

Organized Crime Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor:

LONG TITLE**General Description:**

This bill addresses changes related to organized crime.

Highlighted Provisions:

This bill:

- increases penalties for an individual who acts to increase a minor's involvement in gang-related activity in certain circumstances;
- creates criminal penalties for conduct related to organized criminal activity in certain circumstances; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-9-802, as last amended by Laws of Utah 2024, Chapter 96

76-9-803, as enacted by Laws of Utah 2008, Chapter 15

ENACTS:

76-9-803.1, Utah Code Annotated 1953

76-9-803.2, Utah Code Annotated 1953

76-9-803.3, Utah Code Annotated 1953

76-10-3301, Utah Code Annotated 1953

76-10-3302, Utah Code Annotated 1953

76-10-3303, Utah Code Annotated 1953

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

Section 1. Section **76-9-802** is amended to read:

Part 8. Criminal Gang Related Offenses

76-9-802 . Definitions.

As used in this part:

- (1) "Criminal street gang" means an organization, association in fact, or group of three or more ~~[persons]~~ individuals, whether operated formally or informally:
 - (a) that is currently in operation;
 - (b) that has as one of [its] the organization's, association's, or group's primary activities the commission of one or more predicate gang crimes;
 - (c) that has, as a group, an identifying name or identifying sign or symbol, or both; and
 - (d) whose members, acting individually or in concert with other members, engage in or have engaged in a pattern of criminal gang activity.
- (2) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of harm for the purpose of causing an individual to act or refrain from acting.
- (3) "Minor" means ~~[a person]~~ an individual younger than 18 years old.
- (4) "Pattern of criminal gang activity" means:
 - (a) committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more predicate gang crimes within five years;
 - (b) the predicate gang crimes are:
 - (i) committed by two or more ~~[persons]~~ individuals; or
 - (ii) committed by an individual at the direction of, or in association with, a criminal street gang; and
 - (c) the criminal activity was committed with the specific intent to promote, further, or assist in any criminal conduct by members of the criminal street gang.
- (5)~~[(a)]~~ "Predicate gang crime" means ~~[any of the following offenses:]~~ an offense listed as a predicate offense or a violent predicate offense under Section 76-10-3301.
 - ~~[(i) Title 41, Chapter 1a, Motor Vehicle Act:]~~
 - ~~[(A) Section 41-1a-1313, regarding possession of a motor vehicle without an identification number;]~~
 - ~~[(B) Section 41-1a-1315, regarding false evidence of title and registration;]~~
 - ~~[(C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;]~~
 - ~~[(D) Section 41-1a-1317, regarding selling or buying a motor vehicle without an identification number; or]~~
 - ~~[(E) Section 41-1a-1318, regarding the fraudulent alteration of an identification number;]~~
 - ~~[(ii) any criminal violation of the following provisions:]~~
 - ~~[(A) Title 58, Chapter 37, Utah Controlled Substances Act;]~~

- [~~(B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;~~]
[~~(C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or~~]
[~~(D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;~~]
[~~(iii) Sections 76-5-102 through 76-5-103.5, which address assault offenses;~~]
[~~(iv) Title 76, Chapter 5, Part 2, Criminal Homicide;~~]
[~~(v) Sections 76-5-301 through 76-5-304, which address kidnapping and related offenses;~~]
[~~(vi) a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;~~]
[~~(vii) Title 76, Chapter 6, Part 1, Property Destruction;~~]
[~~(viii) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;~~]
[~~(ix) Title 76, Chapter 6, Part 3, Robbery;~~]
[~~(x) a felony offense under Title 76, Chapter 6, Part 4, Theft, or under Title 76, Chapter 6, Part 6, Retail Theft, except Sections 76-6-404.5, 76-6-405, 76-6-407, 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3, 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, 76-6-410, and 76-6-410.5;~~]
[~~(xi) Title 76, Chapter 6, Part 5, Fraud, except Sections 76-6-504, 76-6-505, 76-6-507, 76-6-508, 76-6-509, 76-6-510, 76-6-511, 76-6-512, 76-6-513, 76-6-514, 76-6-516, 76-6-517, 76-6-518, and 76-6-520;~~]
[~~(xii) Title 76, Chapter 6, Part 11, Identity Fraud Act;~~]
[~~(xiii) Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303, 76-8-307, 76-8-308, and 76-8-312;~~]
[~~(xiv) tampering with a witness under Section 76-8-508;~~]
[~~(xv) retaliation against a witness, victim, or informant under Section 76-8-509.3;~~]
[~~(xvi) receiving or soliciting a bribe as a witness under Section 76-8-508.7;~~]
[~~(xvii) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;~~]
[~~(xviii) a misdemeanor violation of disorderly conduct under Section 76-9-102, if the violation occurs at an official meeting;~~]
[~~(xix) Title 76, Chapter 10, Part 3, Explosives;~~]
[~~(xx) Title 76, Chapter 10, Part 5, Weapons;~~]
[~~(xxi) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;~~]
[~~(xxii) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;~~]
[~~(xxiii) communications fraud under Section 76-10-1801;~~]
[~~(xxiv) Title 76, Chapter 10, Part 19, Money Laundering and Currency Transaction Reporting Act; or~~]

