

Tyler Clancy proposes the following substitute bill:

**Criminal Offenses Modifications**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: Keith Grover

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**LONG TITLE**

**General Description:**

This bill addresses criminal offenses.

**Highlighted Provisions:**

This bill:

▸ amends the offense of threat of terrorism by:

• renaming the offense to terrorism; and

• clarifying that the offense applies to certain completed acts in addition to threatened acts;

▸ creates the offense of unlawfully advancing foreign organizations and governments;

▸ amends the offense of unlawful detention and unlawful detention of a minor to include preventing an individual from freely traveling on a street or highway;

▸ creates the offense of intentional concealment of identity while committing an offense in public;

▸ creates the offense of unlawful deprivation of religious rights with a corresponding civil right of action by a victim that may be brought against the actor;

▸ amends the definition of unlawful activity applicable to include the offense of prohibited conduct concerning a pattern of unlawful activity to include the offenses of aggravated disorderly conduct on a street or highway and unlawfully advancing foreign organizations and governments; and

▸ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

29 AMENDS:

30 **76-5-107.3**, as last amended by Laws of Utah 2025, Chapter 173

31 **76-5-304**, as last amended by Laws of Utah 2022, Chapter 181

32 **76-17-401**, as renumbered and amended by Laws of Utah 2025, Chapter 173

33 ENACTS:

34 **76-8-321**, Utah Code Annotated 1953

35 **76-9-115**, Utah Code Annotated 1953

36 **76-9-116**, Utah Code Annotated 1953

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

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

40 **76-5-107.3 . Terrorism.**

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

42 (i) "Hoax weapon of mass destruction" means the same as that term is defined in  
43 Section 76-15-301.

44 (ii) "Weapon of mass destruction" means the same as that term is defined in Section  
45 76-15-301.

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

47 (2)~~[(a)]~~ An actor commits ~~[a threat of]~~terrorism if the actor commits, or threatens to  
48 commit, an offense involving bodily injury, death, or substantial property damage  
49 and the actor:

50 ~~[(i)]~~ ~~(a)~~~~[(A)]~~ (i) threatens the use of a weapon of mass destruction; or

51 ~~[(B)]~~ (ii) threatens the use of a hoax weapon of mass destruction; or

52 ~~[(ii)]~~ (b) acts with intent to:

53 ~~[(A)]~~ (i) intimidate or coerce a civilian population or to influence or affect the conduct  
54 of a government or a unit of government;

55 ~~[(B)]~~ (ii) prevent or interrupt the occupation of a building or a portion of the building,  
56 a place to which the public has access, or a facility or vehicle of public  
57 transportation operated by a common carrier; or

58 ~~[(C)]~~ (iii) cause an official or volunteer agency organized to deal with emergencies to  
59 take action due to the actor's conduct posing a serious and substantial risk to the  
60 general public.

61 ~~[(b) A threat under this section may be express or implied.]~~

62 (3)(a)~~[(i)]~~ A violation of Subsection ~~[(2)(a)(i) or (2)(a)(ii)(A)]~~ (2)(a) or (2)(b)(i) is a

63 second degree felony.

64 [(ii)] (b) A violation of Subsection [~~(2)(a)(ii)(B)~~] (2)(b)(ii) is a third degree felony.

65 [(iii)] (c) A violation of Subsection [~~(2)(a)(ii)(C)~~] (2)(b)(iii) is a class B misdemeanor.

66 [(b)] (4)(a) An actor who commits an offense under this section is subject to punishment  
67 for that offense, in addition to any other offense committed, including the carrying  
68 out of [~~the threatened act~~] any threatened offense.

69 [(e)] (b) In addition to any other penalty authorized by law, a court shall order an actor  
70 convicted of a violation of this section to reimburse any federal, state, or local unit of  
71 government, or any private business, organization, individual, or entity for all  
72 expenses and losses incurred in responding to the violation, unless the court states on  
73 the record the reasons why the reimbursement would be inappropriate.

74 [(4)] (5) It is not a defense under this section that the actor did not attempt to carry out or  
75 was incapable of carrying out the threat.

76 (6) A threat under this section may be express or implied.

77 Section 2. Section **76-5-304** is amended to read:

78 **76-5-304 . Unlawful detention and unlawful detention of a minor.**

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

80 (i) Acting "against the will of an individual" includes acting without the consent of  
81 the legal guardian, caretaker, or custodian of an individual who is:

82 (A) a dependent adult; or

83 (B) a minor who is 14 or 15 years old.

