

Tyler Clancy proposes the following substitute bill:

Transnational Repression Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler Clancy

Senate Sponsor: Michael K. McKell

LONG TITLE

General Description:

This bill addresses transnational repression by foreign governments and foreign terrorist organizations against individuals in this state.

Highlighted Provisions:

This bill:

- defines terms, including transnational repression;
- requires the Utah Board of Higher Education to direct the state's institutions of higher education to provide information on transnational repression to international students and how to report transnational repression to law enforcement;
- creates a criminal penalty enhancement for any crime if the crime is committed by an individual at the direction of a foreign government or an agent of a foreign terrorist organization in order to cause a victim to undertake, or refrain from undertaking, certain conduct; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

53H-1-201, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

53H-1-203, as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 8

ENACTS:

29 76-3-203.21, Utah Code Annotated 1953



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

32 Section 1. Section 53H-1-201 is amended to read:

33 **53H-1-201 . General Provisions -- Definitions.**

34 [Reserved:] As used in this part, "transnational repression" means conduct by an agent of
35 a foreign government or agent of a foreign terrorist organization that is:

- 36 (1) directed at an individual located within the United States, such as:
 - 37 (a) harassment, intimidation, or censorship;
 - 38 (b) threats or use of physical force;
 - 39 (c) electronic or digital surveillance or targeting;
 - 40 (d) a threat of punishment, harassment, or retaliation against another individual under
41 the foreign government's or foreign terrorist organization's effective control;
 - 42 (e) financial coercion, including a threat or use of confiscation, expropriation, or denial
43 of access to property or financial services;
 - 44 (f) abuse of administrative or immigration processes;
 - 45 (g) selective prosecution or enforcement of generally applicable laws; or
 - 46 (h) use or direction of social media, telecommunications, or similar entities to carryout
47 conduct described in Subsections (1)(a) through (g); and
- 48 (2) done with the purpose of extending a foreign government's or foreign terrorist
49 organization's ability to influence, control, or impose preferences on the individual's
50 behavior while the individual is outside the foreign government's or foreign terrorist
51 organization's area of control.

52 Section 2. Section 53H-1-203 is amended to read:

53 **53H-1-203 . Establishment of board -- Powers, duties, and authority -- Reports.**

- 54 (1)(a) There is established the Utah Board of Higher Education, which:
 - 55 (i) is the governing board for the institutions of higher education; and
 - 56 (ii) controls, oversees, and regulates the Utah System of Higher Education in a
57 manner consistent with the purpose of this title and the specific powers and
58 responsibilities granted to the board.
- 59 (b)(i) The University of Utah shall provide administrative support for the board.
- 60 (ii) Notwithstanding Subsection (1)(b)(i), the board shall maintain the board's
61 independence, including in relation to the powers and responsibilities granted to
62 the board.

- 63 (2) The board shall:
- 64 (a) establish and promote a state-level vision and goals for higher education that
- 65 emphasize data-driven retrospective and prospective system priorities, including:
- 66 (i) quality;
- 67 (ii) affordability;
- 68 (iii) access and equity;
- 69 (iv) completion;
- 70 (v) workforce alignment and preparation for high-quality jobs; and
- 71 (vi) economic growth;
- 72 (b) establish system policies and practices that advance the vision and goals;
- 73 (c) establish metrics to demonstrate and monitor:
- 74 (i) performance related to the goals; and
- 75 (ii) performance on measures of operational efficiency;
- 76 (d) collect and analyze data including economic data, demographic data, and data related
- 77 to the metrics;
- 78 (e) govern data quality and collection across institutions;
- 79 (f) establish, approve, and oversee each institution's mission and role in accordance with
- 80 Section 53H-3-602;
- 81 (g) assess an institution's performance in accomplishing the institution's mission and role;
- 82 (h) participate in the establishment and review of programs of instruction in accordance
- 83 with Section 53H-3-603;
- 84 (i) perform the following duties related to an institution of higher education president,
- 85 including:
- 86 (i) hiring an institution of higher education president in accordance with Section
- 87 53H-3-302;
- 88 (ii) through the commissioner and the board's executive committee:
- 89 (A) providing support and guidance to an institution of higher education president;
- 90 and
- 91 (B) evaluating an institution of higher education president based on institution
- 92 performance and progress toward systemwide priorities;
- 93 (iii) setting the terms of employment for an institution of higher education president,
- 94 including performance-based compensation, through an employment contract or
- 95 another method of establishing employment; and
- 96 (iv) establishing, through a confidential process, a statewide succession plan to

