

Metal Purchase and Theft Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Todd Weiler

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill concerns the purchase and theft of metal including catalytic converters.

Highlighted Provisions:

This bill:

- defines terms;
- clarifies language concerning catalytic converter purchases in the Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act;
- creates the criminal offense of metal or catalytic converter theft;
- removes penalty provisions concerning metal or catalytic converter theft from certain generally applicable criminal theft statutes due to the creation of the metal or catalytic converter theft offense;
- updates industry definition for metal regulation requirements and offenses;
- adds the new metal or catalytic converter theft offense to the offenses concerning pattern of unlawful activity; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

13-32a-104.7, as enacted by Laws of Utah 2022, Chapter 201

76-6-404, as last amended by Laws of Utah 2023, Chapter 111 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 407

28 **76-6-405**, as last amended by Laws of Utah 2023, Chapter 111 and last amended by
29 Coordination Clause, Laws of Utah 2023, Chapter 407

30 **76-6-406**, as last amended by Laws of Utah 2023, Chapter 111 and last amended by
31 Coordination Clause, Laws of Utah 2023, Chapter 407

32 **76-6-602**, as last amended by Laws of Utah 2023, Chapter 111 and last amended by
33 Coordination Clause, Laws of Utah 2023, Chapter 407

34 **76-6-1402**, as last amended by Laws of Utah 2015, Chapter 108

35 **76-10-1602**, as last amended by Laws of Utah 2024, Chapter 96

36 **78B-3-108**, as last amended by Laws of Utah 2023, Chapter 111

37 ENACTS:

38 **76-6-415**, Utah Code Annotated 1953

39

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

41 Section 1. Section **13-32a-104.7** is amended to read:

42 **13-32a-104.7 . Database information from catalytic converter purchasers --**

43 **Penalties.**

44 (1) As soon as practicable, but no later than January 1, 2023, a catalytic converter purchaser
45 shall document information for each catalytic converter purchase as required under this
46 section and upload the information to the central database under Section 13-32a-106.

47 (2) A catalytic converter purchaser shall document the following information regarding a
48 catalytic converter purchase:

49 (a) the date and time of the catalytic converter purchase;

50 (b) the following information regarding the individual selling the catalytic converter:

51 (i) the individual's:

52 (A) full name and date of birth as they appear on the individual's identification;

53 (B) residence address;

54 (C) telephone number; and

55 (D) signature on a certificate stating that the individual has the legal right to sell
56 the catalytic converter;

57 (ii) the type of identification the individual presents under Subsection (2)(b)(i)(A)
58 and the unique number on the identification;

59 (iii) a color digital photograph or still video of the individual taken at the time of the
60 sale, or a clearly legible photocopy of the individual's identification; and

61 (iv) except as provided in Subsection (3), an electronic or tangible legible fingerprint

- 62 of the individual's right index finger, or if the right index finger cannot be
63 fingerprinted, a legible fingerprint of the individual with a notation identifying the
64 finger fingerprinted and the reason why the right index fingerprint is unavailable;
- 65 (c) the amount paid for the catalytic converter;
- 66 (d) the full name of the individual conducting the purchase on behalf of the catalytic
67 converter purchaser or the initials or unique identifying employee number, if the
68 catalytic converter purchaser maintains a record of the initials or unique identifying
69 employee number of the individual;
- 70 (e) an accurate description of the catalytic converter, with available identifying marks,
71 including:
- 72 (i) if available, the name, brand name, number, serial number, model number,
73 manufacturer information, and size of the catalytic converter;
- 74 (ii) any marks of identification or indicia of ownership on the catalytic converter;
- 75 (iii) the weight of the catalytic converter, if the payment is based on weight; and
76 (iv) other unique identifying characteristics of the catalytic converter; and
- 77 (f) a color, digital photograph of the catalytic converter.
- 78 (3) If the individual selling a catalytic converter to the catalytic converter purchaser in a
79 catalytic converter purchase previously has sold one or more catalytic converters to the
80 catalytic converter purchaser, the catalytic converter purchaser is not required to obtain
81 the fingerprint under Subsection (2)(b)(iv).
- 82 (4) A catalytic converter purchaser may not accept a catalytic converter if, upon inspection,
83 it is apparent that the serial number or identifying characteristics have been intentionally
84 defaced on the catalytic converter.
- 85 (5) The division shall establish standards and criteria for fingerprint legibility under
86 Subsection (2)(b)(iv) by rule made in accordance with Title 63G, Chapter 3, Utah
87 Administrative Rulemaking Act.
- 88 (6) A violation of this section is a class B misdemeanor and is also subject to civil penalties
89 under Section 13-32a-110.
- 90 (7) A dealer, as defined in Section 76-6-1402, that [~~purchases~~] makes a catalytic converter
91 purchase under this section shall comply with Title 76, Chapter 6, Part 14, Regulation of
92 Metal Dealers.

