

TITLE 76, CHAPTERS 6 and 6a REORGANIZATION AND SUBSTANTIAL RECODIFICATION CHANGES

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2023 General Session: The following changes to Title 76, Chapters 6 and 6a are 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. In addition, noteworthy amendments to statutes outside of Title 76, Chapters 6 and 6a are included in a separate chart below, including several revisions to statutes from the Criminal Code Recodification in the 2022 General Session. Practitioners and the public should rely on the final language codified in adopted legislation rather than notes in these documents.

Reference	Change/No Change	Comments
Part 1: Property Destruction		
76-6-101. Definitions	Changed “chapter” to “part”; added definitions; minor technical changes	
76-6-102. Arson	Minor technical changes and renumbering	
76-6-103. Aggravated arson	Minor technical changes	
76-6-104. Reckless burning.	Minor technical changes	
76-6-104.5 Abandonment of a fire	Minor technical changes and renumbering Modified boldface	
76-6-105. Causing a catastrophe – Penalties.		

76-6-106. Criminal mischief.	Divided into two statutes	
76-6-106.1. Property damage or destruction.	Created from statute on criminal mischief	This offense covers property damage or destruction with the intent to defraud an insurer
76-6-107. Defacement by graffiti – Penalties – Removal costs – Reimbursement liability – Victim liability.	Moved definitions of “etching” and “graffiti” to general definitions; created the crime of “defacement by graffiti”; changed boldface to reflect new crime	After moving the definition of “graffiti” and renaming the crime itself, shortened the crime to include the definition by reference.
76-6-107.1. Compensatory service – Graffiti penalties	Renumbered to 76-3-410	Moved to other penalties.
76-6-107.5. [Vandalism of] Defacing by graffiti on public lands.	Change boldface to more accurately reflect the crime	
76-6-108. Damage to or interruption of a communication device -- Penalty	Minor technical changes and renumbering	
76-6-109. Offenses committed against timber, mining, or agricultural industries – Enhanced penalties.	Renumbered to 76-3-203.15	Moved to chapter with other penalty enhancements
76-6-110. Offenses committed against animal enterprises – Definitions – Enhanced penalties.	Renumbered to 76-3-203.16	Moved to chapter with other penalty enhancements
76-6-111. Wanton destruction of livestock – Penalties – Restitution criteria – Seizure and disposition of property.	Minor technical changes and renumbering	
76-6-112. Agricultural operation interference – Penalties.	Minor technical changes and renumbering	

Part 2: Burglary and Criminal Trespass		
76-6-202. Burglary.	Minor technical changes.	
76-6-203. Aggravated burglary.	Minor technical changes.	
76-6-204 Burglary of a vehicle – Charge of other offense.	Minor technical changes.	
76-6-204.5 Burglary of a railroad car – Charge of other offenses.	Minor technical changes.	
76-6-205 Manufacture or possession of instrument for burglary or theft.	Codified name of offense as “manufacture or possession of an instrument for burglary or theft” and minor technical changes.	
76-6-206. Criminal trespass.	Minor technical changes.	
76-6-206.1 Criminal trespass of abandoned or inactive mines -- Penalty.	Minor technical changes.	
76-6-206.2 Criminal trespass on state park lands -- Penalties.	Minor technical changes.	
76-6-206.3. Criminal trespass on agricultural land or range land.	Modified to include only one offense.	Moved Subsection (3) offense of cutting, destroying, or rendering ineffective fencing of agricultural or range land previously located in this section to new 76-6-206.5
76-6-206.4 Criminal trespass by long-term guest to a residence.	Minor technical changes.	
76-6-206.5. Cutting, destroying, or rendering ineffective fencing of agricultural or range land.	New section created from Subsection 76-6-206.3(3).	This offense was previously combined with criminal trespass on agricultural land or range land in Section 76-6-206.3. Definitions that applied to both were cross-referenced in new section. Modified statutory damages provision applicable to new offense
Part 3: Robbery		
76-6-301. Robbery.	Minor technical changes.	