~~[(xxv) burglary of a research facility under Section 76-10-2002.]~~

~~[(b) "Predicate gang crime" also includes:]~~

~~[(i) any state or federal criminal offense that by its nature involves a substantial risk that physical force may be used against another in the course of committing the offense; and]~~

~~[(ii) any felony violation of a criminal statute of any other state, the United States, or any district, possession, or territory of the United States which would constitute a violation of any offense in Subsection (4)(a) if committed in this state.]~~

Section 2. Section **76-9-803** is amended to read:

76-9-803 . Soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang.

~~[(1) It is a class B misdemeanor to:]~~

~~[(a) solicit, recruit, entice, or intimidate a minor to join a criminal street gang, whether or not the minor actually joins the criminal street gang;]~~

~~[(b) conspire to commit any act under Subsection (1)(a) with the intent to cause a minor to join a criminal street gang; or]~~

~~[(c) use intimidation to prevent or attempt to prevent a minor from leaving a criminal street gang or ending the minor's affiliation with a criminal street gang.]~~

~~[(2) It is a class A misdemeanor for any person who is a member of or actively involved with a criminal street gang to:]~~

~~[(a) intimidate or otherwise cause a minor to commit or attempt to commit any misdemeanor criminal offense; or]~~

~~[(b) commit a violation of Subsection (1)(a):]~~

~~[(i) more than once;]~~

~~[(ii) regarding the same minor; and]~~

~~[(iii) within a period of 180 days.]~~

~~[(3) Prosecution for any offense under this section does not prohibit prosecution for any other criminal offense.]~~

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

(2) An actor commits soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang if the actor:

(a) solicits, recruits, entices, or intimidates a minor to join a criminal street gang; or

(b) conspires to commit an act described in Subsection (2)(a) with the intent to cause a minor to join a criminal street gang.

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

(b) A violation of Subsection (2) is a third degree felony if the actor is 18 years old or older.

(4) It is not a defense to a prosecution under Subsection (2)(a) that the minor did not join the criminal street gang.

Section 3. Section **76-9-803.1** is enacted to read:

76-9-803.1 . Aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang.

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

(2) An actor commits aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang if, in the course of committing an offense under Section 76-9-803, the offense:

(a) involves the use of a dangerous weapon;

(b) results in serious bodily injury to any individual; or

(c) results in serious emotional distress to any individual.

(3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony if the actor is a minor.

(b) A violation of Subsection (2) is a second degree felony if the actor is 18 years old or older.

(4) It is not a defense to a prosecution under Subsection (2)(a) that the minor did not join the criminal street gang.

Section 4. Section **76-9-803.2** is enacted to read:

76-9-803.2 . Intimidating a minor to remain in a criminal street gang.

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

(2) An actor commits intimidating a minor to remain in a criminal street gang if the actor intimidates a minor to prevent the minor from leaving a criminal street gang or ending the minor's affiliation with a criminal street gang.

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

(b) A violation of Subsection (2) is a third degree felony if the actor is 18 years old or older.

(4) It is not a defense to a prosecution under this section that the minor described in Subsection (2) left or ended the minor's affiliation with a criminal street gang.

Section 5. Section **76-9-803.3** is enacted to read:

76-9-803.3 . Aggravated intimidating a minor to remain in a criminal street gang.

- (1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
- (2) An actor commits aggravated intimidating a minor to remain in a criminal street gang if, in the course of committing an offense under Section 76-9-803.2, the offense:
- (a) involves the use of a dangerous weapon;
- (b) results in serious bodily injury to any individual; or
- (c) results in serious emotion distress to any individual.
- (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony if the actor is a minor.
- (b) A violation of Subsection (2) is a second degree felony if the actor is 18 years old or older.
- (4) It is not a defense to a prosecution under this section that the minor described in Subsection (2) left or ended the minor's affiliation with a criminal street gang.

Section 6. Section **76-10-3301** is enacted to read:

Part 33. Offenses Related to Organized Crime

76-10-3301 . Definitions.