93 Section 2. Section **76-6-404** is amended to read:

94 **76-6-404 . Theft -- Elements.**

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

- 96 (2) An actor commits theft if the actor obtains or exercises unauthorized control over
97 another person's property with a purpose to deprive the person of the person's property.
- 98 (3) A violation of Subsection (2) is:
- 99 (a) a second degree felony if the:
- 100 (i) value of the property is or exceeds \$5,000;
- 101 (ii) property stolen is a firearm or an operable motor vehicle; or
- 102 (iii) property is stolen from the person of another;
- 103 (b) a third degree felony if:
- 104 (i) the value of the property is or exceeds \$1,500 but is less than \$5,000;
- 105 ~~[(ii) the property is:]~~
- 106 ~~[(A) a catalytic converter as defined under Section 76-6-1402; or]~~
- 107 ~~[(B) 25 pounds or more of a suspect metal item as defined under Section~~
- 108 ~~76-6-1402 if the value is less than \$5,000 and the suspect metal is made of or~~
- 109 ~~contains aluminum or copper and is not a lead battery;]~~
- 110 ~~[(iii)]~~ (ii) the value of the property is or exceeds \$500 and the actor has been twice
- 111 before convicted of any of the following offenses, if each prior offense was
- 112 committed within 10 years before the date of the current conviction or the date of
- 113 the offense upon which the current conviction is based and at least one of those
- 114 convictions is for a class A misdemeanor:
- 115 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 116 (B) any offense under Part 5, Fraud; or
- 117 (C) any attempt to commit any offense under Subsection ~~[(3)(b)(iii)(A)]~~
- 118 ~~(3)(b)(ii)(A)~~ or (B);
- 119 ~~[(iv)]~~ (iii)(A) the value of property is or exceeds \$500 but is less than \$1,500;
- 120 (B) the theft occurs on a property where the offender has committed any theft
- 121 within the past five years; and
- 122 (C) the offender has received written notice from the merchant prohibiting the
- 123 offender from entering the property pursuant to Subsection 78B-3-108(4); or
- 124 ~~[(v)]~~ (iv) the actor has been previously convicted of a felony violation of any of the
- 125 offenses listed in Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A)
- 126 through (3)(b)(ii)(C), if the prior offense was committed within 10 years before
- 127 the date of the current conviction or the date of the offense upon which the current
- 128 conviction is based;
- 129 (c) a class A misdemeanor if:

- 130 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;
131 (ii)(A) the value of property is less than \$500;
132 (B) the theft occurs on a property where the offender has committed any theft
133 within the past five years; and
134 (C) the offender has received written notice from the merchant prohibiting the
135 offender from entering the property pursuant to Subsection 78B-3-108(4); or
136 (iii) the actor has been twice before convicted of any of the offenses listed in
137 Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)] (3)(b)(ii)(A) through (3)(b)(ii)(C)~~,
138 if each prior offense was committed within 10 years before the date of the current
139 conviction or the date of the offense upon which the current conviction is based; or
140 (d) a class B misdemeanor if the value of the property stolen is less than \$500 and the
141 theft is not an offense under Subsection (3)(c).

142 Section 3. Section **76-6-405** is amended to read:

143 **76-6-405 . Theft by deception.**

- 144 (1)(a) As used in this section, "puffing" means an exaggerated commendation of wares
145 or worth in a communication addressed to an individual, group, or the public.
146 (b) Terms defined in Section 76-1-101.5 apply to this section.
147 (2)(a) An actor commits theft by deception if the actor obtains or exercises control over
148 property of another person:
149 (i) by deception; and
150 (ii) with a purpose to deprive the other person of property.
151 (b) The deception described in Subsection (2)(a)(i) and the deprivation described in
152 Subsection (2)(a)(ii) may occur at separate times.
153 (3) A violation of Subsection (2) is:
154 (a) a second degree felony if the:
155 (i) value of the property is or exceeds \$5,000; or
156 (ii) property stolen is a firearm or an operable motor vehicle;
157 (b) a third degree felony if:
158 (i) the value of the property is or exceeds \$1,500 but is less than \$5,000;
159 ~~[(ii) the property:]~~
160 ~~[(A) is a catalytic converter as defined under Section 76-6-1402; or]~~
161 ~~[(B) 25 pounds or more of a suspect metal item as defined under Section~~
162 ~~76-6-1402 if the value is less than \$5,000 and the suspect metal is made of or~~
163 ~~contains aluminum or copper and is not a lead battery;]~~