76-6-302. Aggravated robbery.	Minor technical changes	
Part 4: Theft		
76-6-404. Theft -- Elements.	<ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
76-6-404.5. Wrongful appropriation-- Penalties. [New title—"Unauthorized possession of property"]	<ul style="list-style-type: none"> • Renamed offense Minor technical changes • Inserted and amended to lower by one degree applicable contents of penalty statute taken from repealed 76-6-412 	Name of offense changed to "Unauthorized possession of property" to give better notice of offense
76-6-404.7. Theft of motor vehicle fuel.	<ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
76-6-405. Theft by deception.	<ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
76-6-406. Theft by extortion	<ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
76-6-407. Theft of lost, mislaid, or mistakenly delivered property.	<ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense 	

	<ul style="list-style-type: none"> • Minor technical changes 	
<p>76-6-408. Receiving stolen property -- Duties of pawnbrokers, secondhand businesses, coin dealers, and catalytic converter purchasers. [new title: add “Theft by” before “receiving stolen property”]</p>	<ul style="list-style-type: none"> • Revised title of offense to “theft by receiving” • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
<p>76-6-409. Theft of services. (new name: theft of service)</p>	<ul style="list-style-type: none"> • Removed “telephone service” from Subsection (1)(a)(i)(A) because “telephone service” is defined more narrowly in Subsection (1)(a)(i)(C), which created an internal contradiction • Minor technical changes, including revising language in Subsection (2)(b) to improve clarity • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense 	
<p>76-6-409.1. Devices for theft of services -- Seizure and destruction -- Civil actions for damages. [new title: Unlawful device for theft of service -- Seizure and destruction -- Civil actions for damages.]</p>	<ul style="list-style-type: none"> • Created name for offense • Revised title • Clarified that “information” was grouped with “plan” and “instruction” and not “instrument, apparatus, equipment, or device” (it was in both categories originally, which created internal contradictions) • Minor technical changes 	

<p>76-6-409.3. Theft of utility or cable television services -- Restitution -- Civil action for damages. [new title: "service" instead of "services"]</p>	<ul style="list-style-type: none"> • Replaced "part-owner" with "partial owner" in definition of "owner" • Minor technical changes • Kept definition of "person" in statute because it deviates from title definition of "person" • Inserted applicable contents of penalty statute taken from repealed 76-6-412 for cable service and modified to specifically apply to offense 	
<p>76-6-409.6. Use of telecommunication device to avoid lawful charge for service -- Penalty. [new title: remove "penalty"]</p>	<ul style="list-style-type: none"> • Revised title • Minor technical changes • Added reference to civil and restitution provisions in 76-6-409.10 • Added reference to definitions in 76-6-409.5 	
<p>76-6-409.7. Possession of any unlawful telecommunication device -- Penalty. [new title: Possession of unlawful telecommunication device]</p>	<ul style="list-style-type: none"> • Revised title • Minor technical changes • Added reference to civil and restitution provisions in 76-6-409.10 • Added reference to definitions in 76-6-409.5 	
<p>76-6-409.8. Sale of an unlawful telecommunication device -- Penalty. [new title: remove "penalty"]</p>	<ul style="list-style-type: none"> • Revised title • Minor technical changes • Added reference to civil and restitution provisions in 76-6-409.10 • Added reference to definitions in 76-6-409.5 	