As used in this part:

- (1) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- (2) "Documented member of a criminal street gang" means an individual:
- (a) that has admitted at any point to any individual to being a member of a criminal street gang; or
- (b) that, regardless of whether the individual is in custody, meets two or more of the following criteria:
- (i) the individual has been arrested for the commission of an offense alongside a documented member of a criminal street gang;
- (ii) the individual has been identified as member of a criminal street gang through the use of a reliable confidential informant, parent or guardian of the individual, or a documented member of a criminal street gang;
- (iii) the individual has identifiable tattoos associated with a criminal street gang;
- (iv) the individual wears clothing that is associated with a criminal street gang through either the manner in which the clothing is worn or the specific characteristic of the clothing;

(v) the individual engages in hand signs or uses speech and specific language that is typically associated with a criminal street gang;

(vi) the individual was found in the company of documented members of a criminal street gang three or more times and the individual's participation with the documented members of the street gang is more than nominal, passive, inactive, or purely technical;

(vii) the individual has a known moniker that does not match the individual's legal name that other individuals or criminal street gang members identify the individual with; or

(viii) the individual has been identified through other evidence including photographs, writings, recordings, documents, graffiti, or social and electronic media, that shows that the individual is associating with documented members of a criminal street gang.

(3)(a) "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.

(b) "Enterprise" includes illicit entities as well as licit entities.

(4) "Minor" means an individual younger than 18 years old.

(5)(a) "Predicate offense" means one of the following offenses:

(i) possessing a motor vehicle, trailer, semitrailer, or parts without identification number as described in Section 41-1a-1313.;

(ii) false evidences of title and registration as described in Section 41-1a-1315;

(iii) receiving or transferring stolen motor vehicle, trailer, or semitrailer as described in Section 41-1a-1316;

(iv) selling or buying without identification numbers as described in Section 41-1a-1317;

(v) fraudulent alteration of identification number as described in Section 41-1a-1318;

(vi) a criminal offense described in Title 58, Chapter 37, Utah Controlled Substances Act;

(vii) a criminal offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

(viii) a criminal offense described in Title 58, Chapter 37b, Imitation Controlled Substances Act;

(ix) a criminal offense described in Title 58, Chapter 37c, Utah Controlled Substance

235 Precursor Act;

236 (x) criminal solicitation of a minor as described in Section 76-4-205;

237 (xi) contributing to the delinquency of a minor as described in Section 76-4-206;

238 (xii) assault as described in Section 76-5-102;

239 (xiii) assault against peace officer or a military service member in uniform as

240 described in Section 76-5-102.4;

241 (xiv) assault or threat of violence against health care provider, emergency medical

242 service worker, or health facility employee, owner, or contractor as described in

243 Section 76-5-102.7;

244 (xv) human trafficking for labor as described in Section 76-5-308;

245 (xvi) human trafficking for sexual exploitation as described in Section 76-5-308.1;

246 (xvii) human smuggling as described in Section 76-5-308.3;

247 (xviii) a second or third degree violation of benefiting from trafficking and human

248 smuggling as described in Section 76-5-309;

249 (xix) an offense described in Chapter 6, Part 1, Property Destruction, not including

250 Section 76-6-102, 76-6-103, 76-6-105, or 76-6-106;

251 (xx) an offense described in Chapter 6, Part 2, Burglary and Criminal Trespass, not

252 including Section 76-6-202 or 76-6-203;

253 (xxi) a felony violation of theft as described in Section 76-6-404;

254 (xxii) a felony violation of theft of motor vehicle fuel as described in Section

255 76-6-404.7;

256 (xxiii) a felony violation of theft by deception as described in Section 76-6-405;

257 (xxiv) a felony violation of theft resulting in economic interruption as described in

258 Section 76-6-414;

259 (xxv) an offense described in Chapter 6, Part 5, Fraud;

260 (xxvi) a felony violation of an offense described in Chapter 6, Part 6, Retail Theft;

261 (xxvii) a felony violation of Unlawful use of technology to defraud as described in

262 Section 76-6-703.3;

263 (xxviii) interference or interruption of critical infrastructure as described in Section

264 76-6-703.5;

265 (xxix) conducting pyramid scheme as described in Section 76-6a-102;

266 (xxx) an offense described in Chapter 6, Part 11, Identity Fraud Act;