- 164 ~~[(iii)]~~ (ii) the value of the property is or exceeds \$500 and the actor has been twice
165 before convicted of any of the following offenses, if each prior offense was
166 committed within 10 years before the date of the current conviction or the date of
167 the offense upon which the current conviction is based and at least one of those
168 convictions is for a class A misdemeanor:
169 (A) any theft, any robbery, or any burglary with intent to commit theft;
170 (B) any offense under Part 5, Fraud; or
171 (C) any attempt to commit any offense under Subsection ~~[(3)(b)(iii)(A) or (B)]~~
172 (3)(b)(ii)(A) or (B);
173 ~~[(iv)]~~ (iii)(A) the value of property is or exceeds \$500 but is less than \$1,500;
174 (B) the theft occurs on a property where the offender has committed any theft
175 within the past five years; and
176 (C) the offender has received written notice from the merchant prohibiting the
177 offender from entering the property pursuant to Subsection 78B-3-108(4); or
178 ~~[(v)]~~ (iv) the actor has been previously convicted of a felony violation of any of the
179 offenses listed in Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A)
180 through (3)(b)(ii)(C), if the prior offense was committed within 10 years before
181 the date of the current conviction or the date of the offense upon which the current
182 conviction is based;
183 (c) a class A misdemeanor if:
184 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;
185 (ii)(A) the value of property is less than \$500;
186 (B) the theft occurs on a property where the offender has committed any theft
187 within the past five years; and
188 (C) the offender has received written notice from the merchant prohibiting the
189 offender from entering the property pursuant to Subsection 78B-3-108(4); or
190 (iii) the actor has been twice before convicted of any of the offenses listed in
191 Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A) through (3)(b)(ii)(C),
192 if each prior offense was committed within 10 years before the date of the current
193 conviction or the date of the offense upon which the current conviction is based; or
194 (d) a class B misdemeanor if the value of the property stolen is less than \$500 and the
195 theft is not an offense under Subsection (3)(c).
196 (4) Theft by deception does not occur when there is only:
197 (a) falsity as to matters having no pecuniary significance; or

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

Section 4. Section **76-6-406** is amended to read:

76-6-406 . Theft by extortion.

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

(i) cause physical harm in the future to the person threatened, to any other person, or to property at any time;

(ii) subject the person threatened or any other person to physical confinement or restraint;

(iii) engage in other conduct constituting a crime;

(iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;

(v) reveal any information sought to be concealed by the person threatened;

(vi) testify, provide information, or withhold testimony or information with respect to a person's legal claim or defense;

(vii) take action as an official against anyone or anything, or withhold official action, or cause such action or withholding;

(viii) bring about or continue a strike, boycott, or other similar collective action to obtain property that is not demanded or received for the benefit of the group that the actor purports to represent; or

(ix) do any other act which would not in itself substantially benefit the actor but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.

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

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

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

(a) a second degree felony if the:

(i) value of the property is or exceeds \$5,000;

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

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

(b) a third degree felony if:

(i) the value of the property is or exceeds \$1,500 but is less than \$5,000;

232 ~~[(ii) the property is:]~~

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

234 ~~[(B) 25 pounds or more of a suspect metal item as defined under Section~~

235 ~~76-6-1402 if the value is less than \$5,000 and the suspect metal is made of or~~

236 ~~contains aluminum or copper and is not a lead battery;]~~

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

238 before convicted of any of the following offenses, if each prior offense was

239 committed within 10 years before the date of the current conviction or the date of

240 the offense upon which the current conviction is based and at least one of those

241 convictions is for a class A misdemeanor:

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

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

244 (C) any attempt to commit any offense under Subsection ~~[(3)(b)(iii)(A) or (B)]~~

245 (3)(b)(ii)(A) or (B);

246 ~~[(iv)]~~ (iii)(A) the value of property is or exceeds \$500 but is less than \$1,500;

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

248 within the past five years; and

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

250 offender from entering the property pursuant to Subsection 78B-3-108(4); or

251 ~~[(v)]~~ (iv) the actor has been previously convicted of a felony violation of any of the

252 offenses listed in Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A)

253 through (3)(b)(ii)(C), if the prior offense was committed within 10 years before

254 the date of the current conviction or the date of the offense upon which the current

255 conviction is based;

256 (c) a class A misdemeanor if:

257 (i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;

258 (ii)(A) the value of property is less than \$500;

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

260 within the past five years; and

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

262 offender from entering the property pursuant to Subsection 78B-3-108(4); or

263 (iii) the actor has been twice before convicted of any of the offenses listed in

264 Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A) through (3)(b)(ii)(C),

265 if each prior offense was committed within 10 years before the date of the current

conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than \$500 and the theft is not an offense under Subsection (3)(c).

(4)(a) A person who is adversely impacted by the conduct prohibited in Subsection (2) may bring a civil action for equitable relief and damages.

(b) In accordance with Section 78B-2-305, a person who brings an action under Subsection (4)(a) shall commence the action within three years after the day on which the cause of action arises.

Section 5. Section **76-6-415** is enacted to read:

76-6-415 . Metal or catalytic converter theft.

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

(i) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.

(ii) "Ferrous metal" means the same as that term is defined in Section 76-6-1402.

(iii)(A) "Metal" means nonferrous metal, ferrous metal, or regulated metal.

(B) "Metal" includes suspect metal items.

(C) "Metal" does not include jewelry.

(iv) "Nonferrous metal" means the same as that term is defined in Section 76-6-1402.

(v) "Regulated metal" means the same as that term is defined in Section 76-6-1402.

