

**CRIMINAL THREAT OR INTERFERENCE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

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**LONG TITLE****General Description:**

This bill concerns criminal offenses conducted against a public servant, party official, or voter.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ modifies the elements and penalties for certain criminal offenses perpetrated against:
  - a public servant, party official, or voter;
  - an immediate family member of the public servant, party official, or voter;
  - an individual who resides in the household of a public servant, party official, or voter; or
  - an individual or entity in whose welfare the public servant, party official, or voter is interested;
- ▶ expands the scope of the offense of a threat against a public servant or party official to apply to a former public servant or party official;
- ▶ clarifies provisions regarding the offense of interference with a public servant's performance of an official function;
- ▶ clarifies the applicability of the separate offense of tampering with a juror;
- ▶ modifies provisions concerning the offense of denial of a public servant's use of public property;
- ▶ consolidates and repeals overlapping provisions concerning threatening elected officials; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

33 None

34 **Utah Code Sections Affected:**

35 AMENDS:

36 **53-10-403**, as last amended by Laws of Utah 2023, Chapters 328, 457

37 **76-3-203.3**, as last amended by Laws of Utah 2023, Chapter 111

38 **76-8-104**, as last amended by Laws of Utah 1991, Chapter 215

39 **76-8-301**, as last amended by Laws of Utah 2020, Chapter 165

40 **76-10-1602**, as last amended by Laws of Utah 2023, Chapters 34, 111, 139, and 330

41 ENACTS:

42 **76-8-301.2**, Utah Code Annotated 1953

43 REPEALS:

44 **76-8-313**, as last amended by Laws of Utah 1996, Chapter 45

45 **76-8-314**, as last amended by Laws of Utah 1996, Chapter 45

46 **76-8-315**, as enacted by Laws of Utah 1983, Chapter 330

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

49 Section 1. Section **53-10-403** is amended to read:

50 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

51 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to  
52 any ~~[person]~~ individual who:

53 (a) has pled guilty to or has been convicted of any of the offenses under Subsection

54 (2)(a) or (b) on or after July 1, 2002;

55 (b) has pled guilty to or has been convicted by any other state or by the United States  
56 government of an offense which if committed in this state would be punishable as one or more  
57 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

58 (c) has been booked on or after January 1, 2011, through December 31, 2014, for any  
59 offense under Subsection (2)(c);

60 (d) has been booked:

61 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13,  
62 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or

63 (ii) on or after January 1, 2015, for any felony offense; or

(e) is a minor under Subsection (3).

(2) Offenses referred to in Subsection (1) are:

(a) any felony or class A misdemeanor under the Utah Code;

(b) any offense under Subsection (2)(a):

(i) for which the court enters a judgment for conviction to a lower degree of offense under Section 76-3-402; or

(ii) regarding which the court allows the defendant to enter a plea in abeyance as defined in Section 77-2a-1; or

(c) (i) any violent felony as defined in Section 53-10-403.5;

(ii) sale or use of body parts, Section 26B-8-315;

(iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;

(iv) operating a motor vehicle with any amount of a controlled substance in an individual's body and causing serious bodily injury or death, as codified before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

(v) a felony violation of enticing a minor, Section 76-4-401;

(vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);

(vii) a felony violation of propelling a substance or object at a correctional officer, a peace officer, or an employee or a volunteer, including health care providers, Section 76-5-102.6;

(viii) negligently operating a vehicle resulting in death, Subsection 76-5-207(2)(b);

(ix) aggravated human trafficking, Section 76-5-310, and aggravated human smuggling, Section 76-5-310.1;

(x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;

(xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;

(xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;

(xiii) sale of a child, Section 76-7-203;

(xiv) aggravated escape, Subsection 76-8-309(2);

(xv) a felony violation [~~of assault on an elected official, Section 76-8-315~~] of threat against a public servant, party official, or voter, Section 76-8-104, if the victim is an elected official;

(xvi) influencing, impeding, or retaliating against a judge or member of the Board of

Pardons and Parole, Section 76-8-316;

(xvii) advocating criminal syndicalism or sabotage, Section 76-8-902;

(xviii) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;

(xix) a felony violation of sexual battery, Section 76-9-702.1;

(xx) a felony violation of lewdness involving a child, Section 76-9-702.5;

(xxi) a felony violation of abuse or desecration of a dead human body, Section

76-9-704;