84 (ii) "Dependent adult" means the same as that term is defined in Section 76-5-111.

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

86 (2)(a) An actor commits unlawful detention if the actor intentionally or knowingly,  
87 without authority of law, and against the will of an individual[-] :

88 (i) [-]detains or restrains the individual[-] ; or

89 (ii) prevents the individual from freely traveling on a street or highway.

90 (b) An actor commits unlawful detention of a minor if the actor is at least four or more  
91 years older than the minor, and intentionally or knowingly, without authority of law,  
92 and against the will of the minor, coerces or exerts influence over the minor with the  
93 intent to cause the minor to remain with the actor for an unreasonable period of time  
94 under the circumstances.

95 (3) A violation of Subsection (2) is a class B misdemeanor.

96 (4) If the conduct of the actor amounts to a violation under one of the following, the actor

97 shall be charged with the violation and not under Subsection (2)(a) or (2)(b):

98 (a) kidnapping, as described in Section 76-5-301; or

99 (b) child kidnapping, as described in Section 76-5-301.1.

100 Section 3. Section **76-8-321** is enacted to read:

101 **76-8-321 . Unlawfully advancing foreign organizations and governments.**

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

103 (i) "Agent of a foreign government" means the same as that term is defined in 18  
104 U.S.C. Sec. 951.

105 (ii) "Federally designated foreign terrorist organization" means a foreign organization  
106 that is designated by the federal government as a terrorist organization in  
107 accordance with 8 U.S.C. Sec. 1189.

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

109 (2) An actor commits unlawfully advancing foreign organizations and governments if the  
110 actor:

111 (a) commits a local, state, or federal criminal offense with the intent to benefit or  
112 advance the interests of a federally designated foreign terrorist organization; or

113 (b) unlawfully acts, or attempts to act, as an agent of a foreign government.

114 (3) A violation of Subsection (2) is a third degree felony.

115 Section 4. Section **76-9-115** is enacted to read:

116 **76-9-115 . Intentional concealment of identity while committing an offense in**  
117 **public.**

118 (1)(a) As used in this section, "public place" means a place to which the public or a  
119 substantial group of the public has access, including:

120 (i) a street or highway; and

121 (ii) the common areas of a school, hospital, apartment house, office building, public  
122 building, public facility, transport facility, and a retail establishment.

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

124 (2) An actor commits intentional concealment of identity while committing an offense in  
125 public if the actor intentionally or knowingly:

126 (a) wears a mask or other facial obscurant or disguise with the intent to conceal the  
127 actor's identity from law enforcement or other government officials;

128 (b) is in a public place; and

129 (c) while wearing the mask or other facial obscurant or disguise, is:

130 (i) committing, or attempting to commit, a local, state, or federal criminal offense; or

- 131           (ii) congregating with other individuals who the actor knows are committing, or  
132           attempting to commit, a local, state, or federal criminal offense.
- 133 (3) A violation of Subsection (2) is a class A misdemeanor.
- 134           Section 5. Section **76-9-116** is enacted to read:
- 135           **76-9-116 . Unlawful deprivation of religious rights.**
- 136 (1)(a) As used in this section, "house of worship" means the same as that term is defined  
137           in Section 76-11-201.
- 138           (b) Terms defined in Section 76-1-101.5 apply to this section.
- 139 (2) An actor commits unlawful deprivation of religious rights if the actor:
- 140           (a) in concert with two or more individuals, intentionally or knowingly deprives another  
141           individual of the right to enter or exit a house of worship; and
- 142           (b) the act described in Subsection (2)(a) is done with the purpose of preventing the  
143           individual from exercising the individual's religious liberty rights protected under the  
144           First Amendment to the United States Constitution or under Utah Constitution,  
145           Article I, Sections 1 and 4.
- 146 (3) A violation of Subsection (2) is a third degree felony.
- 147 (4)(a) An individual, or the heirs of a deceased individual, who has been injured by a  
148           violation of Subsection (2) may bring an action against the actor who committed the  
149           violation.
- 150           (b) If, in the action described in Subsection (4)(a), the court finds by a preponderance of  
151           the evidence that the defendant has committed a violation of Subsection (2) and that  
152           the plaintiff was injured by the actor's violation of Subsection (2), the court shall,  
153           subject to Subsection (4)(c)(ii), award the plaintiff:
- 154           (i) reasonable attorney fees; and
- 155           (ii)(A) compensatory damages; or  
156           (B) statutory damages of \$2,000, whichever is greater.
- 157           (c)(i) If an actor at a criminal trial is found not guilty of violating Subsection (2), the  
158           not guilty verdict does not preclude a court from finding that the actor is liable  
159           under Subsection (4)(b).
- 160           (ii) If restitution is ordered in the criminal action, the amount ordered shall be  
161           deducted from any damages awarded under Subsection (4)(b)(ii).
- 162 (5) This section does not apply to an individual's exercise of the individual's rights under  
163           the First Amendment to the United States Constitution or under Utah Constitution,  
164           Article I, Section 15.

