000~~] \$10,000;

2249 (iii) second degree felony if the value is or exceeds [~~\$5,000~~] \$10,000; and

2250 (iv) second degree felony if the object or purpose of the commission of an act of
2251 mortgage fraud is the obtaining of sensitive personal identifying information, regardless of the
2252 value.

2253 (b) The determination of the degree of any offense under Subsection (3)(a) is measured
2254 by the total value of all property, money, or things obtained or sought to be obtained by a
2255 violation of Subsection (2), except as provided in Subsection (3)(a)(iv).

2256 (4) Each residential or commercial property transaction offense under this section
2257 constitutes a separate violation.

2258 Section 50. Section **76-8-103** is amended to read:

2259 **76-8-103. Bribery or offering a bribe.**

2260 (1) A person is guilty of bribery or offering a bribe if that person promises, offers, or
2261 agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent
2262 to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or
2263 exercise of discretion of a public servant, party official, or voter.

2264 (2) It is not a defense to a prosecution under this statute that:

2265 (a) the person sought to be influenced was not qualified to act in the desired way,
2266 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2267 (b) the person sought to be influenced did not act in the desired way; or

2268 (c) the benefit is not conferred, solicited, or accepted until after:

2269 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or
2270 exercise of discretion, has occurred; or

2271 (ii) the public servant ceases to be a public servant.

2272 (3) Bribery or offering a bribe is:

2273 (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or
2274 conferred is less than [~~\$1,000~~] \$2,000; and

2275 (b) a second degree felony when the value of the benefit asked for, solicited, accepted,
2276 or conferred is [~~\$1,000~~] \$2,000 or more.

2277 Section 51. Section **76-8-105** is amended to read:

2278 **76-8-105. Receiving or soliciting bribe or bribery by public servant.**

2279 (1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits,
2280 accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that
2281 the purpose or intent is to influence an action, decision, opinion, recommendation, judgment,
2282 vote, nomination, or exercise of discretion, of a public servant, party official, or voter.

2283 (2) It is not a defense to a prosecution under this statute that:

2284 (a) the person sought to be influenced was not qualified to act in the desired way,
2285 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2286 (b) the person sought to be influenced did not act in the desired way; or

2287 (c) the benefit is not asked for, conferred, solicited, or accepted until after:

2288 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or

2289 exercise of discretion, has occurred; or

2290 (ii) the public servant ceases to be a public servant.

2291 (3) Receiving or soliciting a bribe is:

2292 (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or
2293 conferred is [~~\$1,000~~] \$2,000 or less; and

2294 (b) a second degree felony when the value of the benefit asked for, solicited, accepted,
2295 or conferred exceeds [~~\$1,000~~] \$2,000.

2296 Section 52. Section **76-8-402** is amended to read:

2297 **76-8-402. Misusing public money or public property.**

2298 (1) As used in this section, "authorized personal use" means:

2299 (a) the use of public property, for a personal matter, by a public servant if:

2300 (i) the public servant is authorized to use or possess the public property to fulfill the
2301 public servant's duties as a public servant;

2302 (ii) the primary purpose of the public servant using or possessing the public property is
2303 to fulfill the public servant's duties as a public servant;

2304 (iii) at the time the public servant uses the public property for a personal matter, a
2305 written policy of the public servant's public entity is in effect that authorizes the public servant
2306 to use or possess the public property for personal use in addition to the primary purpose of
2307 fulfilling the public servant's duties as a public servant; and

2308 (iv) the public servant uses and possesses the public property in a lawful manner and in
2309 accordance with the policy described in Subsection (1)(a)(iii); or

2310 (b) incidental or de minimus use of public property for a personal matter by a public
2311 servant, if:

2312 (i) the value provided to the public servant's public entity by the public servant's use or
2313 possession of the public property for a public purpose substantially outweighs the personal
2314 benefit received by the employee from the incidental use of the public property for a personal
2315 matter; and

2316 (ii) the incidental or de minimus use of the public property for a personal matter is not
2317 prohibited by law or by the public servant's public entity.

