

Tyler Clancy proposes the following substitute bill:

Criminal Offenses Modifications

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Keith Grover

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;

▸ 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 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:

AMENDS:

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

29 **76-17-401**, as renumbered and amended by Laws of Utah 2025, Chapter 173

30 ENACTS:

31 **76-8-321**, Utah Code Annotated 1953

32 **76-9-115**, Utah Code Annotated 1953

33 **76-9-116**, Utah Code Annotated 1953

34

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

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

37 **76-5-107.3 . Terrorism.**

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

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

41 (ii) "Weapon of mass destruction" means the same as that term is defined in Section
42 76-15-301.

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

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

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

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

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

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

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

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

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

59 (3)(a)~~[(i)]~~ A violation of Subsection ~~[(2)(a)(i) or (2)(a)(ii)(A)]~~ (2)(a) or (2)(b)(i) is a
60 second degree felony.

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

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

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

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

71 ~~[(4)]~~ (5) It is not a defense under this section that the actor did not attempt to carry out or
 72 was incapable of carrying out the threat.

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

74 Section 2. Section **76-8-321** is enacted to read:

75 **76-8-321 . Unlawfully advancing foreign organizations and governments.**

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

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

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

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

83 (2) An actor commits unlawfully advancing foreign organizations and governments if the
 84 actor:

85 (a)(i) commits a local, state, or federal criminal offense that has a penalty level of a
 86 class B misdemeanor, class A misdemeanor, or felony; and

87 (ii) coordinates with a federally designated foreign terrorist organization to commit
 88 the offense described in Subsection (2)(a)(i) with the intent to benefit or advance
 89 the interests of the federally designated foreign terrorist organization; or

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

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

92 Section 3. Section **76-9-115** is enacted to read:

93 **76-9-115 . Intentional concealment of identity while committing an offense in**
 94 **public.**

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

- 97 (i) a street or highway; and
98 (ii) the common areas of a school, hospital, apartment house, office building, public
99 building, public facility, transport facility, and a retail establishment.
- 100 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 101 (2) An actor commits intentional concealment of identity while committing an offense in
102 public if the actor intentionally or knowingly:
- 103 (a) wears a mask or other facial obscurant or disguise with the intent to conceal the
104 actor's identity from law enforcement or other government officials;
- 105 (b) is in a public place; and
- 106 (c) while wearing the mask or other facial obscurant or disguise, is:
- 107 (i) committing, or attempting to commit, a local, state, or federal criminal offense; or
108 (ii) congregating with other individuals who the actor knows are committing, or
109 attempting to commit, a local, state, or federal criminal offense.
- 110 (3) A violation of Subsection (2) is a class A misdemeanor.

111 Section 4. Section **76-9-116** is enacted to read:

112 **76-9-116 . Unlawful deprivation of religious rights.**

- 113 (1)(a) As used in this section, "house of worship" means the same as that term is defined
114 in Section 76-11-201.
- 115 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 116 (2) An actor commits unlawful deprivation of religious rights if the actor:
- 117 (a) in concert with two or more individuals, intentionally or knowingly deprives another
118 individual of the right to enter or exit a house of worship; and
- 119 (b) the act described in Subsection (2)(a) is done with the purpose of preventing the
120 individual from exercising the individual's religious liberty rights protected under the
121 First Amendment to the United States Constitution or under Utah Constitution,
122 Article I, Sections 1 and 4.
- 123 (3) A violation of Subsection (2) is a third degree felony.
- 124 (4)(a) An individual, or the heirs of a deceased individual, who has been injured by a
125 violation of Subsection (2) may bring an action against the actor who committed the
126 violation.
- 127 (b) If, in the action described in Subsection (4)(a), the court finds by a preponderance of
128 the evidence that the defendant has committed a violation of Subsection (2) and that
129 the plaintiff was injured by the actor's violation of Subsection (2), the court shall,
130 subject to Subsection (4)(c)(ii), award the plaintiff:

- 131 (i) reasonable attorney fees; and
132 (ii)(A) compensatory damages; or
133 (B) statutory damages of \$2,000, whichever is greater.
134 (c)(i) If an actor at a criminal trial is found not guilty of violating Subsection (2), the
135 not guilty verdict does not preclude a court from finding that the actor is liable
136 under Subsection (4)(b).
137 (ii) If restitution is ordered in the criminal action, the amount ordered shall be
138 deducted from any damages awarded under Subsection (4)(b)(ii).
139 (5) This section does not apply to an individual's exercise of the individual's rights under
140 the First Amendment to the United States Constitution or under Utah Constitution,
141 Article I, Section 15.