<p>76-6-409.9. Manufacture of an unlawful telecommunication device -- Penalty. [new title: remove "penalty"]</p>	<ul style="list-style-type: none"> • Revised title • Minor technical changes • Added reference to civil and restitution provisions in 76-6-409.10 • Added reference to definitions in 76-6-409.5 	
<p>76-6-409.10. Payment of restitution -- Civil action -- Other remedies retained.</p>	<ul style="list-style-type: none"> • Not an offense statute but included for clean-up • Added reference to definitions in 76-6-409.5 • Added references to offense sections covered by statute 	
<p>76-6-410. Theft by person having custody of property pursuant to repair or rental agreement. [new title: Theft by custodian of property pursuant to repair or rental agreement]</p>	<ul style="list-style-type: none"> • Revised title and name of offense • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense • Minor technical changes 	
<p>76-6-410.5. Theft of a rental vehicle.</p>	<ul style="list-style-type: none"> • Inserted applicable penalty from repealed 76-6-412 • Minor technical changes 	
<p>76-6-412 Theft -- Classification of offenses -- Action for treble damages.</p>	<ul style="list-style-type: none"> • Repealed; provisions that were in statute now placed into relevant statutes • Affected statutes include Sections 26-20-9, 31A-23a-409, 31A-36-118, 41-1a-1314, 58-9-607, 58-9-613, 58-55-503, 63M-7-404, 76-3-203.3, 76-6-404, 76-6-404.5, 76-6-404.7, 76-6-405, 76-6-406, 76-6-407, 76-6-408, 	

	<p>76-6-409, 76-6-409.3, 76-6-410, 76-6-513, 76-6-606, 76-6-805, 76-10-1508, 78B-3-108</p> <ul style="list-style-type: none"> • Relevant notes on these statutes are contained in this chart (within Title 76, Part 6) or in the separate chart below (outside of Title 76, Part 6) 	
76-6-412.1. Civil remedy for animal theft.	<ul style="list-style-type: none"> • Moved civil remedy from repealed 76-6-412(2) to new stand-alone statute 	
76-6-413. Release of fur-bearing animals – Penalty -- Finding. [new title: Release of fur-bearing animal – Finding]	<ul style="list-style-type: none"> • Redrafted penalty section to clarify penalties from repealed 76-6-412(1) • Added reference to civil remedies that were in repealed 76-6-412(2) • Revised title • Minor technical changes 	
Part 5: Fraud		
76-6-501 Forgery and producing false identification – Elements of offense -- Definitions	Changed definitions to apply to this section, not the entire part. Moved offense in Subsection (4) to stand-alone section.	Although the code said that the definitions in this section applied to the entire “part,” the defined terms only appeared in this section. Definitions now apply to this section and the new 76-6-501.5, which previously was incorporated in this section.
76-6-501.5 Producing or transferring false identification.	New statute created from 76-6-501(4).	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-502 Possession of forged writing or device for writing – Penalty	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act

<p>76-6-503.5 Wrongful liens and fraudulent handling of recordable writings – Penalties.</p>	<p>Moved offense in Subsection (4) to stand-alone section.</p>	<p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act</p>
<p>76-6-503.6 Fraudulent handling of recordable writings.</p>	<p>New statute created from 76-6-503.5(4).</p>	<p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act</p>
<p>76-6-503.7 Records filed with intent to harass or defraud.</p>	<p>Minor technical changes.</p>	<p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act</p> <p>Restored language to elements section about actor not being authorized to file the record under certain code provisions</p>
<p>76-6-504 Tampering with records – Penalty.</p>	<p>Minor technical changes.</p>	<p>Added definition of “writing” from 76-6-501</p> <p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act</p>
<p>76-6-505 Issuing a bad check or draft – Presumption.</p>	<p>Minor technical changes.</p>	<p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act</p>
<p>76-6-506 Financial transaction card offenses – Definitions.</p>	<p>Changed definitions to correctly apply to this section, not the entire part.</p>	<p>Although the code said that the definitions in this section applied to the entire “part,” almost all of the defined terms only appeared in Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, 76-6-506.6, and 76-6-506.7 and new Sections 76-6-506.1 and 76-6-506.4.</p> <p>Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2)</p>

		forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-506.2 Financial transaction card offenses – Unlawful use of card – False application for card.	Moved offense in Subsection (4) to stand-alone section. Fraud portions of Subsection (1) moved to stand-alone section. Added penalties that were previously in 76-6-506.5.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-506.3 Financial transaction card offenses – Unlawful acquisition, possession, or transfer of card.	Added penalties that were previously in 76-6-506.5.	included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-506.5 Financial transaction card offenses – Classification—Multiple violations.	Repealed	This statute previously listed the penalties for Sections 76-6-506.2, 76-6-506.3, 76-6-506.5, 76-6-506.6, and 76-6-506.7 and new Sections 76-6-506.1 and 76-6-506.4. The penalties were moved to the respective sections.
76-6-506.6 Financial transaction card offenses – Unauthorized factoring of credit card sales.	Added penalties that were previously in 76-6-506.5.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-506.7 Obtaining encoded information on financial transaction card with the intent to defraud the issuer, holder, or merchant.	Minor technical changes.	Added definition of “card holder” Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-506.8 False application for card.	New section created from 76-6-506.2(4) with penalties that were previously in 76-6-506.5.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act

76-6-506.9 Use of fraudulent financial transaction card.	New section created from fraud portions of 76-6-506.2(1). Added penalties that were previously in 76-6-506.5.	Removed “fraudulently obtained” from Subsection (2) because didn’t fit in offense Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-507 Deceptive business practices – Definitions -- Defense	Minor technical changes.	included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-508 Bribery of or receiving bribe by person in the business of selection, appraisal, or criticism of goods or services.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-509 Bribery of a labor official.	Minor technical changes.	included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-510 Bribe receiving by a labor official.	Minor technical changes.	included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-511 Defrauding creditors.	Codified name of offense as “defrauding of creditors” and minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-512 Acceptance of deposit by insolvent financial institution.	Codified name of offense as “acceptance of a deposit by an insolvent financial institution” and minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2)

		forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-513 Definitions – Unlawful dealing of property by a fiduciary – Penalties.	Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to this offense.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-514 Bribery or threat to influence contest.	Codified name of offense as “unlawful influence of a contest” and minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-515 Using or making slugs.	Codified name of offense as “using or making slugs” and minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-516 Conveyance of real estate by married man without wife's consent.	<ul style="list-style-type: none"> • Codified name of offense as “fraudulent conveyance of marital real estate.” • Changed statutory language that only criminalized activity by a married man to gender-neutral language. 	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-517 Making a false credit report.	Codified name of offense as “making a false credit report” and minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-518 Criminal simulation.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act

76-6-520 Criminal usury.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-521. Fraudulent insurance act.	Minor technical changes.	Removed references to punishments under 76-10-1801 and instead inserted the penalties from that section into the offense –see Subsections (3)(b) and (3)(c) Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-522 Definitions -- Equity skimming of a vehicle -- Penalties.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-523 Obstruction of the leasing of real property for natural resource or agricultural production -- Criminal penalties.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
76-6-524 Falsifying information for preconstruction lien purposes.	Minor technical changes.	Included provisions from 76-6-501 regarding 1) defense for law enforcement acting within scope of investigation and 2) forfeiture of property to be conducted in accordance with Title 24, Forfeiture and Disposition of Property Act
Part 6: Retail Theft		
76-6-601 Definitions.	Changed definitions to correctly apply to this section, not the entire part.	
76-6-602 Retail theft, acts constituting.	<ul style="list-style-type: none"> Added cross-reference formerly provided in 76-6-606 to penalties 	

	<p>listed in 76-6-412(1) and minor technical changes.</p> <ul style="list-style-type: none"> • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense 	
76-6-606 Penalty.	Repeal	This section formerly said that penalties for theft in this part were listed in Subsection 76-6-412(1). As Section 76-6-602 is the only section in this part with a theft offense, Section 76-6-606 is repealed and language from Section 76-6-412(1) penalties is now incorporated in Section 76-6-602.
76-6-608 Theft detection shielding devices prohibited – Penalties.	Codified name of offense as “unlawful shielding of a theft detection device” and minor technical changes.	
Part 7: Utah Computer Crimes Act		
76-6-701	Repeal of title section	Current drafting guidelines discourage codifying chapter or part names. This section, codifying the part name, is repealed to comply with current drafting standards.
76-6-703. Computer crimes and penalties -- Interfering with critical infrastructure. (New title: Unlawful computer technology access or action or denial of service attack]	<ul style="list-style-type: none"> • Created new boldface title for section • Added reference to definition section 76-6-702 • Moved Subsections (4) and (9) into 76-6-703.1 (new section) • Moved Subsection (5) into 76-6-703.3 (new section) • Moved Subsection (6) into 76-6-703.5 (new section) • Moved Subsection (3) into 76-6-703.7 (new section) 	<ul style="list-style-type: none"> • Removed several offenses from this section and created new sections for them • Reordered penalty provisions by level of penalty