(vi) "Suspect metal items" means the same as that term is defined in Section 76-6-1402.

(b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.

(2) An actor commits metal or catalytic converter theft if the actor obtains or exercises

unauthorized control over another person's metal or catalytic converter with a purpose to deprive the person of the person's metal or catalytic converter.

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

(a) a second degree felony if:

(i) the value of the metal is or exceeds \$5,000; or

(ii) the metal is stolen from the person of another;

(b) a third degree felony if:

(i) the value of the property is or exceeds \$1,500 but is less than \$5,000;

(ii) the property is:

(A) a catalytic converter; or

(B) 25 pounds or more of a suspect metal item if the value is less than \$5,000 and the suspect metal item is made of or contains aluminum or copper and is not a

- 300 lead battery;
- 301 (iii) the value of the metal is or exceeds \$500 and the actor has been twice before
- 302 convicted of any of the following offenses, if each prior offense was committed
- 303 within 10 years before the date of the current conviction or the date of the offense
- 304 upon which the current conviction is based and at least one of those convictions is
- 305 for a class A misdemeanor:
- 306 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 307 (B) any offense under Part 5, Fraud; or
- 308 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
- 309 (iv)(A) the value of the metal is or exceeds \$500 but is less than \$1,500;
- 310 (B) the theft occurs on a property where the actor has committed any theft within
- 311 the past five years; and
- 312 (C) the actor has received written notice from the merchant prohibiting the actor
- 313 from entering the property pursuant to Subsection 78B-3-108(4); or
- 314 (v) the actor has been previously convicted of a felony violation of any of the
- 315 offenses listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior
- 316 offense was committed within 10 years before the date of the current conviction or
- 317 the date of the offense upon which the current conviction is based;
- 318 (c) a class A misdemeanor if:
- 319 (i) the value of the metal stolen is or exceeds \$500 but is less than \$1,500;
- 320 (ii)(A) the value of the metal is less than \$500;
- 321 (B) the theft occurs on a property where the actor has committed any theft within
- 322 the past five years; and
- 323 (C) the actor has received written notice from the merchant prohibiting the actor
- 324 from entering the property pursuant to Subsection 78B-3-108(4); or
- 325 (iii) the actor has been twice before convicted of any of the offenses listed in
- 326 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was
- 327 committed within 10 years before the date of the current conviction or the date of
- 328 the offense upon which the current conviction is based; or
- 329 (d) a class B misdemeanor if the value of the metal stolen is less than \$500 and the theft
- 330 is not an offense under Subsection (3)(c).

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

332 **76-6-602 . Retail theft.**

- 333 (1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.

- (2) An actor commits retail theft if the actor knowingly:
- (a) takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of:
 - (i) retaining the merchandise; or
 - (ii) depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of the merchandise;
 - (b)(i) alters, transfers, or removes any label, price tag, marking, indicia of value, or any other markings which aid in determining value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment; and
 - (ii) attempts to purchase the merchandise described in Subsection (2)(b)(i) personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of the merchandise;
 - (c) transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of the merchandise;
 - (d) under-rings with the intention of depriving the merchant of the retail value of the merchandise; or
 - (e) removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use, or benefit of the shopping cart.
- (3) A violation of Subsection (2) is:
- (a) a second degree felony if the:
 - (i) value of the merchandise or shopping cart is or exceeds \$5,000;
 - (ii) merchandise stolen is a firearm or an operable motor vehicle; or
 - (b) a third degree felony if:
 - (i) the value of the merchandise is or exceeds \$1,500 but is less than \$5,000;
 - ~~[(ii) the merchandise is:]~~
 - ~~[(A) a catalytic converter as defined under Section 76-6-1402; or]~~
 - ~~[(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than \$5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;]~~
 - ~~[(iii)]~~ (ii) the value of the merchandise or shopping cart is or exceeds \$500 and the

actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

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

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

(C) any attempt to commit any offense under Subsection ~~[(3)(b)(iii)(A) or (B)]~~

(3)(b)(ii)(A) or (B);

~~[(iv)]~~ (iii)(A) the value of merchandise or shopping cart is or exceeds \$500 but is less than \$1,500;

(B) the theft occurs in a retail mercantile establishment or on the premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or

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

(c) a class A misdemeanor if:

(i) the value of the merchandise or shopping cart stolen is or exceeds \$500 but is less than \$1,500;

(ii)(A) the value of merchandise or shopping cart is less than \$500;

(B) the theft occurs in a retail mercantile establishment or premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections ~~[(3)(b)(iii)(A) through (3)(b)(iii)(C)]~~ (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current

conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the merchandise or shopping cart stolen is less than \$500 and the theft is not an offense under Subsection (3)(c).

Section 7. Section **76-6-1402** is amended to read:

76-6-1402 . Definitions.