2318 (2) It is unlawful for a public servant to knowingly:

2319 (a) appropriate public money to the public servant's own use or benefit or to the use or

- 2320 benefit of another without authority of law;
- 2321 (b) loan or transfer public money without authority of law;
- 2322 (c) fail to keep public money in the public servant's possession until disbursed by
- 2323 authority of law;
- 2324 (d) deposit public money in a bank or with another person in violation of the written
- 2325 policy of the public servant's public entity or the requirements of law;
- 2326 (e) keep a false account or make a false entry or erasure in an account of, or relating to,
- 2327 public money;
- 2328 (f) fraudulently alter, falsify, conceal, or destroy an account described in Subsection
- 2329 (2)(e);
- 2330 (g) refuse or omit to pay over, on demand, any public money in the public servant's
- 2331 custody or control, upon the presentation of a draft, order, or warrant drawn upon the public
- 2332 money by competent authority;
- 2333 (h) omit to transfer public money when the transfer is required by law;
- 2334 (i) omit or refuse to pay over, to any officer or person authorized by law to receive
- 2335 public money, public money received by the public servant under any duty imposed on the
- 2336 public servant by law;
- 2337 (j) damage or dispose of public property in violation of the written policy of the public
- 2338 servant's public entity or the requirements of law;
- 2339 (k) obtain or exercise unauthorized control of public property with the intent to deprive
- 2340 the owner of possession of the public property;
- 2341 (l) obtain or exercise unauthorized control of public property with the intent to
- 2342 temporarily appropriate, possess, use, or deprive the owner of possession of the public
- 2343 property;
- 2344 (m) appropriate public property to the public servant's own use or benefit or to the use
- 2345 or benefit of another without authority of law;
- 2346 (n) loan or transfer public property without authority of law; or
- 2347 (o) fail to keep public property in the public servant's possession until returned to the
- 2348 property owner, or disposed of or relinquished, in accordance with the written policy of the
- 2349 public servant's public entity and the requirements of law.
- 2350 (3) Except as provided in Subsection (4), a violation of Subsections (2)(a) through (i)

2351 is a felony of the third degree.

2352 (4) A violation of Subsections (2)(a) through (i) is a felony of the second degree if:

2353 (a) the value of the public money exceeds [~~\$5,000~~] \$10,000;

2354 (b) the amount of the false account exceeds [~~\$5,000~~] \$10,000;

2355 (c) the amount falsely entered exceeds [~~\$5,000~~] \$10,000;

2356 (d) the amount that is the difference between the original amount and the fraudulently
2357 altered amount exceeds [~~\$5,000~~] \$10,000; or

2358 (e) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the
2359 account exceeds [~~\$5,000~~] \$10,000.

2360 (5) A violation of Subsection (2)(j) is:

2361 (a) a class B misdemeanor, if the cost to repair or replace the public property is less
2362 than [~~\$500~~] \$600;

2363 (b) a class A misdemeanor, if the cost to repair or replace the public property is [~~\$500~~]
2364 \$600 or more[;] but less than [~~\$1,500~~] \$2,000;

2365 (c) a felony of the third degree, if the cost to repair or replace the public property is
2366 [~~\$1,500~~] \$2,000 or more[;] but less than [~~\$5,000~~] \$10,000; or

2367 (d) a felony of the second degree, if the cost to repair or replace the public property is
2368 [~~\$5,000~~] \$10,000 or more.

2369 (6) A violation of Subsection (2)(k), (m), (n), or (o) is:

2370 (a) a class B misdemeanor, if the value of the public property is less than [~~\$500~~] \$600;

2371 (b) a class A misdemeanor, if the value of the public property is [~~\$500~~] \$600 or more[;]
2372 but less than [~~\$1,500~~] \$2,000;

2373 (c) a felony of the third degree, if the value of the public property is [~~\$1,500~~] \$2,000 or
2374 more[;] but less than [~~\$5,000~~] \$10,000; or

2375 (d) a felony of the second degree, if the value of the public property is [~~\$5,000~~]
2376 \$10,000 or more.