165 Section 6. Section **76-17-401** is amended to read:

166 **76-17-401 . Definitions.**

167 As used in this part:

168 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,  
169 business trust, association, or other legal entity, and a union or group of individuals  
170 associated in fact although not a legal entity.

171 (b) "Enterprise" includes illicit as well as licit entities.

172 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the  
173 commission of at least three episodes of unlawful activity, which episodes are not  
174 isolated, but have the same or similar purposes, results, participants, victims, or methods  
175 of commission, or otherwise are interrelated by distinguishing characteristics. Taken  
176 together, the episodes shall demonstrate continuing unlawful conduct and be related  
177 either to each other or to the enterprise. At least one of the episodes comprising a  
178 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act  
179 constituting part of a pattern of unlawful activity as defined by this part shall have  
180 occurred within five years of the commission of the next preceding act alleged as part of  
181 the pattern.

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

184 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,  
185 encourage, or intentionally aid another person to engage in conduct that would constitute  
186 an offense described by the following crimes or categories of crimes, or to attempt or  
187 conspire to engage in an act that would constitute any of those offenses, regardless of  
188 whether the act is in fact charged or indicted by an authority or is classified as a  
189 misdemeanor or a felony:

190 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized  
191 Recording Practices Act;

192 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality  
193 Code, Sections 19-1-101 through 19-7-109;

194 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose  
195 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or  
196 Section 23A-5-311;

197 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,  
198 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

- 199 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal  
200 Offenses and Procedure Act;
- 201 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 202 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- 203 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah  
204 Uniform Land Sales Practices Act;
- 205 (i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah  
206 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances  
207 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,  
208 Chapter 37d, Clandestine Drug Lab Act;
- 209 (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform  
210 Securities Act;
- 211 (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah  
212 Procurement Code;
- 213 (l) assault under Section 76-5-102;
- 214 (m) aggravated assault under Section 76-5-103;
- 215 (n) [~~a threat of~~]terrorism under Section 76-5-107.3;
- 216 (o) a criminal homicide offense under Section 76-5-201;
- 217 (p) kidnapping under Section 76-5-301;
- 218 (q) aggravated kidnapping under Section 76-5-302;
- 219 (r) human trafficking for labor under Section 76-5-308;
- 220 (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- 221 (t) human smuggling under Section 76-5-308.3;
- 222 (u) human trafficking of a child under Section 76-5-308.5;
- 223 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- 224 (w) aggravated human trafficking under Section 76-5-310;
- 225 (x) sexual exploitation of a minor under Section 76-5b-201;
- 226 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 227 (z) sexual extortion under Section 76-5b-204;
- 228 (aa) arson under Section 76-6-102;
- 229 (bb) aggravated arson under Section 76-6-103;
- 230 (cc) causing a catastrophe under Section 76-6-105;
- 231 (dd) burglary under Section 76-6-202;
- 232 (ee) aggravated burglary under Section 76-6-203;