As used in this part:

- (1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.
- (2) "Dealer" means:
 - (a) a scrap metal processor or secondary metals dealer or recycler, but does not include:
 - (i) junk dealers as defined in Section 76-6-1402;
 - (ii) solid waste management facilities as defined in Section 19-6-502; or
 - (iii) the following businesses that are authorized to accept delivery of used lead batteries for recycling under Sections 19-6-603, 19-6-604, and 19-6-605:
 - (A) retailers;
 - (B) wholesalers;
 - (C) battery manufacturers; and
 - (D) secondary lead smelters.
 - (b) a metals refiner.
- (3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.
- (4) "Identification" means a form of positive identification issued by a state of the United States or the United States federal government that:
 - (a) contains a numerical identifier and a photograph of the person identified;
 - (b) provides the date of birth of the person identified; and
 - (c) includes a state identification card, a state driver license, a United States military identification card, or a United States passport.
- (5) "Junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand or castoff material, including ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials, but not including regulated metal.
- (6) "Local law enforcement agency" means the law enforcement agency that has jurisdiction over the area where the dealer's business is located.
- (7) "Metals refiner" means an individual or business that refines or melts any regulated metal, but does not include an individual or business that primarily uses ore, concentrate, or other primary materials in refining, melting, or producing any regulated metal.

436 (8) "Nonferrous metal":

437 (a) means a metal that does not contain significant quantities of iron or steel; and

438 (b) includes copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.

439 (9)(a) "Regulated metal" means any item composed primarily of nonferrous metal,
440 except as provided in Subsection (9)(c).

441 (b) "Regulated metal" includes:

442 (i) aluminum, brass, copper, lead, chromium, tin, nickel, or alloys of these metals,
443 except under Subsection (9)(c), and lead that is a part of an automotive or
444 industrial lead battery;

445 (ii) property that is a regulated metal and that is owned by, and also identified by
446 marking or other means as the property of:

447 (A) a telephone, cable, electric, water, or other utility; or

448 (B) a railroad company;

449 (iii) unused and undamaged building construction materials made of metal or alloy,
450 including:

451 (A) copper pipe, tubing, or wiring; and

452 (B) aluminum wire, siding, downspouts, or gutters;

453 (iv) oil well rigs, including any part of the rig;

454 (v) nonferrous materials, stainless steel, and nickel; and

455 (vi) irrigation pipe.

456 (c) "Regulated metal" does not include:

457 (i) ferrous metal, except as provided in Subsection (9)(b)(ii) or (iv);

458 (ii) household-generated recyclable materials;

459 (iii) items composed wholly of light iron or sheet steel;

460 (iv) aluminum beverage containers; or

461 (v) containers used solely for containing food.

462 (10) "Scrap metal processor" means any person:

463 (a) who, from a fixed location, utilizes machinery and equipment for processing and
464 manufacturing iron, steel, or nonferrous scrap into prepared grades; and

465 (b) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not
466 including precious metals, for sale for remelting purposes.

467 (11) "Secondary metals dealer or recycler" means any person who:

468 (a) is engaged in the business of purchasing, collecting, or soliciting regulated metal; or

469 (b) operates or maintains a facility where regulated metal is purchased or kept for

shipment, sale, transfer, or salvage.

(12) "Suspect metal items" are the following items made of regulated metal:

- (a) manhole covers and sewer grates;
- (b) gas meters and water meters;
- (c) traffic signs, street signs, aluminum street light poles, communications transmission towers, and guard rails;
- (d) grave site monument vases and monument plaques;
- (e) any monument plaque;
- (f) brass or bronze bar stock and bar ends;
- (g) ingots;
- (h) nickel and nickel alloys containing greater than 50% nickel;
- (i) #1 and #2 copper as defined by the most recent ~~[institute of Scrap Recycling Industries, Inc., Scrap Specifications Circular]~~ materials specifications circular issued by the Recycled Materials Association;
- (j) unused and undamaged building materials, including:
 - (i) greenline copper;
 - (ii) copper pipe, tubing, or wiring; and
 - (iii) aluminum wire, siding, downspouts, or gutters;
- (k) catalytic converters;
- (l) automotive and industrial lead batteries; [-]and
- (m) wire that has been burned or that has the appearance of having been burned.

Section 8. Section **76-10-1602** is amended to read:

76-10-1602 . Definitions.

As used in this part:

- (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities.
- (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the commission of at least three episodes of unlawful activity, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act

constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

- (3) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.
- (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct which would constitute any offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act which would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor or a felony:
- (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;
 - (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;
 - (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or Section 23A-5-311;
 - (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
 - (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;
 - (f) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
 - (g) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d, Clandestine Drug Lab Act;
 - (h) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;
 - (i) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
 - (j) assault under Section 76-5-102;
 - (k) aggravated assault under Section 76-5-103;

