

# Master Offense List Report

## Overview

2020 legislative session added 120 offenses and removed no offenses.

Added were:

1. 0 first degree felonies;
2. 4 second degree felonies;
3. 36 third degree felonies;
4. 41 class A misdemeanors;
5. 26 class B misdemeanors;
6. 12 class C misdemeanors; and
7. 2 infractions.

H.B. 23S07 makes it a crime to fraudulently use or transfer proof of age to gain access to a retail tobacco specialty business or to purchase a tobacco product or electronic cigarette product; makes it a crime for an employee of a retail tobacco specialty business to allow an individual under 21 years old to purchase a tobacco product or an electronic cigarette product;

H.B. 036 modifies criminal provisions relating to elections.

H.B. 098S01 modifies the elements of the crime of misuse of public money; makes it a crime for a public servant to knowingly engage in certain misconduct in relation to public property; establishes criminal penalties based on the value of, or cost to repair, public property; and addresses related penalties.

H.B. 105 created prohibited acts related to water facilities.

H.B. 119 modified penalties relating to a background check of an individual associated with a child care facility, program, or provider.

H.B. 139S01 criminalizes a person's refusal to submit to a chemical test for alcohol and drugs related to DUI in certain circumstances.

H.B. 171S02 creates the crime of threats against schools and criminal penalties.

H.B. 238S01 changed the enhancements for possession of a controlled substance and limited enhancements to within seven years of previous conviction.

H.B. 255S04 creates criminal penalty for failing to remove drain plug during transport.

H.B. 272S04 creates criminal penalties related to out-of-state mail service pharmacies.

H.B. 311 increased the penalty for a person convicted of engaging in a criminal enterprise that uses minors in furtherance of that enterprise.

H.B. 335 expanded offenses for illegal activities on trust lands based on injury/damage to land.

H.B. 403S02 modifies the penalty for a violation of a sentencing protective order and a continuous protective order; creates penalties for jail release court order/agreement, and renumbers and amends provisions relating to criminal protective orders, civil protective orders, and stalking injunctions.

HB 433 modified the crime of mail theft.

H.B. 435 modifies provisions relating to assignment of claims and reimbursements for criminally injurious conduct made to the Utah Office for Victims of Crime.

H.B. 451S01 created criminal penalty for unlawfully making a key to a government facility.

S.B. 37S06 provides criminal penalties for a sale or a purchase of an electronic cigarette product or a nicotine product in violation of the law.

S.B. 083S05 makes it a crime to violate certain provisions of this bill with respect to accessing or busing voter registration records.

S.B.102S01 reclassified the crime of bigamy as an infraction; classified inducing involuntary bigamy as a third degree felony; modified the list of crimes that, when committed in conjunction with bigamy, are a second degree felony.

S.B. 121S02 created penalties for a medical cannabis cardholder who smokes cannabis, amends certain criminal penalties, including for certain nonresident patients, to be, infractions on a first offense, and amends the level of negligence required for certain marijuana-related vehicular injuries to constitute a felony.

SB 173S05 modifies the elements of, and penalties for, disorderly conduct and provides increased penalties for violations that occur at an official meeting.

S.B. 214S01 modifies the crime of gambling; increases criminal penalties for an individual convicted of a gambling offense; prohibits placing a fringe gaming machine into operation.

Total offenses:

1. 108 first degree felonies;
2. 208 second degree felonies;
3. 403 third degree felonies;
4. 388 class A misdemeanors;
5. 803 class B misdemeanors;
6. 112 class C misdemeanors;
7. 284 infractions.

## **New Offenses**

### First Degree Felony – none

### Second Degree Felony

- 53C-2-301 Illegal activity on trust lands with injury or damage exceeding \$5,000
- 58-37-8(2)(g)(ii)(B) Criminally negligent operation of a vehicle causing serious bodily injury or death
- 59-1-401(12)(d)(i) Evading or defeating tax fee or charge (effective 01/01/2021)
- 59-1-401(12)(e)(i) Preparing, presenting, or procuring false or fraudulent tax return, affidavit or claim (effective 01/01/2021)