2377 (7) A violation of Subsection (2)(l) is:

2378 (a) a class C misdemeanor, if the value of the public property is less than [~~\$500~~] \$600;

2379 (b) a class B misdemeanor, if the value of the public property is [~~\$500~~] \$600 or more[;]
2380 but less than [~~\$1,500~~] \$2,000;

2381 (c) a class A misdemeanor, if the value of the public property is [~~\$1,500~~] \$2,000 or

2382 more[-] but less than [~~\$5,000~~] \$10,000; or

2383 (d) a felony of the third degree, if the value of the public property is [~~\$5,000~~] \$10,000
2384 or more.

2385 (8) In addition to the penalty described in Subsections (3) through (7), a public officer
2386 who is convicted of a felony violation of Subsection (2):

2387 (a) is subject to the penalties described in Section [76-8-404](#); and

2388 (b) may not disburse public funds or access public accounts.

2389 (9) [~~(a)~~] A public servant is not guilty of a violation of Subsections (2)(j) through (o)
2390 for authorized personal use of public property.

2391 (10) It is not a defense to a violation of Subsection (2) that:

2392 (a) subsequent to the violation, a public entity modifies or adopts a policy or law, or
2393 takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a
2394 violation; or

2395 (b) a written policy of the public servant's public entity permits private use of the
2396 public property if it is proven, beyond a reasonable doubt, that the public servant did not
2397 comply with the written policy.

2398 Section 53. Section **76-8-1206** is amended to read:

2399 **76-8-1206. Penalties for public assistance fraud.**

2400 (1) The severity of the offense of public assistance fraud is classified in accordance
2401 with the value of payments, assistance, or other benefits received, misappropriated, claimed, or
2402 applied for as follows:

2403 (a) second degree felony if the value is or exceeds [~~\$5,000~~] \$10,000;

2404 (b) third degree felony if the value is or exceeds [~~\$1,500~~] \$2,000 but is less than
2405 [~~\$5,000~~] \$10,000;

2406 (c) class A misdemeanor if the value is or exceeds [~~\$500~~] \$600 but is less than
2407 [~~\$1,500~~] \$2,000; and

2408 (d) class B misdemeanor if the value is less than [~~\$500~~] \$600.

2409 (2) For purposes of Subsection (1), the value of an offense is calculated by aggregating
2410 the values of each instance of public assistance fraud committed by the defendant as part of the
2411 same facts and circumstances or a related series of facts and circumstances.

2412 (3) Incidents of trafficking in SNAP benefits as defined in Section [35A-1-102](#) that

2413 occur within a six-month period, committed by an individual or coconspirators, are deemed to
2414 be a related series of facts and circumstances regardless of whether the transactions are
2415 conducted with a variety of unrelated parties.

2416 Section 54. Section **76-8-1301** is amended to read:

2417 **76-8-1301. False statements regarding unemployment compensation -- Penalties.**

2418 (1) (a) A person who makes a false statement or representation knowing it to be false
2419 or knowingly fails to disclose a material fact, to obtain or increase a benefit or other payment
2420 under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment
2421 Compensation Law of any state or of the federal government for any person is guilty of
2422 unemployment insurance fraud.

2423 (b) A violation of Subsection (1)(a) is:

2424 (i) a class B misdemeanor when the value of the money obtained or sought to be
2425 obtained is less than [~~\$500~~] \$600;

2426 (ii) a class A misdemeanor when the value of the money obtained or sought to be
2427 obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2428 (iii) a third degree felony when the value of the money obtained or sought to be
2429 obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

2430 (iv) a second degree felony when the value of the money obtained or sought to be
2431 obtained is or exceeds [~~\$5,000~~] \$10,000.

2432 (c) The determination of the degree of an offense under Subsection (1)(b) shall be
2433 measured by the total value of all money obtained or sought to be obtained by the unlawful
2434 conduct.

