

## TITLE 76, CHAPTER 8 REORGANIZATION AND SUBSTANTIAL RECODIFICATION CHANGES

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**2024 General Session:** The following changes to Title 76, Chapter 8 proposed for recodification to create uniform subsection structure in offense statutes and to address a few substantive issues per the direction of the [Criminal Code Evaluation Task Force](#). Subsections were reorganized to match the following order as much as possible:

- Subsection (1) Definitions
- Subsection (2) Elements of offense
- Subsection (3) Penalties
- Subsection (4) Limitations/Defenses
- Subsection (5) etc. Limitations/Defenses cont. or additional information

Substantive amendments to create clarity are noted below. Statutes that did not need to be amended based on the standards for this recodification are not included in this chart. Practitioners and the public should rely on the final language codified in adopted legislation rather than notes in these documents.

| Reference   | Change/No Change  |
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| Part 4: Offenses against public property (Shad)                             |   |
| 76-8-402. Misusing public money or public property.                         | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> <li>• Added disqualification for public office provision from 76-8-404</li> </ul> |
| 76-8-403. Failure to keep and pay over public money.                        | <ul style="list-style-type: none"> <li>• Minor Technical revisions</li> </ul>   |
| 76-8-404. Making profit from or misusing public money or public property -- | <ul style="list-style-type: none"> <li>• <b>Repealed</b> and placed provisions in 76-8-402</li> </ul>   |

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| Disqualification from office -- Criminal penalty.  |  |
| 76-8-405. Failure to pay over fine, forfeiture, or fee.  | <ul style="list-style-type: none"> <li>• New title: "Failure to pay over a fine, forfeiture, or fee"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-406. Obstructing collection of revenue.   | <ul style="list-style-type: none"> <li>• New title: "Obstructing the collection of revenue"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-407. Refusing to give tax assessment information, or giving false information.                                  | <ul style="list-style-type: none"> <li>• New title: "Refusing to give accurate tax assessment information"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-408. Giving false tax receipt or failing to give receipt.   | <ul style="list-style-type: none"> <li>• New title: "Giving a false tax receipt or failing to give a receipt"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-409. Refusing to give tax assessor or tax or license collector list of, or denying access to, employees.        | <ul style="list-style-type: none"> <li>• New title: "Refusing to give a tax assessor or tax or license fee collector a list of employees"</li> <li>• Removed embedded offense and put it into new section 76-8-409.2</li> <li>• Other minor technical revisions</li> </ul>   |
| <b>76-8-409.2 Denying a tax assessor or tax or license fee collector access to a building or place of employment</b> | <ul style="list-style-type: none"> <li>• <b>New section</b></li> <li>• Created with embedded offense found in Section 76-8-409.</li> </ul>   |
| 76-8-410. Doing business without license.  | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>  |
| 76-8-411. Trafficking in warrants.   | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>  |
| 76-8-412. Stealing, destroying or mutilating public records by custodian.  | <ul style="list-style-type: none"> <li>• New title: "Stealing, destroying, or mutilating a public record by a custodian"</li> <li>• Created a definition of "public records" from the elements of the crime for clarification</li> <li>• Removed phrase "or placed in his hands for any purpose" because it was redundant with "custody"</li> <li>• Added "government" before "officer" to clarify that the officer means someone working for a governmental entity</li> </ul> |
| 76-8-413. Stealing, destroying or mutilating public records by one not custodian.                                    | <ul style="list-style-type: none"> <li>• New title: "Stealing, destroying, or mutilating a public record by a noncustodian"</li> <li>• Needed to revamp section as it had no elements and simply referred to Section 76-8-412. Added the elements and definition from 76-8-412 and adapted it to non-custodian.</li> </ul>   |