267 (xxxi) an offense described in Chapter 8, Part 3, Obstructing Governmental

268 Operations, not including Section 76-8-302, 76-8-303, 76-8-307, 76-8-308, or

- 76-8-312;
- (xxxii) an offense described in Chapter 8, Part 5, Falsification in Official Matters, not including Section 76-8-508, 76-8-508.4, or 76-8-508.5;
- (xxxiii) a misdemeanor violation of disorderly conduct as described in Section 76-9-102, if the violation occurs at an official meeting;
- (xxxiv) an offense described in Chapter 9, Part 3, Cruelty to Animals;
- (xxxv) an offense described in Chapter 9, Part 8, Criminal Street Gang Penalties;
- (xxxvi) an offense described in Chapter 9, Part 9, Prohibition of Gang Activity;
- (xxxvii) an offense described in Chapter 10, Part 4, Weapons of Mass Destruction;
- (xxxviii) an offense described in Chapter 10, Part 5, Weapons
- (xxxix) an offense described in Chapter 10, Part 7, Corporation Frauds;
- (xl) an offense described in Chapter 10, Part 10, Trademarks, Trade Names, and Devices;
- (xli) gambling fraud as described in Section 76-10-1103;
- (xlii) possessing a gambling device or record as described in Section 76-10-1105;
- (xliii) fringe gaming devices as described in Section 76-10-1110;
- (xliv) a felony violation of aiding prostitution as described in Section 76-10-1305;
- (xlv) exploiting prostitution as described in Section 76-10-1305;
- (xlvi) an offense described in Chapter 10, Part 16, Pattern of Unlawful Activity Act;
- (xlvii) communications fraud as described in Section 76-10-1801;
- (xlviii) an offense described in Chapter 10, Part 19, Money Laundering and Currency Transaction Reporting Act;
- (xlix) burglary of a research facility as described in Section 76-10-2002;
- (l) commercial obstruction as described in Section 76-10-2402; or
- (li) transporting or harboring aliens as described in Section 76-10-2901.
- (b) "Predicate offense" includes:
- (i) a violation of a criminal statute of another state, the United States, or a district, possession, or territory of the United States which would constitute a violation of an offense described in Subsection (4)(a) if committed in this state; and
- (ii) a state or United States criminal offense that by the offense's nature involves a substantial risk that physical force may be used against another individual in the course of committing the offense.
- (6) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- (7)(a) "Violent predicate offense" means one of the following offenses:

- (i) a violent felony;
(ii) human trafficking of a child as described in Section 76-5-308.5;
(iii) a first degree violation of benefiting from trafficking and human smuggling as described in Section 76-5-309;
(iv) aggravated human trafficking as described in Section 76-5-310;
(v) aggravated human smuggling as described in Section 76-5-310.1;
(vi) human trafficking of a vulnerable adult as described in Section 76-5-311;
(vii) a felony violation of threats against schools as described in Section 76-5-107.1;
or
(viii) aggravated exploitation of prostitution as described in 76-10-1306.
- (b) "Violent predicate offense" includes a violation of a criminal statute of another state, the United States, or a district, possession, or territory of the United States which would constitute a violation of an offense described in Subsection (6)(a) if committed in this state.

Section 7. Section **76-10-3302** is enacted to read:

76-10-3302 . Organized criminal activity.

- (1) Terms defined in Sections 76-1-101.5 and 76-10-3301 apply to this section.
- (2) An actor commits organized criminal activity if:
- (a) the actor intentionally or knowingly commits or attempts to commit a predicate offense; and
- (b) the actor intends to commit or attempt to commit the predicate offense:
- (i) for the benefit of, at the direction of, or in association with a criminal street gang, an enterprise, or other organized criminal group whose main purpose is to commit and benefit from criminal activity; or
- (ii) to gain recognition, acceptance, membership, or increased status with a criminal street gang, an enterprise or other organized criminal group whose main purpose is to commit and benefit from criminal activity.
- (3) A violation of Subsection (2) is a third degree felony.
- (4)(a) A predicate offense committed or attempted to be committed by the actor does not merge with the crime of organized criminal activity under this section.
- (b) An actor who is convicted of organized criminal activity under this section may also be convicted of, and punished for, a committed or attempted to be committed predicate offense described in Subsection (2).

Section 8. Section **76-10-3303** is enacted to read:

76-10-3303 . Aggravated organized criminal activity.

(1) Terms defined in Sections 76-1-101.5 and 76-10-3301 apply to this section.

(2) An actor commits aggravated organized criminal activity if:

(a) the actor intentionally or knowingly commits a violent predicate offense; and

(b) the actor intends to commit the violent predicate offense:

(i) for the benefit of, at the direction of, or in association with a criminal street gang,

an enterprise, or other organized group whose main purpose is to commit and

benefit from criminal activity; or

(ii) to gain recognition, acceptance, membership, or increased status with a criminal

street gang, an enterprise, or other organized criminal group whose main purpose

is to commit and benefit from criminal activity.

(3) A violation of subsection (2) is a second degree felony.

(4)(a) A violent predicate offense committed, or attempted to be committed, by the

actor described in Subsection (2) does not merge with the crime of aggravated

organized criminal activity under this section.

(b) An actor who is convicted of aggravated organized criminal activity under this

section may also be convicted of, and punished for, the committed or attempted to be

committed violent predicate offense described in Subsection (2).

Section 9. Effective date.

This bill takes effect on May 7, 2025.

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