### Third Degree Felony

- 26-61a-103(9)(b) Unlawful use release or publication of information from electronic verification system
- 41-6a-520 Refusal of a chemical test – 2 or more prior convictions
- 53C-20-301(4)(b) Illegal activity on trust land injury or damage between \$1,500 and \$5,000
- 58-37-3.9(3)(c)(ii)(B) Smoking cannabis by a medical card holder 4<sup>th</sup> or subsequent offense
- 58-37-6(7)(i) Licensed practitioner dispensing a controlled substance to a child 3<sup>rd</sup> or subsequent conviction
- 58-37-6(7)(j) Licensed practitioner administering controlled substance in excess quantity 3<sup>rd</sup> or subsequent conviction
- 58-37-6(7)(l) Unlawfully manufacturing, distributing, dispensing to an unauthorized license
- 58-37-6(7)(m) Unlawfully omitting, removing, altering, or obliterating required symbol
- 58-37-6(7)(n) Refusing or failing to make, keep, or furnish required record, form, or statement
- 58-37-6(7)(o) Refusing entry for inspection
- 58-37-6(10) Unlawfully prescribing or dispensing controlled substance by researcher 3<sup>rd</sup> or subsequent conviction
- 63M-7-510(2)(b)(iii) Fraudulent crime victim reparations claim received award between \$1,500 to \$5,000
- 73-1-14(2)(a)(i) Malicious interference with water facility value/damage greater than \$2,500 and a prior conviction
- 73-1-14(2)(a)(ii) Malicious damage to water facility value/damage greater than \$2,500 and a prior conviction

- 73-1-14(2)(a)(iii) Malicious destruction of water facility value/damage greater than \$2,500 and a prior conviction
- 73-1-14(2)(a)(iv) Malicious removal of water facility value/damage greater than \$2,500 and a prior conviction
- 73-1-14(2)(b) Connection to water facility without written consent value/damage greater than \$2,500 and a prior conviction
- 73-1-14(2)(c) Unlawful interference with apportion of water value/damage greater than \$2,500 and a prior conviction
- 73-1-15 Obstructing or changing water facilities value/damage greater than \$2,500 and a prior conviction
- 76-7-101(3)(b) Inducing bigamy by threat or coercion
- 76-8-402(2)(j) Damaging or disposing of public property, value to replace or repair over \$5,000
- 76-8-402(2)(k) Unlawful control of public property with intent to permanently deprive, value \$1,500 < \$5,000
- 76-8-402(2)(l) Unlawful control of public property with intent to temporarily deprive, value over \$5,000
- 76-8-402(m) Appropriate public property for own use, value \$1,500 < \$5,000
- 76-8-402(n) Loan or transfer public property without authority, value \$1,500 < \$5,000
- 76-8-402(o) Fail to keep public property until returned, disposed of, or relinquished, value \$1,500 < \$5,000
- 76-10-1110(1)(a) Fringe gaming device on property – 2<sup>nd</sup> or subsequent offense
- 76-10-1110(1)(b) Access or use of fringe gaming device as part of business – 2<sup>nd</sup> or subsequent offense
- 76-10-1110(1)(c) Inducing or aiding use of fringe gaming device – 2<sup>nd</sup> or subsequent offense
- 76-10-1110(1)(d) Investing, financing, owning, controlling, or otherwise managing a fringe gaming device – 2<sup>nd</sup> or subsequent offense
- 76-10-1110(1)(e) Possessing fringe gaming device with intent to allow use – 2<sup>nd</sup> or subsequent offense
- 78B-7-806(1)(b)(i) Violation of a jail release court order or agreement – original arrest is for a felony offense
- 78B-7-806(2)(a) Violation of pretrial protective order – original arrest or subsequent charge for felony offense
- 78B-7-806(3)(a) Violation of sentencing or continuous protective order – felony conviction
- 78B-7-903 Violation of permanent criminal stalking injunction

## Class A Misdemeanors

- 20A-2-104(4)(g)(i) Unlawfully obtaining voter year of birth
- 20A-2-104(4)(g)(ii) Unlawfully using voter year of birth
- 20A-2-104(4)(g)(iii) Obtaining voter registration record under false pretenses
- 20A-2-104(4)(g)(iv) Using or providing information obtained from voter registration card in unlawful manner
- 20A-2-104(4)(g)(v) Unlawfully disclosing, obtaining, or withholding voter registration card
- 20A-2-104(4)(g)(vi) Unlawfully disclosing, obtaining or withholding information from voter registration record
- 20A-3a-806(2) Revealing another's vote unlawfully
- 31A-46-308 Unlawful requirement to use out-of-state mail service pharmacies
- 53C-2-301(4)(c) Illegal activity on trust lands – injury or damage \$500 < \$1,500
- 58-37-3.9(3)(c)(ii)(B) Smoking cannabis by a medical cardholder – 3<sup>rd</sup> offense
- 58-37-6(7)(i) Licensed practitioner dispensing controlled substance to child – 2<sup>nd</sup> conviction
- 58-37-6(7)(j) Licensed practitioner administering controlled substance in excess quantity – 2<sup>nd</sup> conviction
- 58-37-6(10) Unlawfully prescribing or dispensing a controlled substance by a researcher – 2<sup>nd</sup> conviction
- 63M-7-510(2)(b)(ii) Fraudulent crime victim reparations claim – award \$500 < \$1,500
- 73-1-14(2)(a)(i) Malicious interference with water facility value/damage greater than \$2,500 or prior conviction
- 73-1-14(2)(a)(ii) Malicious damage to water facility value/damage greater than \$2,500 or prior conviction
- 73-1-14(2)(a)(iii) Malicious destruction of water facility value/damage greater than \$2,500 or prior conviction
- 73-1-14(2)(a)(iv) Malicious removal of water facility value/damage greater than \$2,500 or prior conviction
- 73-1-14(2)(b) Connection to water facility without written consent value/damage greater than \$2,500 or prior conviction
- 73-1-14(2)(c) Unlawful interference with apportion of water value/damage greater than \$2,500 or prior conviction
- 73-1-15 Obstructing canals or watercourses – value/damage greater than \$2,500 or prior conviction
- 76-5-107.1(2)(a) Threatening use of firearm, weapon, or hoax weapon of mass destruction against a school
- 76-5-107.1(2)(b)(i) Threats against a school that causes disruption of school schedule