(xxii) manufacture, possession, sale, or use of a weapon of mass destruction, Section

76-10-402;

(xxiii) manufacture, possession, sale, or use of a hoax weapon of mass destruction,

Section 76-10-403;

(xxiv) possession of a concealed firearm in the commission of a violent felony,

Subsection 76-10-504(4);

(xxv) assault with the intent to commit bus hijacking with a dangerous weapon,

Subsection 76-10-1504(3);

(xxvi) commercial obstruction, Subsection 76-10-2402(2);

(xxvii) a felony violation of failure to register as a sex or kidnap offender, Section

77-41-107;

(xxviii) repeat violation of a protective order, Subsection 77-36-1.1(4); or

(xxix) violation of condition for release after arrest under Section 78B-7-802.

(3) A minor under Subsection (1) is a minor 14 years old or older who is adjudicated by the juvenile court due to the commission of any offense described in Subsection (2), and who:

(a) committed an offense under Subsection (2) within the jurisdiction of the juvenile court on or after July 1, 2002; or

(b) is in the legal custody of the Division of Juvenile Justice and Youth Services on or after July 1, 2002, for an offense under Subsection (2).

Section 2. Section **76-3-203.3** is amended to read:

**76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

As used in this section:

(1) "Primary offense" means those offenses provided in Subsection (4).

(2) (a) ~~[A person]~~ An actor who commits any primary offense with the intent to intimidate or terrorize another ~~[person]~~ individual or with reason to believe that ~~[his]~~ the actor's action would intimidate or terrorize that ~~[person]~~ individual is subject to Subsection (2)(b).

(b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

(ii) a class B misdemeanor primary offense is a class A misdemeanor.

(3) (a) "Intimidate or terrorize" means an act which causes the ~~[person]~~ individual to fear for ~~[his]~~ the individual's physical safety or damages the property of that ~~[person]~~ individual or another individual.

(b) The act must be accompanied with the intent to cause or has the effect of causing ~~a person]~~ an individual to reasonably fear to freely exercise or enjoy any right secured by the Constitution or laws of the state or by the Constitution or laws of the United States.

(4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

(a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107, and 76-5-108;

(b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104, and Subsection 76-6-106(2)(a);

(c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

(d) any misdemeanor theft offense under Section 76-6-412;

(e) any offense of obstructing government operations under Sections 76-8-301, 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, and 76-8-308~~[, and 76-8-313]~~;

(f) any offense of interfering or intending to interfere with activities of colleges and universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

(g) any misdemeanor offense against public order and decency as defined in Title 76, Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

(h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;

(i) any cruelty to animals offense under Section 76-9-301;

(j) any weapons offense under Section 76-10-506; or

(k) a violation of Section 76-9-102, if the violation occurs at an official meeting.

(5) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Constitution or laws

of the state or by the Constitution or laws of the United States.

Section 3. Section **76-8-104** is amended to read:

**76-8-104. Threat against a public servant, party official, or voter to influence or retaliate against an official action or a political action.**

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

(i) "Harm" means a disadvantage to, or a physical, emotional, or economic injury to, an individual or an individual's property, reputation, or business interests.

(ii) "Immediate family member" means a parent, stepparent, spouse, sibling, child, stepchild, grandparent, or grandchild.

(iii) (A) "Party official" means the same as that term is defined in Section 76-8-101.

(B) "Party official" includes an individual who was but no longer is a public servant.

(iv) (A) "Public servant" means the same as that term is defined in Section 76-1-101.5.

(B) "Public servant" includes an individual who was but no longer is a public servant.

(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) ~~[A person is guilty of a class A misdemeanor if he threatens any harm to a public servant, party official, or voter with a purpose of influencing his action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion.]~~ An actor commits threat to influence or retaliate against an official action or a political action if:

(a) the actor threatens harm to:

(i) a public servant, party official, or voter;

(ii) an immediate family member of a public servant, party official, or voter;

(iii) an individual who resides in the household of a public servant, party official, or voter; or

(iv) an individual or entity in whose welfare a public servant, party official, or voter is interested; and

(b) the actor's threat described in Subsection (2)(a) is for the purpose of influencing or retaliating against:

(i) the public servant's or party official's action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion made in the public servant's or party official's capacity as a public servant or party official; or

(ii) the voter's vote or other action in relation to voting.