<p>76-6-703.1. Unlawful disclosure of personal information.</p>	<ul style="list-style-type: none"> • New Section • Created new boldface title for section. • Added reference for definition for “electronic communication harassment” • Moved offense and defense from 76-6-703(4) and (9) and copied defenses from 76-6-703(8), (10) and (11) into new section 	
<p>76-6-703.3. Unlawful use of technology to defraud.</p>	<ul style="list-style-type: none"> • New Section • Moved offense from Section 76-6-703(5) into new section • copied defenses from 76-6-703(8), (10) and (11) into new section • Removed reference to Section 76-10-1801(1) for penalties and instead inserted penalties from 76-10-1801(1) with technical formatting changes • added definition of “sensitive personal identifying information” from 76-10-1801 due to importation of penalties from 76-10-1801 using that term 	
<p>76-6-703.5. Interference or interruption of critical infrastructure.</p>	<ul style="list-style-type: none"> • New Section • Created new boldface title for section. • Moved offense from Section 76-6-703(6) into new section • copied defenses from 76-6-703(8), (10) and (11) into new section 	
<p>76-6-703.7. Unlawful computer access.</p>	<ul style="list-style-type: none"> • New Section 	

	<ul style="list-style-type: none"> • Created new boldface title for section. • Moved offense and defense from 76-6-703(3) and copied defenses from 76-6-703(7), (8), (10) and (11) into new section • Added references to –703, -703.1, -703.3, and –705.5 to replace “this section” language in Subsection (2)(b) 	
76-6-705. Reporting violations.	Minor technical changes	Added new sections to reflect new offenses referred to in statute
Part 8: Library Theft		
76-6-801. Acts constituting library theft.	<ul style="list-style-type: none"> • Amended bold face. • Section now only “library theft” offense. • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense. • Enacted definition of “library materials” previously found in Section 76-6-804 and penalty previously found in Section 76-6-805. • Added definition of “library” by carving out portion of definition of “library materials” • Moved presumption language from now-repealed 76-6-802 into offense 	
76-6-802. Presumption of intent.	Repealed. Provisions incorporated into 76-6-801.	

<p>76-6-803. Mutilation or damaging of library material as library theft.</p>	<ul style="list-style-type: none"> • Amended bold face. • Changed offense name from variation of “library theft” to “mutilation or damage of library materials.” • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense. • Added definition of “library” 	<p>Enacted definition of “library materials” previously found in Section 76-6-804 and penalty previously found in Section 76-6-805.</p>
<p>76-6-803.30. Failure to return library material as library theft – Notice – Failure to pay replacement value – Written notice.</p>	<ul style="list-style-type: none"> • Amended bold face. • Changed offense name from variation of “library theft” to “failure to return library materials.” • Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to offense. • Added definition of “library” 	<p>Enacted definition of “library materials” previously found in Section 76-6-804 and penalty previously found in Section 76-6-805.</p>
<p>76-6-803.60. Detention of theft suspected by library employee—Purposes.</p>	<ul style="list-style-type: none"> • Added definition of “library” and “library materials” 	
<p>76-6-803.90. Liability—Defense—Probable cause—Reasonableness.</p>	<ul style="list-style-type: none"> • Added definition of “library” • Changed “library theft” to “an offense under this part” to reflect scope of defense 	
<p>76-6-804. “Book or other library materials” defined.</p>	<p>Repealed</p>	<ul style="list-style-type: none"> • The language from this section was moved to each of the offenses within Part 8 (see notes above). • This section said “The terms ‘book or other library materials’ as used in this act include...” It is assumed that “this act” meant Part 6. However, the word “terms” was confusing as to whether “book or other library