2435 (2) (a) An officer or agent of an employing unit as defined in Section [35A-4-202](#) or any
2436 other person who makes a false statement or representation knowing it to be false, or who
2437 knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment
2438 compensation benefits to an individual entitled to those benefits, or to avoid becoming or
2439 remaining a subject employer or to avoid or reduce any contribution or other payment required
2440 from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the
2441 Unemployment Compensation Law of any state or of the federal government, or who willfully
2442 fails or refuses to make a contribution or other payment or to furnish any report required in
2443 Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or

2444 copying of records as required under that chapter is guilty of unemployment insurance fraud.

2445 (b) A violation of Subsection (2)(a) is:

2446 (i) a class B misdemeanor when the value of the money obtained or sought to be
2447 obtained is less than [~~\$500~~] \$600;

2448 (ii) a class A misdemeanor when the value of the money obtained or sought to be
2449 obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2450 (iii) a third degree felony when the value of the money obtained or sought to be
2451 obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

2452 (iv) a second degree felony when the value of the money obtained or sought to be
2453 obtained is or exceeds [~~\$5,000~~] \$10,000.

2454 (3) (a) A person who willfully violates any provision of Title 35A, Chapter 4,
2455 Employment Security Act, or any order made under that chapter, the violation of which is made
2456 unlawful or the observance of which is required under the terms of that chapter, and for which
2457 a penalty is neither prescribed in that chapter nor provided by any other applicable statute is
2458 guilty of a class A misdemeanor.

2459 (b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.

2460 (4) A person is guilty of a class C misdemeanor if:

2461 (a) as an employee of the Department of Workforce Services, in willful violation of
2462 Section [35A-4-312](#), the employee makes a disclosure of information obtained from an
2463 employing unit or individual in the administration of Title 35A, Chapter 4, Employment
2464 Security Act; or

2465 (b) the person has obtained a list of applicants for work or of claimants or recipients of
2466 benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of
2467 the list for any political purpose.

2468 Section 55. Section **76-10-1801** is amended to read:

2469 **76-10-1801. Communications fraud -- Elements -- Penalties.**

2470 (1) Any person who has devised any scheme or artifice to defraud another or to obtain
2471 from another money, property, or anything of value by means of false or fraudulent pretenses,
2472 representations, promises, or material omissions, and who communicates directly or indirectly
2473 with any person by any means for the purpose of executing or concealing the scheme or artifice
2474 is guilty of:

2475 (a) a class B misdemeanor when the value of the property, money, or thing obtained or
2476 sought to be obtained is less than [~~\$500~~] \$600;

2477 (b) a class A misdemeanor when the value of the property, money, or thing obtained or
2478 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2479 (c) a third degree felony when the value of the property, money, or thing obtained or
2480 sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000;

2481 (d) a second degree felony when the value of the property, money, or thing obtained or
2482 sought to be obtained is or exceeds [~~\$5,000~~] \$10,000; and

2483 (e) a second degree felony when the object or purpose of the scheme or artifice to
2484 defraud is the obtaining of sensitive personal identifying information, regardless of the value.

2485 (2) The determination of the degree of any offense under Subsection (1) shall be
2486 measured by the total value of all property, money, or things obtained or sought to be obtained
2487 by the scheme or artifice described in Subsection (1) except as provided in Subsection (1)(e).

2488 (3) Reliance on the part of any person is not a necessary element of the offense
2489 described in Subsection (1).

2490 (4) An intent on the part of the perpetrator of any offense described in Subsection (1) to
2491 permanently deprive any person of property, money, or thing of value is not a necessary
2492 element of the offense.

2493 (5) Each separate communication made for the purpose of executing or concealing a
2494 scheme or artifice described in Subsection (1) is a separate act and offense of communication
2495 fraud.

2496 (6) (a) To communicate as described in Subsection (1) means to:

2497 (i) bestow, convey, make known, recount, or impart;

2498 (ii) give by way of information;

2499 (iii) talk over; or

2500 (iv) transmit information.

2501 (b) Means of communication include use of the mail, telephone, telegraph, radio,
2502 television, newspaper, computer, and spoken and written communication.

2503 (7) A person may not be convicted under this section unless the pretenses,
2504 representations, promises, or material omissions made or omitted were made or omitted
2505 intentionally, knowingly, or with a reckless disregard for the truth.