142 Section 5. Section **76-17-401** is amended to read:

143 **76-17-401 . Definitions.**

144 As used in this part:

- 145 (1)(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation,
146 business trust, association, or other legal entity, and a union or group of individuals
147 associated in fact although not a legal entity.
148 (b) "Enterprise" includes illicit as well as licit entities.
- 149 (2) "Pattern of unlawful activity" means engaging in conduct that constitutes the
150 commission of at least three episodes of unlawful activity, which episodes are not
151 isolated, but have the same or similar purposes, results, participants, victims, or methods
152 of commission, or otherwise are interrelated by distinguishing characteristics. Taken
153 together, the episodes shall demonstrate continuing unlawful conduct and be related
154 either to each other or to the enterprise. At least one of the episodes comprising a
155 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act
156 constituting part of a pattern of unlawful activity as defined by this part shall have
157 occurred within five years of the commission of the next preceding act alleged as part of
158 the pattern.
- 159 (3) "Person" includes an individual or entity capable of holding a legal or beneficial interest
160 in property, including state, county, and local governmental entities.
- 161 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,
162 encourage, or intentionally aid another person to engage in conduct that would constitute
163 an offense described by the following crimes or categories of crimes, or to attempt or
164 conspire to engage in an act that would constitute any of those offenses, regardless of

- 165 whether the act is in fact charged or indicted by an authority or is classified as a
166 misdemeanor or a felony:
- 167 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized
168 Recording Practices Act;
- 169 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality
170 Code, Sections 19-1-101 through 19-7-109;
- 171 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose
172 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or
173 Section 23A-5-311;
- 174 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,
175 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 176 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal
177 Offenses and Procedure Act;
- 178 (f) unlawful marking of pistol or revolver under Section 53-5a-105;
- 179 (g) alteration of number or mark on pistol or revolver under Section 53-5a-106;
- 180 (h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah
181 Uniform Land Sales Practices Act;
- 182 (i) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah
183 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances
184 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,
185 Chapter 37d, Clandestine Drug Lab Act;
- 186 (j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform
187 Securities Act;
- 188 (k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah
189 Procurement Code;
- 190 (l) assault under Section 76-5-102;
- 191 (m) aggravated assault under Section 76-5-103;
- 192 (n) ~~a threat of~~ terrorism under Section 76-5-107.3;
- 193 (o) a criminal homicide offense under Section 76-5-201;
- 194 (p) kidnapping under Section 76-5-301;
- 195 (q) aggravated kidnapping under Section 76-5-302;
- 196 (r) human trafficking for labor under Section 76-5-308;
- 197 (s) human trafficking for sexual exploitation under Section 76-5-308.1;
- 198 (t) human smuggling under Section 76-5-308.3;

- 199 (u) human trafficking of a child under Section 76-5-308.5;
- 200 (v) benefiting from trafficking and human smuggling under Section 76-5-309;
- 201 (w) aggravated human trafficking under Section 76-5-310;
- 202 (x) sexual exploitation of a minor under Section 76-5b-201;
- 203 (y) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 204 (z) sexual extortion under Section 76-5b-204;
- 205 (aa) arson under Section 76-6-102;
- 206 (bb) aggravated arson under Section 76-6-103;
- 207 (cc) causing a catastrophe under Section 76-6-105;
- 208 (dd) burglary under Section 76-6-202;
- 209 (ee) aggravated burglary under Section 76-6-203;
- 210 (ff) burglary of a vehicle under Section 76-6-204;
- 211 (gg) manufacture or possession of an instrument for burglary or theft under Section
- 212 76-6-205;
- 213 (hh) robbery under Section 76-6-301;
- 214 (ii) aggravated robbery under Section 76-6-302;
- 215 (jj) theft under Section 76-6-404;
- 216 (kk) theft by deception under Section 76-6-405;
- 217 (ll) theft by extortion under Section 76-6-406;
- 218 (mm) receiving stolen property under Section 76-6-408;
- 219 (nn) theft of services under Section 76-6-409;
- 220 (oo) forgery under Section 76-6-501;
- 221 (pp) unlawful use of financial transaction card under Section 76-6-506.2;
- 222 (qq) unlawful acquisition, possession, or transfer of financial transaction card under
- 223 Section 76-6-506.3;
- 224 (rr) financial transaction card offenses under Section 76-6-506.6;
- 225 (ss) deceptive business practices under Section 76-6-507;
- 226 (tt) bribery or receiving bribe by person in the business of selection, appraisal, or
- 227 criticism of goods under Section 76-6-508;
- 228 (uu) bribery of a labor official under Section 76-6-509;
- 229 (vv) defrauding creditors under Section 76-6-511;
- 230 (ww) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 231 (xx) unlawful dealing with property by fiduciary under Section 76-6-513;
- 232 (yy) unlawful influence of a contest under Section 76-6-514;