- 76-5-107.1(2)(b)(iii) Threat against a school with intent to intimidate or coerce students or school employees
- 76-6-1003(2)(b) Mail theft with no monetary value or no name of individual included
- 76-8-402(2)(j) Damaging or disposing of public property, value to replace or repair over \$500 < \$1,500
- 76-8-402(2)(k) Unlawful control of public property with intent to permanently deprive, value \$500 < \$1,500
- 76-8-402(l) Unlawful control of public property with intent to temporarily deprive, value over \$1,500 < \$5,000
- 76-8-402(m) Appropriate public property for own use, value \$500 < \$1,500
- 76-8-402(n) Loan or transfer public property without authority, value \$500 < \$1,500
- 76-8-402(o) Fail to keep public property until returned, disposed of, or relinquished, value \$500 < \$1,500
- 76-9-102(4)(d) Disorderly conduct – continued behavior after request to stop and prior violation within 5 years and 2<sup>nd</sup> or subsequent conviction
- 76-10-1110(1)(a) Fringe gaming device on property
- 76-10-1110(1)(b) Access or use of fringe gaming device as part of business
- 76-10-1110(1)(c) Inducing or aiding use of fringe gaming device
- 76-10-1110(1)(d) Investing, financing, owning, controlling, or otherwise managing a fringe gaming device
- 76-10-1110(1)(e) Possessing fringe gaming device with intent to allow use
- 78B-7-607 Violation of cohabitant abuse protective order
- 78B-7-806(1)(b)(ii) Violation of jail release court order or agreement – original arrest misdemeanor offense
- 78B-7-806(2)(b) Violation of pretrial protective order – original arrest or subsequent charge misdemeanor offense
- 78B-7-806(3)(b) Violation of sentencing or continuous protective order – misdemeanor conviction

### Class B Misdemeanors

- 26-61a-204(1)(c)(ii) Cannabis cardholder possessing at greater than the legal limit – 2<sup>nd</sup> or subsequent conviction
- 26-61a-204(1)(e)(ii) Nonresident cannabis patient possession above the legal limit but under 100lbs – 2<sup>nd</sup> conviction
- 26-61a-204(2)(d)(ii) Use of medical cannabis in public – 2<sup>nd</sup> or subsequent conviction
- 41-6a-520(7) Refusal of a chemical test
- 58-37-3.9(3)(c)(ii)(B) Smoking cannabis by medical card holder – 2<sup>nd</sup> offense
- 62A-4a-1006(7) Unlawful request of information from licensing information system
- 63A-5b-1103 Making key to government facility without written consent