- 2506 (8) As used in this section, "sensitive personal identifying information" means
2507 information regarding an individual's:
2508 (a) Social Security number;
2509 (b) driver's license number or other government issued identification number;
2510 (c) financial account number or credit or debit card number;
2511 (d) password or personal identification number or other identification required to gain
2512 access to a financial account or a secure website;
2513 (e) automated or electronic signature;
2514 (f) unique biometric data; or
2515 (g) any other information that can be used to gain access to an individual's financial
2516 accounts or to obtain goods or services.

2517 Section 56. Section **77-18-105** is amended to read:

2518 **77-18-105. Pleas held in abeyance -- Suspension of a sentence -- Probation --**
2519 **Supervision -- Terms and conditions of probation -- Time periods for probation -- Bench**
2520 **supervision for payments on criminal accounts receivable.**

2521 (1) If a defendant enters a plea of guilty or no contest in conjunction with a plea in
2522 abeyance agreement, the court may hold the plea in abeyance:

- 2523 (a) in accordance with Chapter 2a, Pleas in Abeyance; and
2524 (b) under the terms of the plea in abeyance agreement.

2525 (2) If a defendant is convicted, the court:

- 2526 (a) shall impose a sentence in accordance with Section [76-3-201](#); and
2527 (b) subject to Subsection (5) and Section [76-6-401.5](#), may suspend the execution of the
2528 sentence and place the defendant:

- 2529 (i) on probation under the supervision of the department;
2530 (ii) on probation under the supervision of an agency of a local government or a private
2531 organization; or
2532 (iii) on court probation under the jurisdiction of the sentencing court.

2533 (3) (a) The legal custody of all probationers under the supervision of the department is
2534 with the department.

2535 (b) The legal custody of all probationers under the jurisdiction of the sentencing court
2536 is vested as ordered by the court.

2537 (c) The court has continuing jurisdiction over all probationers.

2538 (4) (a) Court probation may include an administrative level of services, including
2539 notification to the sentencing court of scheduled periodic reviews of the probationer's
2540 compliance with conditions.

2541 (b) Supervised probation services provided by the department, an agency of a local
2542 government, or a private organization shall specifically address the defendant's risk of
2543 reoffending as identified by a screening or an assessment.

2544 (c) If a court orders supervised probation and determines that a public probation
2545 provider is unavailable or inappropriate to supervise the defendant, the court shall make
2546 available to the defendant the list of private probation providers prepared by a criminal justice
2547 coordinating council under Section [17-55-201](#).

2548 (5) (a) Before ordering supervised probation, the court shall consider the supervision
2549 costs to the defendant for each entity that can supervise the defendant.

2550 (b) (i) A court may order an agency of a local government to supervise the probation
2551 for an individual convicted of any crime if:

2552 (A) the agency has the capacity to supervise the individual; and

2553 (B) the individual's supervision needs will be met by the agency.

2554 (ii) A court may only order:

2555 (A) the department to supervise the probation for an individual convicted of a class A
2556 misdemeanor or any felony; or

2557 (B) a private organization to supervise the probation for an individual convicted of a
2558 class A, B, or C misdemeanor or an infraction.

2559 (c) A court may not order a specific private organization to supervise an individual
2560 unless there is only one private organization that can provide the specific supervision services
2561 required to meet the individual's supervision needs.

2562 (6) (a) If a defendant is placed on probation, the court may order the defendant as a
2563 condition of the defendant's probation:

2564 (i) to provide for the support of persons for whose support the defendant is legally
2565 liable;

2566 (ii) to participate in available treatment programs, including any treatment program in
2567 which the defendant is currently participating if the program is acceptable to the court;

2568 (iii) be voluntarily admitted to the custody of the Division of Substance Abuse and
2569 Mental Health for treatment at the Utah State Hospital in accordance with Section 77-18-106;

2570 (iv) if the defendant is on probation for a felony offense, to serve a period of time as an
2571 initial condition of probation that does not exceed one year in a county jail designated by the
2572 department, after considering any recommendation by the court as to which jail the court finds
2573 most appropriate;

2574 (v) to serve a term of home confinement in accordance with Section 77-18-107;

2575 (vi) to participate in compensatory service programs, including the compensatory
2576 service program described in Section 76-3-410;

2577 (vii) to pay for the costs of investigation, probation, or treatment services;

2578 (viii) to pay restitution to a victim with interest in accordance with Chapter 38b, Crime
2579 Victims Restitution Act; or

2580 (ix) to comply with other terms and conditions the court considers appropriate to
2581 ensure public safety or increase a defendant's likelihood of success on probation.