233 (zz) making a false credit report under Section 76-6-517;
234 (aaa) criminal simulation under Section 76-6-518;
235 (bbb) criminal usury under Section 76-6-520;
236 (ccc) insurance fraud under Section 76-6-521;
237 (ddd) retail theft under Section 76-6-602;
238 (eee) computer crimes under Section 76-6-703;
239 (fff) identity fraud under Section 76-6-1102;
240 (ggg) mortgage fraud under Section 76-6-1203;
241 (hhh) sale of a child under Section 76-7-203;
242 (iii) bribery or offering a bribe under Section 76-8-103;
243 (jjj) threat to influence official or political action under Section 76-8-104;
244 (kkk) receiving bribe or bribery by public servant under Section 76-8-105;
245 (lll) receiving bribe for endorsement of person as a public servant under Section
246 76-8-106;
247 (mmm) bribery for endorsement of person as public servant under Section 76-8-106.1;
248 (nnn) official misconduct based on unauthorized act or failure of duty under Section
249 76-8-201;
250 (ooo) official misconduct concerning inside information under Section 76-8-202;
251 (ppp) obstruction of justice in a criminal investigation or proceeding under Section
252 76-8-306;
253 (qqq) acceptance of bribe or bribery to prevent criminal prosecution under Section
254 76-8-308;
255 (rrr) harboring or concealing offender who has escaped from official custody under
256 Section 76-8-309.2;
257 (sss) unlawfully advancing foreign organizations and governments under Section
258 76-8-321;
259 [~~(sss)~~] (ttt) making a false or inconsistent material statement under Section 76-8-502;
260 [~~(ttt)~~] (uuu) making a false or inconsistent statement under Section 76-8-503;
261 [~~(uuu)~~] (vvv) making a written false statement under Section 76-8-504;
262 [~~(vvv)~~] (www) tampering with a witness under Section 76-8-508;
263 [~~(www)~~] (xxx) retaliation against a witness, victim, or informant under Section
264 76-8-508.3;
265 [~~(xxx)~~] (yyy) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
266 [~~(yyy)~~] (zzz) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;

267 [(~~zzz~~)] (aaaa) tampering with evidence under Section 76-8-510.5;

268 [(~~aaaa~~)] (bbbb) falsification or alteration of a government record under Section 76-8-511,

269 if the record is a record described in Title 20A, Election Code, or Title 36, Chapter

270 11, Lobbyist Disclosure and Regulation Act;

271 [(~~bbbb~~)] (cccc) public assistance fraud by an applicant for public assistance under

272 Section 76-8-1203.1;

273 [(~~eeee~~)] (dddd) public assistance fraud by a recipient of public assistance under Section

274 76-8-1203.3;

275 [(~~dddd~~)] (eeee) public assistance fraud by a provider under Section 76-8-1203.5;

276 [(~~eeee~~)] (ffff) fraudulently misappropriating public assistance funds under Section

277 76-8-1203.7;

278 [(~~ffff~~)] (gggg) false statement to obtain or increase unemployment compensation under

279 Section 76-8-1301;

280 [(~~gggg~~)] (hhhh) false statement to prevent or reduce unemployment compensation or

281 liability under Section 76-8-1302;

282 [(~~hhhh~~)] (iiii) unlawful failure to comply with Employment Security Act requirements

283 under Section 76-8-1303;

284 [(~~iiii~~)] (jjjj) unlawful use or disclosure of employment information under Section

285 76-8-1304;

286 [(~~jjjj~~)] (kkkk) intentionally or knowingly causing one animal to fight with another under

287 Subsection 76-13-202(2)(d) or (3), or Section 76-13-205 or 76-13-206 concerning

288 dog fighting;