(3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor's conduct:

(i) includes an attempt to inflict bodily injury; or

(ii) results in bodily injury.

(4) This section does not apply to an actor who engages in conduct that constitutes a violation of this section to the extent that the actor is chargeable, for the same conduct, under Section 76-8-508.5, tampering with juror.

~~[(2) As used in this section:]~~

~~[(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.]~~

~~[(b) "Public servant" does not include jurors.]~~

Section 4. Section **76-8-301** is amended to read:

**76-8-301. Interference with a public servant's performance of an official function.**

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) ~~[An individual is guilty of]~~ An actor commits interference with a public ~~[servant]~~ servant's performance of an official function if the ~~[individual]~~ actor:

(a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or

(b) obstructs, hinders, conceals, or prevents the lawful service of any civil or criminal legal process~~[-civil or criminal, by any]~~ by a sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process~~[-or]~~.

~~[(c) on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful:]~~

~~[(i) freedom of movement;]~~

~~[(ii) use of the property or facilities; or]~~

~~[(iii) entry into or exit from the facilities.]~~

~~[(2) Interference with a public servant.]~~

~~[(a) under Subsection (1)(a) or (b) is a class B misdemeanor; and]~~

~~[(b) under Subsection (1)(c) is a class C misdemeanor.]~~

~~(3) [For purposes of this section, "public servant" does not include jurors.]~~

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.

(b) A violation of Subsection (2) is a third degree felony if the actor's conduct:

(i) includes an attempt to inflict bodily injury; or

(ii) results in bodily injury.

(4) This section does not apply to an actor who engages in conduct that constitutes a violation of this section to the extent that the actor is chargeable, for the same conduct, under Section 76-8-508.5, tampering with juror.

Section 5. Section **76-8-301.2** is enacted to read:

**76-8-301.2. Denial of public servant's use of public property.**

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits denial of public servant's use of public property if the actor, while on public property, willfully denies to a public servant lawful:

(a) freedom of movement;

(b) use of the property or facility; or

(c) entry into or exit from the facility.

(3) A violation of Subsection (2) is a class C misdemeanor.

(4) This section does not apply to an actor who engages in conduct that constitutes a violation of this section to the extent that the actor is chargeable, for the same conduct, under Section 76-5-304, unlawful detention and unlawful detention of a minor.

Section 6. Section **76-10-1602** is amended to read:

**76-10-1602. Definitions.**

As used in this part:

(1) "Enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities.

(2) "Pattern of unlawful activity" means engaging in conduct which constitutes the



commission of at least three episodes of unlawful activity, which episodes are not isolated, but have the same or similar purposes, results, participants, victims, or methods of commission, or otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall demonstrate continuing unlawful conduct and be related either to each other or to the enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful activity as defined by this part shall have occurred within five years of the commission of the next preceding act alleged as part of the pattern.

(3) "Person" includes any individual or entity capable of holding a legal or beneficial interest in property, including state, county, and local governmental entities.

(4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command, encourage, or intentionally aid another person to engage in conduct which would constitute any offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act which would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor or a felony:

(a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized Recording Practices Act;

(b) any act prohibited by the criminal provisions of Title 19, Environmental Quality Code, Sections 19-1-101 through 19-7-109;

(c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose of sale, trade, or other pecuniary gain, in violation of Title 23A, Wildlife Resources Act, or Section 23A-5-311;

(d) false claims for medical benefits, kickbacks, and any other act prohibited by Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

(e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal Offenses and Procedure Act;

(f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;

(g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,

281 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
282 Clandestine Drug Lab Act;  
283 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform  
284 Securities Act;  
285 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah  
286 Procurement Code;  
287 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;  
288 (k) a threat of terrorism, Section 76-5-107.3;  
289 (l) a criminal homicide offense, as described in Section 76-5-201;  
290 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;  
291 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated  
292 human trafficking, Sections 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-309, and  
293 76-5-310;  
294 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,  
295 Sections 76-5b-201 and 76-5b-201.1;  
296 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;  
297 (q) causing a catastrophe, Section 76-6-105;  
298 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;  
299 (s) burglary of a vehicle, Section 76-6-204;  
300 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;  
301 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;  
302 (v) theft, Section 76-6-404;  
303 (w) theft by deception, Section 76-6-405;  
304 (x) theft by extortion, Section 76-6-406;  
305 (y) receiving stolen property, Section 76-6-408;  
306 (z) theft of services, Section 76-6-409;  
307 (aa) forgery, Section 76-6-501;  
308 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3,, and 76-6-506.6;  
309 (cc) deceptive business practices, Section 76-6-507;  
310 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or  
311 criticism of goods, Section 76-6-508;