2582 (b) (i) Notwithstanding Subsection (6)(a)(iv), the court may modify the probation of a
2583 defendant to include a period of time that is served in a county jail immediately before the
2584 termination of probation as long as that period of time does not exceed one year.

2585 (ii) If a defendant is ordered to serve time in a county jail as a sanction for a probation
2586 violation, the one-year limitation described in Subsection (6)(a)(iv) or (6)(b)(i) does not apply
2587 to the period of time that the court orders the defendant to serve in a county jail under this
2588 Subsection (6)(b)(ii).

2589 (7) (a) Except as provided in Subsection (7)(b), probation of an individual placed on
2590 probation after December 31, 2018:

2591 (i) may not exceed the individual's maximum sentence;

2592 (ii) shall be for a period of time that is in accordance with the supervision length
2593 guidelines established by the Utah Sentencing Commission under Section 63M-7-404, to the
2594 extent the guidelines are consistent with the requirements of the law; and

2595 (iii) shall be terminated in accordance with the supervision length guidelines
2596 established by the Utah Sentencing Commission under Section 63M-7-404, to the extent the
2597 guidelines are consistent with the requirements of the law.

2598 (b) Probation of an individual placed on probation after December 31, 2018, whose

2599 maximum sentence is one year or less, may not exceed 36 months.

2600 (c) Probation of an individual placed on probation on or after October 1, 2015, but
2601 before January 1, 2019, may be terminated at any time at the discretion of the court or upon
2602 completion without violation of 36 months probation in felony or class A misdemeanor cases,
2603 12 months in cases of class B or C misdemeanors or infractions, or as allowed in accordance
2604 with Section 64-13-21 regarding earned credits.

2605 (d) This Subsection (7) does not apply to the probation of an individual convicted of an
2606 offense for criminal nonsupport under Section 76-7-201.

2607 (8) (a) Notwithstanding Subsection (7), if there is an unpaid balance of the criminal
2608 accounts receivable for the defendant upon termination of the probation period for the
2609 defendant under Subsection (7), the court may require the defendant to continue to make
2610 payments towards the criminal accounts receivable in accordance with the payment schedule
2611 established by the court under Section 77-32b-103.

2612 (b) A court may not require the defendant to make payments as described in Subsection
2613 (8)(a) beyond the expiration of the defendant's sentence.

2614 (c) If the court requires a defendant to continue to pay in accordance with the payment
2615 schedule for the criminal accounts receivable under this Subsection (8) and the defendant
2616 defaults on the criminal accounts receivable, the court shall proceed with an order for a civil
2617 judgment of restitution and a civil accounts receivable for the defendant as described in Section
2618 77-18-114.

2619 (d) (i) Upon a motion from the prosecuting attorney, the victim, or upon the court's
2620 own motion, the court may require a defendant to show cause as to why the defendant's failure
2621 to pay in accordance with the payment schedule should not be treated as contempt of court.

2622 (ii) A court may hold a defendant in contempt for failure to make payments for a
2623 criminal accounts receivable in accordance with Title 78B, Chapter 6, Part 3, Contempt.

2624 (e) This Subsection (8) does not apply to the probation of an individual convicted of an
2625 offense for criminal nonsupport under Section 76-7-201.

2626 (9) When making any decision regarding probation, the court shall consider
2627 information provided by the Department of Corrections regarding a defendant's individual case
2628 action plan, including any progress the defendant has made in satisfying the case action plan's
2629 completion requirements.

2630 Section 57. **Effective date.**
2631 This bill takes effect on May 1, 2024.