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

290 [(~~kkkk~~)] (mmmm) soliciting, recruiting, enticing, or intimidating a minor to join a

291 criminal street gang under Section 76-9-803;

292 [(~~llll~~)] (nnnn) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a

293 criminal street gang under Section 76-9-803.1;

294 [(~~mmmm~~)] (oooo) intimidating a minor to remain in a criminal street gang under Section

295 76-9-803.2;

296 [(~~nnnn~~)] (pppp) aggravated intimidating a minor to remain in a criminal street gang under

297 Section 76-9-803.3;

298 [(~~oooo~~)] (qqqq) unlawful conduct involving an explosive, chemical, or incendiary device

299 under Section 76-15-210;

300 [(~~pppp~~)] (rrrr) unlawful conduct involving an explosive, chemical, or incendiary part

301 under Section 76-15-211;

302 [~~(qqqq)~~] (ssss) unlawful delivery or mailing of an explosive, chemical, or incendiary

303 device under Section 76-15-209;

304 [~~(rrrr)~~] (tttt) forging or counterfeiting trademarks, trade name, or trade device under

305 Section 76-16-302;

306 [~~(ssss)~~] (uuuu) selling goods under counterfeited trademark, trade name, or trade devices

307 under Section 76-16-303;

308 [~~(tttt)~~] (vvvv) sales in containers bearing registered trademark of substituted articles

309 under Section 76-16-304;

310 [~~(uuuu)~~] (wwww) selling or dealing with article bearing registered trademark or service

311 mark with intent to defraud under Section 76-16-306;

312 [~~(vvvv)~~] (xxxx) participating in gambling under Section 76-9-1402;

313 [~~(wwww)~~] (yyyy) permitting gambling under Section 76-9-1403;

314 [~~(xxxx)~~] (zzzz) online gambling prohibition under Section 76-9-1404;

315 [~~(yyyy)~~] (aaaa) gambling promotion under Section 76-9-1405;

316 [~~(zzzz)~~] (bbbb) gambling fraud under Section 76-9-1406;

317 [~~(aaaa)~~] (cccc) possessing a gambling device or record under Section 76-9-1407;

318 [~~(bbbb)~~] (dddd) obtaining a benefit from a confidence game under Section 76-9-1410;

319 [~~(eeee)~~] (eeee) distributing pornographic material under Section 76-5c-202;

320 [~~(dddd)~~] (ffff) aiding or abetting a minor in distributing pornographic material under

321 Section 76-5c-203;

322 [~~(eeee)~~] (gggg) inducing acceptance of pornographic material under Section 76-5c-204;

323 [~~(ffff)~~] (hhhh) distributing material harmful to minors under Section 76-5c-205;

324 [~~(gggg)~~] (iiii) aiding or abetting a minor in distributing material harmful to minors

325 under Section 76-5c-206;

326 [~~(hhhh)~~] (jjjj) distribution of a pornographic file for exhibition under Section 76-5c-305;

327 [~~(iiii)~~] (kkkk) indecent public display in the presence of a minor under Section

328 76-5c-207;

329 [~~(jjjj)~~] (llll) engaging in prostitution under Section 76-5d-202;

330 [~~(kkkk)~~] (mmmm) aiding prostitution under Section 76-5d-206;

331 [~~(llll)~~] (nnnn) exploiting prostitution under Section 76-5d-207;

332 [~~(mmmm)~~] (oooo) aggravated exploitation of prostitution under Section 76-5d-208;

333 [~~(nnnn)~~] (pppp) communications fraud under Section 76-6-525;

334 [~~(oooo)~~] (qqqq) possession of a dangerous weapon with criminal intent under Section

335 76-11-208;
336 ~~[(ppppp)]~~ ~~(rrrrr)~~ an act prohibited by the criminal provisions of Chapter 9, Part 16,
337 Money Laundering and Currency Transaction Reporting;
338 ~~[(qqqqq)]~~ ~~(sssss)~~ vehicle compartment for contraband under Section 76-9-1902 or
339 76-9-1903;
340 ~~[(rrrrr)]~~ ~~(ttttt)~~ an act prohibited by the criminal provisions of the laws governing taxation
341 in this state; or
342 ~~[(sssss)]~~ ~~(uuuuu)~~ an act illegal under the laws of the United States and enumerated in 18
343 U.S.C. Secs. 1961(1)(B), (C), and (D).
344 Section 6. **Effective Date.**
345 This bill takes effect on May 6, 2026.