- 538 (l) a threat of terrorism under Section 76-5-107.3;
539 (m) a criminal homicide offense under Section 76-5-201;
540 (n) kidnapping under Section 76-5-301;
541 (o) aggravated kidnapping under Section 76-5-302;
542 (p) human trafficking for labor under Section 76-5-308;
543 (q) human trafficking for sexual exploitation under Section 76-5-308.1;
544 (r) human smuggling under Section 76-5-308.3;
545 (s) human trafficking of a child under Section 76-5-308.5;
546 (t) benefiting from trafficking and human smuggling under Section 76-5-309;
547 (u) aggravated human trafficking under Section 76-5-310;
548 (v) sexual exploitation of a minor under Section 76-5b-201;
549 (w) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
550 (x) arson under Section 76-6-102;
551 (y) aggravated arson under Section 76-6-103;
552 (z) causing a catastrophe under Section 76-6-105;
553 (aa) burglary under Section 76-6-202;
554 (bb) aggravated burglary under Section 76-6-203;
555 (cc) burglary of a vehicle under Section 76-6-204;
556 (dd) manufacture or possession of an instrument for burglary or theft under Section
557 76-6-205;
558 (ee) robbery under Section 76-6-301;
559 (ff) aggravated robbery under Section 76-6-302;
560 (gg) theft under Section 76-6-404;
561 (hh) theft by deception under Section 76-6-405;
562 (ii) theft by extortion under Section 76-6-406;
563 (jj) receiving stolen property under Section 76-6-408;
564 (kk) theft of services under Section 76-6-409;
565 (ll) metal or catalytic converter theft under Section 76-6-415;
566 [~~(H)~~] (mm) forgery under Section 76-6-501;
567 [~~(mm)~~] (nn) unlawful use of financial transaction card under Section 76-6-506.2;
568 [~~(nn)~~] (oo) unlawful acquisition, possession, or transfer of financial transaction card
569 under Section 76-6-506.3;
570 [~~(oo)~~] (pp) financial transaction card offenses under Section 76-6-506.6;
571 [~~(pp)~~] (qq) deceptive business practices under Section 76-6-507;

572 [~~(qq)~~] (rr) bribery or receiving bribe by person in the business of selection, appraisal, or
 573 criticism of goods under Section 76-6-508;
 574 [~~(rr)~~] (ss) bribery of a labor official under Section 76-6-509;
 575 [~~(ss)~~] (tt) defrauding creditors under Section 76-6-511;
 576 [~~(tt)~~] (uu) acceptance of deposit by insolvent financial institution under Section 76-6-512;
 577 [~~(uu)~~] (vv) unlawful dealing with property by fiduciary under Section 76-6-513;
 578 [~~(vv)~~] (ww) bribery or threat to influence contest under Section 76-6-514;
 579 [~~(ww)~~] (xx) making a false credit report under Section 76-6-517;
 580 [~~(xx)~~] (yy) criminal simulation under Section 76-6-518;
 581 [~~(yy)~~] (zz) criminal usury under Section 76-6-520;
 582 [~~(zz)~~] (aaa) insurance fraud under Section 76-6-521;
 583 [~~(aaa)~~] (bbb) retail theft under Section 76-6-602;
 584 [~~(bbb)~~] (ccc) computer crimes under Section 76-6-703;
 585 [~~(ccc)~~] (ddd) identity fraud under Section 76-6-1102;
 586 [~~(ddd)~~] (eee) mortgage fraud under Section 76-6-1203;
 587 [~~(eee)~~] (fff) sale of a child under Section 76-7-203;
 588 [~~(fff)~~] (ggg) bribery to influence official or political actions under Section 76-8-103;
 589 [~~(ggg)~~] (hhh) threat to influence official or political action under Section 76-8-104;
 590 [~~(hhh)~~] (iii) receiving bribe or bribery by public servant under Section 76-8-105;
 591 [~~(iii)~~] (jjj) receiving bribe for endorsement of person as a public servant under Section
 592 76-8-106;
 593 [~~(jjj)~~] (kkk) bribery for endorsement of person as public servant under Section 76-8-106.1;
 594 [~~(kkk)~~] (lll) official misconduct based on unauthorized act or failure of duty under Section
 595 76-8-201;
 596 [~~(lll)~~] (mmm) official misconduct concerning inside information under Section 76-8-202;
 597 [~~(mmm)~~] (nnn) obstruction of justice in a criminal investigation or proceeding under
 598 Section 76-8-306;
 599 [~~(nnn)~~] (ooo) acceptance of bribe or bribery to prevent criminal prosecution under
 600 Section 76-8-308;
 601 [~~(ooo)~~] (ppp) harboring or concealing offender who has escaped from official custody
 602 under Section 76-8-309.2;
 603 [~~(ppp)~~] (qqq) making a false or inconsistent material statement under Section 76-8-502;
 604 [~~(qqq)~~] (rrr) making a false or inconsistent statement under Section 76-8-503;
 605 [~~(rrr)~~] (sss) making a written false statement under Section 76-8-504;

606 [~~(sss)~~] (ttt) tampering with a witness under Section 76-8-508;
607 [~~(ttt)~~] (uuu) retaliation against a witness, victim, or informant under Section 76-8-508.3;
608 [~~(uuu)~~] (vvv) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
609 [~~(vvv)~~] (www) extortion or bribery to dismiss a criminal proceeding under Section
610 76-8-509;
611 [~~(www)~~] (xxx) tampering with evidence under Section 76-8-510.5;
612 [~~(xxx)~~] (yyy) falsification or alteration of a government record under Section 76-8-511, if
613 the record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,
614 Lobbyist Disclosure and Regulation Act;
615 [~~(yyy)~~] (zzz) public assistance fraud by an applicant for public assistance under Section
616 76-8-1203.1;
617 [~~(zzz)~~] (aaa) public assistance fraud by a recipient of public assistance under Section
618 76-8-1203.3;
619 [~~(aaa)~~] (bbb) public assistance fraud by a provider under Section 76-8-1203.5;
620 [~~(bbb)~~] (ccc) fraudulently misappropriating public assistance funds under Section
621 76-8-1203.7;
622 [~~(ccc)~~] (ddd) false statement to obtain or increase unemployment compensation under
623 Section 76-8-1301;
624 [~~(ddd)~~] (eee) false statement to prevent or reduce unemployment compensation or
625 liability under Section 76-8-1302;
626 [~~(eee)~~] (fff) unlawful failure to comply with Employment Security Act requirements
627 under Section 76-8-1303;
628 [~~(fff)~~] (ggg) unlawful use or disclosure of employment information under Section
629 76-8-1304;
630 [~~(ggg)~~] (hhh) intentionally or knowingly causing one animal to fight with another
631 under Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;
632 [~~(hhh)~~] (iii) possession, use, or removal of explosives, chemical, or incendiary devices
633 or parts under Section 76-10-306;
634 [~~(iii)~~] (jjj) delivery to common carrier, mailing, or placement on premises of an
635 incendiary device under Section 76-10-307;
636 [~~(jjj)~~] (kkk) possession of a deadly weapon with intent to assault under Section
637 76-10-507;
638 [~~(kkk)~~] (lll) unlawful marking of pistol or revolver under Section 76-10-521;
639 [~~(lll)~~] (mmm) alteration of number or mark on pistol or revolver under Section

76-10-522;
~~[(mmmm)]~~ (nnnn) forging or counterfeiting trademarks, trade name, or trade device
 under Section 76-10-1002;
~~[(nnnn)]~~ (oooo) selling goods under counterfeited trademark, trade name, or trade
 devices under Section 76-10-1003;
~~[(oooo)]~~ (pppp) sales in containers bearing registered trademark of substituted articles
 under Section 76-10-1004;
~~[(pppp)]~~ (qqqq) selling or dealing with article bearing registered trademark or service
 mark with intent to defraud under Section 76-10-1006;
~~[(qqqq)]~~ (rrrr) gambling under Section 76-10-1102;
~~[(rrrr)]~~ (ssss) gambling fraud under Section 76-10-1103;
~~[(ssss)]~~ (tttt) gambling promotion under Section 76-10-1104;
~~[(tttt)]~~ (uuuu) possessing a gambling device or record under Section 76-10-1105;
~~[(uuuu)]~~ (vvvv) confidence game under Section 76-10-1109;
~~[(vvvv)]~~ (wwwv) distributing pornographic material under Section 76-10-1204;
~~[(wwwv)]~~ (xxxx) inducing acceptance of pornographic material under Section
 76-10-1205;
~~[(xxxx)]~~ (yyyy) dealing in harmful material to a minor under Section 76-10-1206;
~~[(yyyy)]~~ (zzzz) distribution of pornographic films under Section 76-10-1222;
~~[(zzzz)]~~ (aaaaa) indecent public displays under Section 76-10-1228;
~~[(aaaaa)]~~ (bbbbb) prostitution under Section 76-10-1302;
~~[(bbbbb)]~~ (ccccc) aiding prostitution under Section 76-10-1304;
~~[(ccccc)]~~ (ddddd) exploiting prostitution under Section 76-10-1305;
~~[(ddddd)]~~ (eeeee) aggravated exploitation of prostitution under Section 76-10-1306;
~~[(eeeee)]~~ (fffff) communications fraud under Section 76-10-1801;
~~[(fffff)]~~ (ggggg) an act prohibited by the criminal provisions of Part 19, Money
 Laundering and Currency Transaction Reporting Act;
~~[(ggggg)]~~ (hhhhh) vehicle compartment for contraband under Section 76-10-2801;
~~[(hhhhh)]~~ (iiiii) an act prohibited by the criminal provisions of the laws governing
 taxation in this state; or
~~[(iiiii)]~~ (jjjjj) an act illegal under the laws of the United States and enumerated in 18
 U.S.C. Sec. 1961(1)(B), (C), and (D).

Section 9. Section **78B-3-108** is amended to read:

78B-3-108 . Shoplifting -- Merchant's rights -- Civil liability for shoplifting by

adult or minor -- Criminal conviction not a prerequisite for civil liability -- Written notice required for penalty demand.

(1) As used in this section:

(a) "Merchandise" has the same meaning as provided in Section 76-6-601.