- 233 (ff) burglary of a vehicle under Section 76-6-204;  
234 (gg) manufacture or possession of an instrument for burglary or theft under Section  
235 76-6-205;  
236 (hh) robbery under Section 76-6-301;  
237 (ii) aggravated robbery under Section 76-6-302;  
238 (jj) theft under Section 76-6-404;  
239 (kk) theft by deception under Section 76-6-405;  
240 (ll) theft by extortion under Section 76-6-406;  
241 (mm) receiving stolen property under Section 76-6-408;  
242 (nn) theft of services under Section 76-6-409;  
243 (oo) forgery under Section 76-6-501;  
244 (pp) unlawful use of financial transaction card under Section 76-6-506.2;  
245 (qq) unlawful acquisition, possession, or transfer of financial transaction card under  
246 Section 76-6-506.3;  
247 (rr) financial transaction card offenses under Section 76-6-506.6;  
248 (ss) deceptive business practices under Section 76-6-507;  
249 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or  
250 criticism of goods under Section 76-6-508;  
251 (uu) bribery of a labor official under Section 76-6-509;  
252 (vv) defrauding creditors under Section 76-6-511;  
253 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;  
254 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;  
255 (yy) unlawful influence of a contest under Section 76-6-514;  
256 (zz) making a false credit report under Section 76-6-517;  
257 (aaa) criminal simulation under Section 76-6-518;  
258 (bbb) criminal usury under Section 76-6-520;  
259 (ccc) insurance fraud under Section 76-6-521;  
260 (ddd) retail theft under Section 76-6-602;  
261 (eee) computer crimes under Section 76-6-703;  
262 (fff) identity fraud under Section 76-6-1102;  
263 (ggg) mortgage fraud under Section 76-6-1203;  
264 (hhh) sale of a child under Section 76-7-203;  
265 (iii) bribery or offering a bribe under Section 76-8-103;  
266 (jjj) threat to influence official or political action under Section 76-8-104;

267 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;  
 268 (lll) receiving bribe for endorsement of person as a public servant under Section  
 269 76-8-106;  
 270 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;  
 271 (nnn) official misconduct based on unauthorized act or failure of duty under Section  
 272 76-8-201;  
 273 (ooo) official misconduct concerning inside information under Section 76-8-202;  
 274 (ppp) obstruction of justice in a criminal investigation or proceeding under Section  
 275 76-8-306;  
 276 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section  
 277 76-8-308;  
 278 (rrr) harboring or concealing offender who has escaped from official custody under  
 279 Section 76-8-309.2;  
 280 (sss) unlawfully advancing foreign organizations and governments under Section  
 281 76-8-321;  
 282 [~~(sss)~~] (ttt) making a false or inconsistent material statement under Section 76-8-502;  
 283 [~~(ttt)~~] (uuu) making a false or inconsistent statement under Section 76-8-503;  
 284 [~~(uuu)~~] (vvv) making a written false statement under Section 76-8-504;  
 285 [~~(vvv)~~] (www) tampering with a witness under Section 76-8-508;  
 286 [~~(www)~~] (xxx) retaliation against a witness, victim, or informant under Section  
 287 76-8-508.3;  
 288 [~~(xxx)~~] (yyy) receiving or soliciting a bribe as a witness under Section 76-8-508.7;  
 289 [~~(yyy)~~] (zzz) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;  
 290 [~~(zzz)~~] (aaa) tampering with evidence under Section 76-8-510.5;  
 291 [~~(aaa)~~] (bbb) falsification or alteration of a government record under Section 76-8-511,  
 292 if the record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,  
 293 Lobbyist Disclosure and Regulation Act;  
 294 [~~(bbb)~~] (ccc) public assistance fraud by an applicant for public assistance under  
 295 Section 76-8-1203.1;  
 296 [~~(ccc)~~] (ddd) public assistance fraud by a recipient of public assistance under Section  
 297 76-8-1203.3;  
 298 [~~(ddd)~~] (eee) public assistance fraud by a provider under Section 76-8-1203.5;  
 299 [~~(eee)~~] (fff) fraudulently misappropriating public assistance funds under Section  
 300 76-8-1203.7;

301            [(ffff)] (gggg) false statement to obtain or increase unemployment compensation under  
302            Section 76-8-1301;

303            [(gggg)] (hhhh) false statement to prevent or reduce unemployment compensation or  
304            liability under Section 76-8-1302;

305            [(hhhh)] (iiii) unlawful failure to comply with Employment Security Act requirements  
306            under Section 76-8-1303;

307            [(iiii)] (jjjj) unlawful use or disclosure of employment information under Section  
308            76-8-1304;

309            [(jjjj)] (kkkk) intentionally or knowingly causing one animal to fight with another under  
310            Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning  
311            dog fighting;

312            (llll) aggravated disorderly conduct on a street or highway under Section 76-9-102.1;