- 97 develop potential institution presidents from within the system;
- 98 (j) create and implement a strategic finance plan for higher education, including by:
- 99 (i) establishing comprehensive budget and finance priorities for academic education
- 100 and technical education;
- 101 (ii) allocating statewide resources to institutions;
- 102 (iii) setting tuition for each institution;
- 103 (iv) administering state financial aid programs;
- 104 (v) administering performance funding in accordance with Chapter 8, Part 3,
- 105 Performance Funding; and
- 106 (vi) developing a strategic capital facility plan and prioritization process in
- 107 accordance with Chapter 9, Part 5, General Capital Developments, and Sections
- 108 53H-9-604 and 53H-9-605;
- 109 (k) create and annually report to the Higher Education Appropriations Subcommittee on
- 110 a seamless articulated education system for Utah students that responds to changing
- 111 demographics and workforce, including by:
- 112 (i) providing for statewide prior learning assessment, in accordance with Section
- 113 53H-3-702;
- 114 (ii) establishing and maintaining clear pathways for articulation and transfer, in
- 115 accordance with Section 53H-3-604;
- 116 (iii) establishing degree program requirement guidelines, including credit hour limits;
- 117 (iv) aligning general education requirements across degree-granting institutions;
- 118 (v) coordinating and incentivizing collaboration and partnerships between institutions
- 119 in delivering programs;
- 120 (vi) coordinating distance delivery of programs;
- 121 (vii) coordinating work-based learning; and
- 122 (viii) emphasizing the system priorities and metrics described in Subsections (2)(a)
- 123 and (c);
- 124 (l) coordinate with the public education system:
- 125 (i) regarding public education programs that provide postsecondary credit or
- 126 certificates; and
- 127 (ii) to ensure that an institution of higher education providing technical education
- 128 serves secondary students in the public education system;
- 129 (m) delegate to an institution board of trustees certain duties related to institution
- 130 governance including:

- 131 (i) guidance and support for the institution president;
- 132 (ii) effective administration;
- 133 (iii) the institution's responsibility for contributing to progress toward achieving
- 134 systemwide goals; and
- 135 (iv) other responsibilities determined by the board;
- 136 (n) delegate to an institution of higher education president management of the institution
- 137 of higher education;
- 138 (o) consult with an institution of higher education board of trustees or institution of
- 139 higher education president before acting on matters pertaining to the institution of
- 140 higher education;
- 141 (p) maximize efficiency throughout the Utah System of Higher Education by identifying
- 142 and establishing shared administrative services, beginning with:
- 143 (i) commercialization;
- 144 (ii) services for compliance with Title IX of the Education Amendments of 1972, 20
- 145 U.S.C. Sec. 1681 et seq.;
- 146 (iii) information technology services; and
- 147 (iv) human resources, payroll, and benefits administration;
- 148 (q) develop strategies for providing higher education, including career and technical
- 149 education, in rural areas;
- 150 (r) manage and facilitate a process for initiating, prioritizing, and implementing
- 151 education reform initiatives, beginning with common applications and direct
- 152 admissions;
- 153 (s) provide ongoing quality review of programs;
- 154 (t) before each annual legislative general session, provide to the Higher Education
- 155 Appropriations Subcommittee a prioritization of all projects and proposals for which
- 156 the board or an institution of higher education seeks an appropriation;[~~and~~]
- 157 (u) coordinate with the Department of Corrections to establish educational programs for
- 158 inmates as described in Section 64-13-6[-] ; and
- 159 require that institutions provide information to international students regarding
- 160 transnational repression and how to report instances of transnational repression to law
- 161 enforcement as described in Section 53-10-1103.
- 162 (3) The board shall submit an annual report of the board's activities and performance
- 163 against the board's goals and metrics to:
- 164 (a) the Education Interim Committee;

- 165 (b) the Higher Education Appropriations Subcommittee;
- 166 (c) the governor; and
- 167 (d) each institution of higher education.
- 168 (4) The board shall prepare and submit an annual report detailing the board's progress and
- 169 recommendations on workforce related issues, including career and technical education,
- 170 to the governor and to the Education Interim Committee by December 1 of each year,
- 171 including information detailing:
- 172 (a) how institutions of higher education are meeting the career and technical education
- 173 needs of secondary students;
- 174 (b) how the system emphasized high demand, high wage, and high skill jobs in business
- 175 and industry;
- 176 (c) performance outcomes, including:
- 177 (i) entered employment;
- 178 (ii) job retention; and
- 179 (iii) earnings;
- 180 (d) an analysis of workforce needs and efforts to meet workforce needs; and
- 181 (e) student tuition and fees.
- 182 (5) The board may modify the name of an institution of higher education to reflect the role
- 183 and general course of study of the institution.
- 184 (6) The board may not take action relating to merging a technical college with another
- 185 institution of higher education without legislative approval.
- 186 (7) This section does not affect the power and authority vested in the State Board of
- 187 Education to apply for, accept, and manage federal appropriations for the establishment
- 188 and maintenance of career and technical education.
- 189 (8) The board shall ensure that any training or certification that an employee of the higher
- 190 education system is required to complete under this title or by board rule complies with
- 191 Title 63G, Chapter 22, State Training and Certification Requirements.
- 192 (9) The board shall demonstrate compliance with Subsection (2)(p) by providing to the
- 193 Higher Education Appropriations Subcommittee:
- 194 (a) on or before October 1, 2024, evidence of implementation of at least one shared
- 195 administrative service;
- 196 (b) on or before October 1, 2025, evidence of implementation of at least two shared
- 197 administrative services; and
- 198 (c) on or before October 1, 2026, evidence of implementation of at least three shared

199 administrative services.

200 (10) If the Higher Education Appropriations Subcommittee finds the board to be out of
201 compliance with Subsection (9), the Legislature shall:

202 (a) deduct 10% of the appropriation described in Section 53H-8-302 for the following
203 fiscal year; and

204 (b) deduct an additional 10% of the appropriation described in Section 53H-8-302 for
205 each subsequent year of noncompliance up to a maximum deduction of 30%.

206 Section 3. Section **76-3-203.21** is enacted to read:

207 **76-3-203.21 . Transnational repression enhancement.**

208 (1) As used in this section:

209 (a) "Agent of a foreign government" means an individual who acts at the direction of,
210 under the control of, or as a proxy for, a foreign government.

211 (b) "Agent of a foreign terrorist organization" means an individual who acts at the
212 direction of, under the control of, or as a proxy for, a foreign terrorist organization
213 designated by the federal government in accordance with 8 U.S.C. Sec. 1189.

214 (2) An actor who commits any criminal offense is subject to an enhanced penalty for the
215 offense as provided in Subsection (3) if the trier of fact finds beyond a reasonable doubt
216 that the actor:

217 (a)(i) is an agent of a foreign government or an agent of a foreign terrorist
218 organization; or

219 (ii) acted at the direction, request, command, or otherwise under the influence of, a
220 foreign government or foreign terrorist organization; and

221 (b) committed the criminal offense with the intent to:

222 (i)(A) cause an individual to act on behalf of a foreign government or foreign
223 terrorist organization;

224 (B) cause an individual to leave the United States or cause another individual to
225 leave the United States; or

226 (C) compel the victim to do any other act against the victim's will; or

227 (ii) compel the victim to refrain from doing any act against the victim's will.

228 (3) For an offense described in Subsection (2), the actor may be charged as follows:

229 (a) for a class C misdemeanor, as a class B misdemeanor;

230 (b) for a class B misdemeanor, as a class A misdemeanor;

231 (c) for a class A misdemeanor, as a third degree felony;

232 (d) for a third degree felony, as a second degree felony; and

233 (e) for a second degree felony, as a first degree felony.

234 Section 4. **Effective Date.**

235 This bill takes effect on May 6, 2026.