- 73-1-14(2)(a)(i) Malicious interference with water facility
- 73-1-14(2)(a)(ii) Malicious damage to water facility
- 73-1-14(2)(a)(iii) Malicious destruction of water facility
- 73-1-14(2)(a)(iv) Malicious removal of water facility
- 73-1-14(2)(b) Connection to water facility without written consent
- 73-1-14(2)(c) Unlawful interference with apportion of water
- 76-5-107.1(2)(b)(ii) Threat against school preventing or interrupting occupancy
- 76-8-402(2)(j) Damaging or disposing of public property, value to replace or repair over < \$500
- 76-8-402(2)(k) Unlawful control of public property with intent to permanently deprive, value < \$500
- 76-8-402(l) Unlawful control of public property with intent to temporarily deprive, value over \$500 < \$1,500
- 76-8-402(m) Appropriate public property for own use, value < \$500
- 76-8-402(n) Loan or transfer public property without authority, value < \$500
- 76-8-402(o) Fail to keep public property until returned, disposed of, or relinquished, value < \$500
- 76-9-102(4)(c) Disorderly conduct – continued behavior after request to stop and prior violation within 5 years
- 76-10-104(2)(b) Providing tobacco to a minor – 2<sup>nd</sup> offense
- 76-10-111(3)(b) Unlawful distribution of smokeless tobacco without charge – 2<sup>nd</sup> or subsequent offense
- 76-10-113(2)(b) Unlawful distribution of smokeless tobacco without charge – 2<sup>nd</sup> or subsequent offense
- 76-10-115(2) Unlawful transfer of proof of age for tobacco purchase
- 78B-7-802(1) Violation of domestic violence jail release agreement

#### Class C Misdemeanors

- 23-27-306 Failure to remove of drain plug during transport
- 62A-4a-1006(7) Unlawful request of information from licensing information system
- 76-5-107.1(2)(c) Threats against schools causing official or volunteer agency to act
- 76-10-113(2)(a) Unlawful distribution of flavored tobacco product
- 76-10-114(3)(b)(i) Unlawful sale of tobacco or electronic cigarette
- 76-8-402(2)(l) Unlawful control of public property with intent to temporarily deprive – value < \$500
- 26-61a-204(1)(a) Medical cannabis card violation
- 26-61a-204(1)(c) Cannabis cardholder possessing at greater than legal limit – 1<sup>st</sup> conviction

- 26-61a-204(1)(e)(i) Nonresident cannabis patient possessing at greater than the legal limit – 1<sup>st</sup> conviction
- 26-61a-204(2)(d)(i) Use of medical cannabis in public
- 26-61a-506(4)(b) Unlawful medical cannabis transport
- 26-61a-605(6)(b) Unlawful medical cannabis shipment transport

#### Infractions

- 58-37-3.9(3)(c)(ii)(B) Smoking cannabis by medical card holder – 1<sup>st</sup> offense
- 76-10-105(1)(a) Buying or possessing a cigar, cigarette, e-cigarette, or tobacco by a minor

### **Enhanced Offenses**

First Degree Felonies – none

Second Degree Felonies – none

Third Degree Felonies

- 58-37-6-(7)(k) Licensed practitioner dispensing controlled substance to false ID (previously class B misdemeanor)
- 76-10-1102(3)(a) Intentionally provide or offer to provide online gaming (previously class A misdemeanor)
- 76-10-1104(2) Gambling promotion (previously class B misdemeanor)

Class A Misdemeanors

- 76-10-1105(2) Gambling device/record (previously class B misdemeanor)

Class B Misdemeanors – none

Class C Misdemeanors – none

Infractions – none

### **Expanded Offenses**

First Degree Felonies - none

Second Degree Felonies

- 76-7-101(4)(b)(i)(ix) Expanded bigamy to a second degree felony when committed with the following acts: felony homicide; felony kidnapping, trafficking, or smuggling; a felony sexual offense; felony child abuse or child abandonment; felony abuse, neglect, or

exploitation of a vulnerable adult; felony child abuse homicide; sexual battery; felony criminal nonsupport; felony violation of cohabitant abuse procedures act

- 76-8-402(2)(a)-(o) Expanded misusing public money or property for the following offenses when the value, amount, or damage, exceeds \$5,000: appropriate money for own use; loan or transfer money without authority; fail to keep money until disbursed; unlawfully depositing money, keeping false account; altering, concealing, or destroying an account; refusing to pay competent authority; omit to transfer money; refusing to pay under duty imposed; damage or dispose of public property; unlawful control of property; appropriate property for own use; loan or transfer property without authority; fail to keep property until returned, disposed of, or relinquished

Third Degree Felonies – none

Class A Misdemeanors – none

Class B Misdemeanors – none

Class C Misdemeanors – none

Infractions – none

### **Reduced Offenses**

First Degree Felonies – none

Second Degree Felonies – none

Third Degree Felonies

- 76-7-103(a) Inducing bigamy under fraudulent or false pretenses (was 2<sup>nd</sup> degree felony)

Class A Misdemeanors – none

Class B Misdemeanors – none

Class C Misdemeanors – none

Infractions

- 76-7-101(2) Bigamy (was 3<sup>rd</sup> degree felony)

### **Repealed Offenses**

First Degree Felonies – none

Second Degree Felonies – none

Third Degree Felonies – none

Class A Misdemeanors – none

Class B Misdemeanors – none

Class C Misdemeanors – none

Infractions – none