		materials” was treated as one defined term or multiple defined terms. Furthermore, neither the phrase “book or other library materials” nor the term “book” were found in any sections other than Section 76-6-804 in Part 8. In the recodification, “library materials” was used as the preferred defined term.
76-6-805. Penalty.	Repealed	The penalty provision was moved to each of the offenses within Part 8.
Part 9: Cultural Sites Protection		
76-6-902. Prohibitions. [new title: Antiquities alteration, removal, injury, or destruction]	<ul style="list-style-type: none"> • Added reference to definitions in 76-6-901 • Added penalties from 76-6-903 • Moved the first part of Subsection (2) to (new section) 76-6-902.1 and the second part to (new section) 76-6-902.3 	
76-6-902.1. Unlawful creation, labeling, or sale of reproduction of antiquities.	<ul style="list-style-type: none"> • New Section • Created new boldface title for section. • Added penalties from 76-6-903 	
76-6-902.3. Unlawful sale or exchange of antiquities.	<ul style="list-style-type: none"> • New Section • Created new boldface title for section. • Added penalties from 76-6-903 	
76-6-903. Penalties.	Repealed	
Part 10: Mail Box Damage and Mail Theft		
76-6-1002. Damage to mail receptacle – Penalties – Greater offenses.	<ul style="list-style-type: none"> • Amended bold face. • Incorporated penalties from Subsection 76-6-106(3) rather than just cross-reference. 	Added language from Subsection 76-6-1004(1). clarified that Subsection (4) includes presumptions and defenses

	<ul style="list-style-type: none"> Incorporated presumptions and defenses from 76-6-402 rather than just cross-reference but did not include language about livestock guardian dog. 	
76-6-1003. Mail theft.	<ul style="list-style-type: none"> Amended bold face. Incorporated presumptions and defenses from 76-6-402 rather than just cross-reference but did not include language about livestock guardian dog. Added presumptions and defenses formerly found in 76-6-1004. 	
76-6-1004. Presumptions and defenses.	Repealed	Moved all Section 76-6-1004 language to Section 76-6-1003 and just Subsection (1) to Section 76-6-1002.
Part 11. Identity Fraud Act.		
76-6-1101. Identify fraud.	Repealed and reenacted; bold face changed.	This section previously enacted the part name, "Identify Fraud Act." Current drafting guidelines discourage codifying chapter or part names. This section, previously codifying the part name, was repealed and reenacted as a definitions sections for part definitions (defined terms previously found in Subsection 76-6-1102(1)).
76-6-1102. Identity fraud crime.	<ul style="list-style-type: none"> Bold face amended. Subsection (1) moved to Section 76-6-1101. 	The defined terms in Subsection (1), which applied to the entire Part 11, were moved to a standalone definitions section, Section 76-6-1101.
76-6-1105. Unlawful possession of another's identification documents.	Codified name of offense as "Unlawful possession of another's identification documents" and minor technical changes.	The codified name of the offense will apply to all three variations based on the number of victims. Added a cross-reference to Section 76-6-502 in Subsections (2)(b) and (c) to mirror Subsection (2)(a).
Part 12. Utah Mortgage Fraud Act		