- 312 (ee) bribery of a labor official, Section 76-6-509;
- 313 (ff) defrauding creditors, Section 76-6-511;
- 314 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 315 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 316 (ii) bribery or threat to influence contest, Section 76-6-514;
- 317 (jj) making a false credit report, Section 76-6-517;
- 318 (kk) criminal simulation, Section 76-6-518;
- 319 (ll) criminal usury, Section 76-6-520;
- 320 (mm) insurance fraud, Section 76-6-521;
- 321 (nn) retail theft, Section 76-6-602;
- 322 (oo) computer crimes, Section 76-6-703;
- 323 (pp) identity fraud, Section 76-6-1102;
- 324 (qq) mortgage fraud, Section 76-6-1203;
- 325 (rr) sale of a child, Section 76-7-203;
- 326 (ss) bribery to influence official or political actions, Section 76-8-103;
- 327 (tt) ~~[threats]~~ threat against a public servant, party official, or voter to influence or
- 328 retaliate against an official action or a political action, Section 76-8-104;
- 329 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
- 330 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 331 76-8-106;
- 332 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 333 (xx) obstruction of justice, Section 76-8-306;
- 334 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 335 (zz) false or inconsistent material statements, Section 76-8-502;
- 336 (aaa) false or inconsistent statements, Section 76-8-503;
- 337 (bbb) written false statements, Section 76-8-504;
- 338 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 339 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 340 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 341 (fff) tampering with evidence, Section 76-8-510.5;
- 342 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is

343 a record described in Title 20A, Election Code, or Title 36, Chapter 11, Lobbyist Disclosure  
344 and Regulation Act;

345 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or  
346 76-8-1205;

347 (iii) unemployment insurance fraud, Section 76-8-1301;

348 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection  
349 76-9-301(2)(d) or (e), or Section 76-9-301.1;

350 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or  
351 parts, Section 76-10-306;

352 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary  
353 device, Section 76-10-307;

354 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;

355 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;

356 (ooo) alteration of number or mark on pistol or revolver, Section 76-10-522;

357 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section  
358 76-10-1002;

359 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,  
360 Section 76-10-1003;

361 (rrr) sales in containers bearing registered trademark of substituted articles, Section  
362 76-10-1004;

363 (sss) selling or dealing with article bearing registered trademark or service mark with  
364 intent to defraud, Section 76-10-1006;

365 (ttt) gambling, Section 76-10-1102;

366 (uuu) gambling fraud, Section 76-10-1103;

367 (vvv) gambling promotion, Section 76-10-1104;

368 (www) possessing a gambling device or record, Section 76-10-1105;

369 (xxx) confidence game, Section 76-10-1109;

370 (yyy) distributing pornographic material, Section 76-10-1204;

371 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;

372 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;

373 (bbbb) distribution of pornographic films, Section 76-10-1222;

374 (cccc) indecent public displays, Section 76-10-1228;  
375 (dddd) prostitution, Section 76-10-1302;  
376 (eeee) aiding prostitution, Section 76-10-1304;  
377 (ffff) exploiting prostitution, Section 76-10-1305;  
378 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;  
379 (hhhh) communications fraud, Section 76-10-1801;  
380 (iiii) any act prohibited by the criminal provisions of Part 19, Money Laundering and  
381 Currency Transaction Reporting Act;  
382 (jjjj) vehicle compartment for contraband, Section 76-10-2801;  
383 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in  
384 this state; and  
385 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.  
386 Sec. 1961(1)(B), (C), and (D).  
387 Section 7. **Repealer.**  
388 This bill repeals:  
389 Section **76-8-313, Threatening elected officials -- Assault.**  
390 Section **76-8-314, Threatening elected officials -- "Elected official" defined.**  
391 Section **76-8-315, Threatening elected officials -- Penalties for assault.**  
392 Section 8. **Effective date.**  
393 This bill takes effect on May 1, 2024.