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| 76-8-414. Recording false or forged instruments.   | <ul style="list-style-type: none"> <li>• New title: "Recording a false or forges instrument"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-415. Damaging or removing monuments of official surveys.  | <ul style="list-style-type: none"> <li>• New title: "Damaging or removing a monument of an official survey"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-416. Taking toll or maintaining road, bridge, or ferry without authority -- Refusal to pay lawful toll. | <ul style="list-style-type: none"> <li>• New title: "Taking a toll or maintaining road, bridge, or ferry without authority"</li> <li>• Removed embedded offense and placed it in new section 76-8-416.2</li> </ul>  |
| <b>76-8-416.2 Refusal to pay lawful toll</b>   | <ul style="list-style-type: none"> <li>• <b>New Section.</b></li> <li>• Created with embedded offense found in section 76-8-416</li> </ul>  |
| 76-8-417. Tampering with official notice or proclamation.  | <ul style="list-style-type: none"> <li>• New title: "Tampering with an official notice or proclamation"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-418. Damaging jails or other places of confinement.   | <ul style="list-style-type: none"> <li>• New title: "Damaging a jail or other place of confinement"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-419. Damaging highways or bridges.  | <ul style="list-style-type: none"> <li>• New title: "Damaging a highway or bridge"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-420. Removing or damaging road signs.   | <ul style="list-style-type: none"> <li>• New title: "Removing or damaging a road sign"</li> <li>• Minor technical revisions</li> </ul>  |
| <b>Part 5: Falsification in official matters (Shad)</b>  |   |
| 76-8-501. Definitions  | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> <li>•</li> </ul>  |
| 76-8-502. False or inconsistent material statements.   | <ul style="list-style-type: none"> <li>• New title "Making a false or inconsistent material statement"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-503. False or inconsistent statements.  | <ul style="list-style-type: none"> <li>• New title: "Making a false or inconsistent statement"</li> <li>• Minor technical revisions</li> <li>• Clarified that if the actor's conduct violates this section and also amounts to a violation of Section 36-12-9.5 then the actor shall be prosecuted under Section 36-12-9.5 which carries a greater punishment.</li> </ul> |
| 76-8-504. Written false statement.   | <ul style="list-style-type: none"> <li>• New title: "Making a written false statement"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-504.5. False statements -- Preliminary hearing.   | <ul style="list-style-type: none"> <li>• New title: "Making a false statement to be used in a preliminary hearing"</li> </ul>   |

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|   | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>   |
| 76-8-504.6. False or misleading information.  | <ul style="list-style-type: none"> <li>• New title: "Providing false or misleading information"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-505. False or inconsistent statements -- Proof of falsity of statements -- Irregularities no defense.          | <ul style="list-style-type: none"> <li>• Repealed and placed provisions in Section 76-8-502, 76-8-503.</li> <li>• Section contained a provision that applied to the part but was only dealing with statements made under oath so that provision was placed in each section in the part that deals with statements made under oath and not in sections in the part that do not.</li> </ul> |
| 76-8-506. Providing false information to law enforcement officers, government agencies, or specified professionals. | <ul style="list-style-type: none"> <li>• New title: "Providing false information to a law enforcement officer, government agency, or specified professional"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-507. False personal information to peace officer.  | <ul style="list-style-type: none"> <li>• New title: "Providing false personal information to a peace officer"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-508. Tampering with witness -- Receiving or soliciting a bribe.  | <ul style="list-style-type: none"> <li>• New title: "Tampering with a witness"</li> <li>• Removed embedded offense of receiving or soliciting a bribe and create a new section 76-8-508.7</li> </ul>  |
| 76-8-508.3. Retaliation against a witness, victim, or informant.  | <ul style="list-style-type: none"> <li>• Reworked definition of "closely associated" to bring it in line with style guide</li> <li>• Definition of "harm" removed due to addition of "harm" in chapter definitions in 76-8-101.</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-508.5. Tampering with juror -- Retaliation against juror -- Penalty.   | <ul style="list-style-type: none"> <li>• New title: "Tampering or retaliating against a juror"</li> <li>• Minor technical revisions</li> </ul>  |
| <b>76-8-508.7 Receiving or soliciting a bribe as a witness</b>  | <ul style="list-style-type: none"> <li>• New section</li> <li>• Placed embedded offense from 76-8-508 here</li> </ul>   |
| 76-8-509. Extortion or bribery to dismiss criminal proceeding.  | <ul style="list-style-type: none"> <li>• New title: "Extortion or bribery to dismiss a criminal proceeding"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-510.5. Tampering with evidence -- Definitions -- Elements -- Penalties.  | <ul style="list-style-type: none"> <li>• New title: "Tampering with evidence"</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-511. Falsification or alteration of government record -- Penalty.  | <ul style="list-style-type: none"> <li>• New title: "Falsification or alteration of a government record"</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-512. Impersonation of officer.   | <ul style="list-style-type: none"> <li>• New title: "Impersonation of an officer"</li> <li>• Minor technical revisions</li> </ul>   |