76-6-1201. Title.	Repealed	Current drafting guidelines discourage codifying chapter or part names. This section, codifying the part name, is repealed to comply with current drafting guidelines.
76-6-1203. Mortgage fraud.		Includes penalty provisions formerly codified in Section 76-6-1204.
76-6-1204. Classification of offense.	Repealed	Language in this section was moved to Section 76-6-1203 as the penalty provisions.
PART 13. Utah Automated Sales Suppression Device Act		
76-6-1301. Title	Repealed	Current drafting guidelines discourage codifying chapter or part names. This section, codifying the part name, is repealed to comply with current drafting guidelines.
76-6-1303. Possession, sale, or use of automated sales suppression device unlawful – Penalties.	<ul style="list-style-type: none"> • Codified name of offense as “possession, sale, or use of an automated sales suppression device.” • Minor technical changes. 	
PART 14. Regulation of Metal Dealers		
76-6-1401. Title.	Repealed	Current drafting guidelines discourage codifying chapter or part names. This section, codifying the part name, is repealed to comply with current drafting guidelines.
76-6-1403. Records of sales and purchases -- Identification required. [new title: Requirements for record of sale or purchase]	<ul style="list-style-type: none"> • Revised boldface • Added reference to new offense statute in Section 76-6-1403.1 • Minor technical changes 	
76-6-1403.1 Unlawful conduct with respect to record of sale or purchase.	<ul style="list-style-type: none"> • New statute—offense based on requirements in 76-6-1403 • Inserts penalties and related provisions from 76-6-1407 	

<p>76-6-1404. Notice to sellers of identification requirements. [new title: Required notice to sellers of identification requirements]</p>	<ul style="list-style-type: none"> • Revised boldface • Added reference to new offense statute in Section 76-6-1404.1 • Minor technical changes 	
<p>76-6-1404.1. Unlawful failure to maintain required notice to sellers.</p>	<ul style="list-style-type: none"> • New statute—offense based on requirements in 76-6-1404 • Inserts penalties and related provisions from 76-6-1407 	
<p>76-6-1405. Qualifications to sell to dealer.</p>	<ul style="list-style-type: none"> • Added reference to new offense statute in Section 76-6-1405.1 • Minor technical changes 	
<p>76-6-1405.1. Unlawful failure to comply with qualifications to sell to dealer.</p>	<ul style="list-style-type: none"> • New statute—offense based on requirements in 76-6-1405 • Inserts penalties and related provisions from 76-6-1407 	
<p>76-6-1406. Restrictions on the purchase of regulated metal -- Exemption.</p>	<ul style="list-style-type: none"> • Added reference to new offense statute in Section 76-6-1406.1 	
<p>76-6-1406.1. Unlawful failure to follow restrictions on the purchase of regulated metal.</p>	<ul style="list-style-type: none"> • New statute—offense based on requirements in 76-6-1406 • Inserts penalties and related provisions from 76-6-1407 	
<p>76-6-1407. Violation by dealer -- Penalty -- Local regulation not less stringent.</p>	<p>Repealed—penalties added instead to relevant offenses</p>	
<p>76-6-1408. Falsification of seller's statement to dealer.</p>	<p>Minor technical changes/restructuring</p>	

76-6-1409. Hold on stolen regulated metal property -- Hold notice.	<ul style="list-style-type: none"> • Added reference to new offense statute in Section 76-6-1409.1 • Minor technical changes 	
76-6-1409.1. Unlawful violation of regulated metal hold requirement.	<ul style="list-style-type: none"> • New statute—offense based on requirements in 76-6-1409 • Inserts penalties and related provisions from 76-6-1407 	
CHAPTER 6a: PYRAMID SCHEME ACT		
76-6a-1. Short title.	Repealed	Current drafting guidelines discourage codifying chapter or part names. This section, codifying the part name, is repealed to comply with current drafting guidelines.
76-6a-2. Definitions.	Renumbered and amended as 76-6a-101.	
76-6a-3. Schemes prohibited -- Violation as deceptive consumer sales practice -- Prosecution of civil violations.	Repealed. Subsection (1) now partially in new section 76-6a-102 and remainder in 76-6a-103. Subsections (2), (3), and (4) both included in new sections 76-6a-102 and 76-6a-103.	
76-6a-4. Operation as felony -- Participation as misdemeanor -- Investigation -- Prosecution.	Repealed. Subsection (1) now in new section 76-6a-102; Subsection (2) now in new section 76-6a-103; Subsection (3) now in both 76-6a-102 and 103.	
76-6a-5. