

SB0125 compared with SB0125S01

20 **76-6-409** , as last amended by Laws of Utah 2025, Chapter 178

21 **76-6-602 , as last amended by Laws of Utah 2025, Chapter 434**

22

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

24 Section 1. Section **76-6-409** is amended to read:

25 **76-6-409. Theft of service.**

23 (1)

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

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

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

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

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

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

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

39 (b) the actor:

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

41 (ii)

(A) diverts the other person's service to the benefit of the actor, knowing that the actor is not entitled to
the service; or

43 (B) diverts the other person's service to the benefit of a third person, knowing that the third person is not
entitled to the service.

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

46 (a) a second degree felony if the value of the service is or exceeds \$5,000;

47 (b) except as provided in Subsection (3)(a), a third degree felony if:

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

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- 49 (ii) the value of the service 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:
- 54 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 55 (B) any offense under Part 5, Fraud;
- 56 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
- 57 (D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially
equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
- 60 (iii)
- (A) the value of the service is or exceeds \$500 but is less than \$1,500;
- 61 (B) the theft occurs on a property where the offender has committed any theft within the past five years;
and
- 63 (C) the offender has received written notice from the merchant prohibiting the offender from entering
the property pursuant to Subsection 78B-3-108(4); or
- 65 (iv)
- (A) the service is a service other than a public transportation service; and
- 66 (B) the actor has been previously convicted of a felony violation of any of the offenses listed in
Subsections (3)(b)(ii)(A) through (D), 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;
- 70 (c) except as provided in Subsection (3)(a) or (b), a class A misdemeanor if:
- 71 (i) the value of the service stolen is or exceeds \$500 but is less than \$1,500;
- 72 (ii)
- (A) the value of the service is less than \$500;
- 73 (B) the theft occurs on a property where the offender has committed any theft within the past five years;
and
- 75 (C) the offender has received written notice from the merchant prohibiting the offender from entering
the property pursuant to Subsection 78B-3-108(4); or
- 77 (iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)
(A) through (D), 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

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81 (d) except as provided in Subsection (3)(a), (b), or (c), a class B misdemeanor if the value of the service
is less than \$500[~~and the theft is not an offense under Subsection (3)(e)~~].

87 Section 2. Section 76-6-602 is amended to read:

88 **76-6-602. Retail theft.**

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

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

91 (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:

94 (i) retaining the merchandise without paying the retail value of the merchandise; or

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

97 (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

100 (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;

103 (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;

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

109 (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.

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

113 (a) a second degree felony if the:

114 (i) retail value of the merchandise or shopping cart is or exceeds \$5,000;

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

116 (b) a third degree felony if:

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

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- 118 (ii) the retail 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:
- 123 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 124 (B) any offense under Part 5, Fraud;
- 125 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
- 126 (D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially
equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
- 129 (iii)
- (A) the retail value of merchandise or shopping cart is or exceeds \$500 but is less than \$1,500;
- 131 (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
- 134 (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
- 137 (iv) the actor has been previously convicted of a felony violation of any of the offenses listed in
Subsections (3)(b)(ii)(A) through (D), 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;
- 141 (c) a class A misdemeanor if:
- 142 (i) the retail value of the merchandise or shopping cart stolen is or exceeds \$500 but is less than \$1,500;
- 144 (ii)
- (A) the retail value of merchandise or shopping cart is less than \$500;
- 145 (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
- 148 (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
- 151 (iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)
(A) through (D), 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

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- 155 (d) a class B misdemeanor if the retail value of the merchandise or shopping cart stolen is less than
\$500 and the theft is not an offense under Subsection (3)(c).
- 157 (4)
- (a) A court shall impose the mandatory jail sentence described in Subsection (4)(b), and may not
suspend any portion of the jail sentence or grant early release, if:
- 159 (i) the court suspends the imposition of a prison sentence for a felony conviction under this section
or sentences an actor for a misdemeanor violation of this section;
- 161 (ii)
- (A) the violation is the actor's second or subsequent conviction for any level of offense under this
section; or
- 163 (B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a
state or federal court, that is substantially equivalent to the violation of this section; and
- 166 (iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec.
1326.
- (b) The mandatory jail sentences referred to in Subsection (4)(a) are:
- 168 (i) for a felony or a class A misdemeanor, 360 days in jail;
- 169 (ii) for a class B misdemeanor, 180 days in jail; and
- 170 (iii) for a class C misdemeanor, 90 days in jail.
- 171 (c)
- 172 (i) Except as provided in Subsection (4)(c)(ii), an actor who is subject to a mandatory jail sentence
under Subsection (4)(a) may not be released to the federal Immigration and Customs Enforcement
Agency of the United States Department of Homeland Security for deportation until the actor has
served the entire jail sentence described in Subsection (4)(b).
- 177 (ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the
United States Department of Homeland Security for deportation at any time during the 14-day
period before the final day of the actor's jail sentence described in Subsection (4)(b).

181 Section 3. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

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