(b) "Merchant" has the same meaning as provided in Section 76-6-601.

(c) "Minor" has the same meaning as provided in Section 76-6-601.

(d) "Premises" has the same meaning as "retail mercantile establishment" found in Section 76-6-601.

(2)(a) A merchant may request an individual on the merchant's premises to place or keep in full view any merchandise the individual may have removed, or which the merchant has reason to believe the individual may have removed, from its place of display or elsewhere, whether for examination, purchase, or for any other reasonable purpose.

(b) The merchant may not be criminally or civilly liable for having made the request.

(3)(a) A merchant who has reason to believe that an individual has committed any of the offenses listed in Subsection [~~76-6-404(3)(b)(iii)(A), (B), or (C)~~] 76-6-404(3)(b)(ii)(A), (B), or (C) and that the merchant can recover the merchandise by taking the individual into custody and detaining the individual may, for the purpose of attempting to recover the merchandise or for the purpose of informing a peace officer of the circumstances of the detention, take the individual into custody and detain the individual in a reasonable manner and for a reasonable length of time.

(b) Neither the merchant nor the merchant's employee may be criminally or civilly liable for false arrest, false imprisonment, slander, or unlawful detention or for any other type of claim or action unless the custody and detention are unreasonable under all the circumstances.

(4)(a) A merchant may prohibit an individual who has committed any of the offenses listed in Subsection [~~76-6-404(3)(b)(iii)~~] 76-6-404(3)(b)(ii) from reentering the premises on which the individual has committed the offense.

(b) The merchant shall give written notice of this prohibition to the individual under Subsection (4)(a). The notice may be served by:

(i) delivering a copy to the individual personally;

(ii) sending a copy through registered or certified mail addressed to the individual at the individual's residence or usual place of business;

(iii) leaving a copy with an individual of suitable age and discretion at either location

- 708 under Subsection (4)(b)(ii) and mailing a copy to the individual at the individual's
709 residence or place of business if the individual is absent from the residence or
710 usual place of business; or
- 711 (iv) affixing a copy in a conspicuous place at the individual's residence or place of
712 business.
- 713 (c) The individual serving the notice may authenticate service with the individual's
714 signature, the method of service, and legibly documenting the date and time of
715 service.
- 716 (5) An adult who commits any of the offenses listed in Subsection [~~76-6-404(3)(b)(iii)(A);~~
717 ~~(B), or (C)~~] 76-6-404(3)(b)(ii)(A), (B), or (C) is also liable in a civil action for:
- 718 (a) actual damages;
- 719 (b) a penalty to the merchant in the amount of the retail price of the merchandise not to
720 exceed \$1,000; and
- 721 (c) an additional penalty as determined by the court of not less than \$100 nor more than
722 \$500, plus court costs and reasonable attorney fees.
- 723 (6) A minor who commits any of the offenses listed in Subsection [~~76-6-404(3)(b)(iii)(A);~~
724 ~~(B), or (C)~~] 76-6-404(3)(b)(ii)(A), (B), or (C) and the minor's parents or legal guardian
725 are jointly and severally liable in a civil action to the merchant for:
- 726 (a) actual damages;
- 727 (b) a penalty to be remitted to the merchant in the amount of the retail price of the
728 merchandise not to exceed \$500 plus an additional penalty as determined by the court
729 of not less than \$50 nor more than \$500; and
- 730 (c) court costs and reasonable attorney fees.
- 731 (7) A parent or guardian is not liable for damages under this section if the parent or
732 guardian made a reasonable effort to restrain the wrongful taking and reported it to the
733 merchant involved or to the law enforcement agency having primary jurisdiction once
734 the parent or guardian knew of the minor's unlawful act. A report is not required under
735 this section if the minor was arrested or apprehended by a peace officer or by anyone
736 acting on behalf of the merchant involved.
- 737 (8) A conviction in a criminal action for any of the offenses listed in Subsection [
738 ~~76-6-404(3)(b)(iii)(A), (B), or (C)~~] 76-6-404(3)(b)(ii)(A), (B), or (C) is not a condition
739 precedent to a civil action authorized under Subsection (5) or (6).
- 740 (9)(a) A merchant demanding payment of a penalty under Subsection (5) or (6) shall give
741 written notice to the individual or individuals from whom the penalty is sought. The notice

742 shall state:

743 "IMPORTANT NOTICE: The payment of any penalty demanded of you does not
744 prevent criminal prosecution under a related criminal provision."

745 (b) This notice shall be boldly and conspicuously displayed, in at least the same size
746 type as is used in the demand, and shall be sent with the demand for payment of the
747 penalty described in Subsection (5) or (6).

748 (10) The provision of Section 78B-8-201 requiring that compensatory or general damages
749 be awarded in order to award punitive damages does not prohibit an award of a penalty
750 under Subsection (5) or (6) whether or not restitution has been paid to the merchant
751 either prior to or as part of a civil action.

752 Section 10. **Effective Date.**

753 This bill takes effect on July 1, 2025.