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| 76-8-513. False judicial or official notice.                                       | <ul style="list-style-type: none"> <li>• New title: “Sending a false judicial or official notice”</li> <li>• Created two definitions from old language to clarify the conduct required for an individual to be charged under the statute</li> </ul>   |
| 76-8-515. Impersonation of a utility officer or employee.                          | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>   |
| <b>Part 6: Abuse of Process (Jackie)</b>   |   |
| 76-8-601. Wrongful commencement of action in justice court.                        | Minor technical revisions   |
| 76-8-602. Assuming liability for conferring jurisdiction upon justice court judge. | <ul style="list-style-type: none"> <li>• New title: Wrongfully conferring jurisdiction upon a justice court judge”</li> <li>• Minor technical revisions</li> </ul>  |
| 76-8-603. Wrongful attachment by justice court judge -- Liability.                 | <ul style="list-style-type: none"> <li>• Removed embedded offense concerning actors who are not justice court judges</li> <li>• New title: Wrongfully issued writ of attachment by a justice court judge.</li> <li>• Kept additional liability/damages because existing statute does not carve out judges from these damages</li> </ul> |
| <b>76-8-604.</b> Wrongful inducement to receive writ of attachment                 | <ul style="list-style-type: none"> <li>• <b>New statute.</b></li> <li>• Contains embedded offense concerning actors who are not justice court judges from 76-8-603</li> <li>• Includes additional liability/damages from 76-8-603</li> </ul>  |
| <b>Part 7: Colleges and Universities (Shad)</b>                                    |   |
| 76-8-701. Definitions.   | <ul style="list-style-type: none"> <li>• Repealed and definitions placed in applicable sections 76-8-703 and -705</li> </ul>  |
| 76-8-702. Purpose.   | <ul style="list-style-type: none"> <li>• <b>Repealed. No substantive provision in section</b></li> </ul>  |
| 76-8-703. Criminal trespass upon an institution of higher education.               | <ul style="list-style-type: none"> <li>• Removed provision detailing a chief administrative officer’s ability to order a person to leave an institution and placed it in newly created Section 53B-20-107</li> <li>• Applicable definitions placed in section from 76-8-701</li> <li>• Minor technical revisions</li> </ul>             |

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| 76-8-705. Willful interference with lawful activities of students or faculty.                     | <ul style="list-style-type: none"> <li>• Applicable definitions placed in section from 76-8-701</li> <li>• Minor technical revisions</li> </ul>   |
| 76-8-707. Assistance by local authorities.  | <ul style="list-style-type: none"> <li>• <b>Repealed.</b></li> <li>• <b>Provisions merged with Section 76-8-709 and Section 76-8-716 into higher education code in new Section 53B-20-107</b></li> </ul>  |
| 76-8-709. Enforcement of laws by local agencies not limited.                                      | <ul style="list-style-type: none"> <li>• <b>Repealed.</b></li> <li>• <b>Provisions merged with Section 76-8-709 and Section 76-8-716 into higher education code in new Section 53B-20-107</b></li> </ul>  |
| 76-8-716. Request for assistance from state and local law enforcement authorities.                | <ul style="list-style-type: none"> <li>• <b>Repealed.</b></li> <li>• <b>Provisions merged with Section 76-8-707 and Section 76-8-709 into higher education code in new Section 53B-20-107</b></li> </ul>  |
| 76-8-717. Violations -- Classifications of offenses.  | <ul style="list-style-type: none"> <li>• Repealed and placed penalty provision in section 76-8-704 which is the only section the penalty provision of this section applied to.</li> </ul>   |
| <b>Part 8: Sabotage prevention (Shad)</b>   |   |
| 76-8-801. Definitions.  | <ul style="list-style-type: none"> <li>• Repealed, definitions only applied to Section 76-8-809 and –810, definitions have been moved to Section 76-8-809</li> </ul>  |
| 76-8-802. Destruction of property to interfere with preparation for defense or war.               | <ul style="list-style-type: none"> <li>• New title: “Destruction of property to interfere with preparations for defense or war.”</li> <li>• Minor technical revisions</li> <li>• Provision from Section 76-8-805 dealing with the public release of information placed in section</li> </ul>  |
| 76-8-803. Causing or omitting to note defects in articles used in preparation for defense or war. | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> <li>• Removed a reference in the elements of the crime to “one of a number of similar articles and things” because it is just redundant with the preceding language which criminalizes behavior directed at an article or thing in the singular that covers this extra plural language</li> <li>• Provision from Section 76-8-805 dealing with the public release of information placed in section</li> </ul> |

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| 76-8-804. Attempts to commit crimes of sabotage.   | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>  |
| 76-8-805. Conspiracy to commit crimes of sabotage.   | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> <li>• Added cross references to</li> </ul>   |
| 76-8-806. Facts kept secret until complaint filed.   | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Section had a provision that related to sections 802, 803, 804, and 805. This section has been repealed and the provision placed in each of those sections</li> </ul>   |
| 76-8-807. Posting of signs at war or defense facilities -- Entering posted premises without permission.    | <ul style="list-style-type: none"> <li>• New title "Trespassing at a war or defense facility"</li> <li>• Removed jargon not applicable to the elements of the offense</li> </ul>   |
| 76-8-808. Detention and arrest without warrant of unauthorized persons on posted premises.                 | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Provisions of this section placed in Section 76-8-807</li> </ul>  |
| 76-8-809. Closing or restricting use of highways abutting defense or war facilities -- Posting of notices. | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> <li>• Definitions from Section 76-8-801 moved here</li> </ul>  |
| 76-8-810. Violation of order relating to use of highways -- Classification of offense.                     | <ul style="list-style-type: none"> <li>• New title: "Violation of an order closing or restricting a highway"</li> </ul>  |
| 76-8-811. Bargaining rights of employees not impaired by sabotage prevention laws.                         | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>  |
| <b>Part 9: Syndicalism and sabotage (Shad)</b>   |  |
| 76-8-901. "Criminal syndicalism" and "sabotage" defined.   | <ul style="list-style-type: none"> <li>• New title "Definitions"</li> <li>• Removed jargon from Sabotage definition defining who can commit sabotage by just saying "an individual" because the definition as currently read includes any individual not just employees or employers.</li> </ul> |
| 76-8-902. Advocating criminal syndicalism or sabotage.   | <ul style="list-style-type: none"> <li>• Major technical revisions for readability</li> </ul>  |
| 76-8-903. Assembly for advocating criminal syndicalism or sabotage.  | <ul style="list-style-type: none"> <li>• New title: "Assembling for advocating criminal syndicalism or sabotage"</li> <li>• Minor technical revisions</li> </ul>   |

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| 76-8-904. Permitting use of property for assembly advocating criminal syndicalism or sabotage.                                 | <ul style="list-style-type: none"> <li>• New title: “Permitting the use of property for assembly advocating criminal syndicalism or sabotage”</li> <li>• Minor technical revisions</li> </ul>  |
| <b>Part 11: Taxation (Jackie)</b>  |  |
| 76-8-1101. Criminal offenses and penalties relating to revenue and taxation -- Rulemaking authority -- Statute of limitations. | Repealed—this section is identical to provisions already in 59-1-401   |
| <b>Part 12: Public Assistance Fraud (Shad)</b>   |  |
| 76-8-1201. Definitions.  | <ul style="list-style-type: none"> <li>• Minor technical revisions</li> </ul>  |
| 76-8-1202. Application of part.  | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Provisions placed in each section establishing a criminal offense</li> </ul>  |
| 76-8-1203. Disclosure required -- Penalty.   | <ul style="list-style-type: none"> <li>• New title: “Required disclosures by an applicant, a recipient, or a provider of public assistance”</li> <li>• Removed embedded offenses and placed them in new Section 76-8-1203.1 and 76-8-1203.3</li> <li>• Placed provision requiring a provider to disclose certain information to the state from repealed Section 76-8-1204</li> </ul> |
| <b>76-8-1203.1 Public assistance fraud by an applicant for public assistance</b>   | <ul style="list-style-type: none"> <li>• <b>New section</b></li> <li>• Contains embedded criminal offense from Section 76-8-1203 detailing how an individual commits fraud when applying for public assistance</li> </ul>  |
| <b>76-8-1203.3 Public assistance fraud by a recipient of public assistance</b>   | <ul style="list-style-type: none"> <li>• <b>New section</b></li> <li>• Contains embedded criminal offenses from Section 76-8-1203 and -1205 detailing how an individual commits fraud when a recipient of public assistance</li> </ul>   |
| <b>76-8-1203.5 Public assistance fraud by a provider</b>   | <ul style="list-style-type: none"> <li>• <b>New section</b></li> <li>• Contains embedded criminal offense from Section 76-8-1204 and -1205 detailing how a provider of public assistance commits public assistance fraud</li> </ul>  |