313            [(kkkk)] (mmmm) soliciting, recruiting, enticing, or intimidating a minor to join a  
314            criminal street gang under Section 76-9-803;

315            [(llll)] (nnnn) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a  
316            criminal street gang under Section 76-9-803.1;

317            [(mmmm)] (oooo) intimidating a minor to remain in a criminal street gang under Section  
318            76-9-803.2;

319            [(nnnn)] (pppp) aggravated intimidating a minor to remain in a criminal street gang under  
320            Section 76-9-803.3;

321            [(oooo)] (qqqq) unlawful conduct involving an explosive, chemical, or incendiary device  
322            under Section 76-15-210;

323            [(pppp)] (rrrr) unlawful conduct involving an explosive, chemical, or incendiary part  
324            under Section 76-15-211;

325            [(qqqq)] (ssss) unlawful delivery or mailing of an explosive, chemical, or incendiary  
326            device under Section 76-15-209;

327            [(rrrr)] (tttt) forging or counterfeiting trademarks, trade name, or trade device under  
328            Section 76-16-302;

329            [(ssss)] (uuuu) selling goods under counterfeited trademark, trade name, or trade devices  
330            under Section 76-16-303;

331            [(tttt)] (vvvv) sales in containers bearing registered trademark of substituted articles  
332            under Section 76-16-304;

333            [(uuuu)] (wwww) selling or dealing with article bearing registered trademark or service  
334            mark with intent to defraud under Section 76-16-306;

335 [(vvvvv)] (xxxx) participating in gambling under Section 76-9-1402;  
 336 [(wwwww)] (yyyy) permitting gambling under Section 76-9-1403;  
 337 [(xxxxx)] (zzzz) online gambling prohibition under Section 76-9-1404;  
 338 [(yyyyy)] (aaaaa) gambling promotion under Section 76-9-1405;  
 339 [(zzzzz)] (bbbbb) gambling fraud under Section 76-9-1406;  
 340 [(aaaaa)] (ccccc) possessing a gambling device or record under Section 76-9-1407;  
 341 [(bbbbb)] (ddddd) obtaining a benefit from a confidence game under Section 76-9-1410;  
 342 [(eeeeee)] (eeee) distributing pornographic material under Section 76-5c-202;  
 343 [(dddddd)] (fffff) aiding or abetting a minor in distributing pornographic material under  
 344 Section 76-5c-203;  
 345 [(eeeeee)] (ggggg) inducing acceptance of pornographic material under Section 76-5c-204;  
 346 [(fffff)] (hhhhh) distributing material harmful to minors under Section 76-5c-205;  
 347 [(ggggg)] (iiii) aiding or abetting a minor in distributing material harmful to minors  
 348 under Section 76-5c-206;  
 349 [(hhhhh)] (jjjjj) distribution of a pornographic file for exhibition under Section 76-5c-305;  
 350 [(iiii) ] (kkkkk) indecent public display in the presence of a minor under Section  
 351 76-5c-207;  
 352 [(jjjjj)] (lllll) engaging in prostitution under Section 76-5d-202;  
 353 [(kkkkk)] (mmmmm) aiding prostitution under Section 76-5d-206;  
 354 [(lllll)] (nnnnn) exploiting prostitution under Section 76-5d-207;  
 355 [(mmmmm)] (ooooo) aggravated exploitation of prostitution under Section 76-5d-208;  
 356 [(nnnnn)] (ppppp) communications fraud under Section 76-6-525;  
 357 [(ooooo)] (qqqqq) possession of a dangerous weapon with criminal intent under Section  
 358 76-11-208;  
 359 [(ppppp)] (rrrrr) an act prohibited by the criminal provisions of Chapter 9, Part 16,  
 360 Money Laundering and Currency Transaction Reporting;  
 361 [(qqqqq)] (sssss) vehicle compartment for contraband under Section 76-9-1902 or  
 362 76-9-1903;  
 363 [(rrrrr)] (ttttt) an act prohibited by the criminal provisions of the laws governing taxation  
 364 in this state; or  
 365 [(sssss)] (uuuuu) an act illegal under the laws of the United States and enumerated in 18  
 366 U.S.C. Secs. 1961(1)(B), (C), and (D).

367 Section 7. **Effective Date.**

368 This bill takes effect on May 6, 2026.