

Theft of Service Amendments

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Calvin R. Musselman

House Sponsor:

LONG TITLE

General Description:

This bill addresses the offense of theft of service.

Highlighted Provisions:

This bill:

- ▶ amends, in certain circumstances, when a previous conviction for a theft, robbery, burglary, or fraud may enhance the penalty for the offense of theft of service to a third degree felony; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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

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

76-6-409 . Theft of service.

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

- (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;
- (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

31 76-6-409.3; and

32 (iii) telephone service, only if the service is obtained by threat, force, or a form of
33 deception not described in Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or
34 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
38 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
42 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
44 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;

49 (ii) the value of the service is or exceeds \$500 and the actor has been twice before
50 convicted of any of the following offenses, if each prior offense was committed
51 within 10 years before the date of the current conviction or the date of the offense
52 upon which the current conviction is based and at least one of those convictions is
53 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,
58 that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A),
59 (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
62 within the past five years; and

63 (C) the offender has received written notice from the merchant prohibiting the
64 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
67 offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was
68 committed within 10 years before the date of the current conviction or the date
69 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
74 within the past five years; and
75 (C) the offender has received written notice from the merchant prohibiting the
76 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
78 Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within
79 10 years before the date of the current conviction or the date of the offense upon
80 which the current conviction is based; or
81 (d) except as provided in Subsection (3)(a), (b), or (c), a class B misdemeanor if the
82 value of the service is less than \$500[~~and the theft is not an offense under Subseection~~
83 ~~(3)(e)~~].

84 **Section 2. Effective Date.**

85 This bill takes effect on May 6, 2026.