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| <b>76-8-1203.7 Fraudulently misappropriating public assistance funds</b>                              | <ul style="list-style-type: none"> <li>• <b>New section</b></li> <li>• Contains embedded criminal offense from Section 76-8-1205 detailing how an individual commits fraud when an administrator of public assistance or entrusted with public assistance</li> </ul>  |
| 76-8-1204. Disclosure by provider required -- Penalty.  | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Moved provider requirements to Section 76-8-1203</li> <li>• Removed embedded offense and placed in new Section 76-8-1203.7.</li> </ul>   |
| 76-8-1205. Public assistance fraud defined.   | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Placed numerous embedded offenses into new sections 76-8-1203.1, -1203.3, 1203.5, and 1203.7</li> </ul>  |
| 76-8-1206. Penalties for public assistance fraud.   | <ul style="list-style-type: none"> <li>• Repealed</li> <li>• Placed penalty provisions and provision detailing how to determine the value of a benefit into new sections 76-8-1203.1, -1203.3, 1203.5, and 1203.7.</li> <li>• Placed provision regarding incidents of trafficking in SNAP benefits into only section 76-8-1203.3 because that is the only section that criminalizes trafficking of SNAP benefits</li> </ul> |
| 76-8-1207. Legal actions -- Evidence -- Value of benefits -- Repayment no defense to criminal action. | <ul style="list-style-type: none"> <li>• New title: "Evidence in criminal actions for public assistance fraud"</li> <li>• Minor technical revisions</li> <li>• Placed repayment not being a defense and provision detailing how to determine value of a benefit into new sections 76-8-1203.1, -1203.3, 1203.5, and 1203.7.</li> </ul>  |
| <b>Part 13: Unemployment Insurance Fraud (Jackie)</b>   |   |
| 76-8-1301: False statements regarding unemployment compensation -- Penalties.                         | <ul style="list-style-type: none"> <li>• New title: "False statement to obtain or increase unemployment compensation."</li> <li>• Removed embedded offenses and put them into their own statutes: 76-8-1302, 76-8-1303, and 76-8-1304</li> <li>• Minor technical changes</li> </ul>   |
| <b>76-8-1302:</b> False statement to prevent or reduce unemployment compensation or liability.        | <ul style="list-style-type: none"> <li>• <b>New statute</b></li> <li>• Previously found in 76-8-1301(2)</li> </ul>  |

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| <b>76-8-1303:</b> Unlawful failure to comply with Employment Security Act requirement.                      | <ul style="list-style-type: none"> <li>• <b>New statute</b></li> <li>• Previously found in 76-8-1301(2) (in addition to offense now found in 76-8-1302) and in 76-8-1301(3)</li> </ul>                |
| <b>76-8-1304.</b> Unlawful use or disclosure of employment information.                                     | <ul style="list-style-type: none"> <li>• <b>New statute</b></li> <li>• Previously found in 76-8-1301(4)</li> <li>• Added definition for “employing unit” from 35A-4-202 to provide clarity</li> </ul> |
| <b>Part 14: Disruption of School Activities (Jackie)</b>  |   |
| 76-8-1401. Definitions.   | Repealed and definitions incorporated into offenses   |
| 76-8-1402. Disruption of activities in or near school building -- Failure to leave -- Reentry -- Penalties. | <ul style="list-style-type: none"> <li>• New title: “Disruption of activity in or near school building.”</li> <li>• Added definitions from 76-8-1401</li> <li>• Minor technical changes</li> </ul>    |
| 76-8-1403. Evading law enforcement by going onto school property -- Penalty -- Restitution.                 | <ul style="list-style-type: none"> <li>• New title: “Unlawful evasion of law enforcement by entering school property.”</li> <li>• Minor technical changes</li> </ul>                                  |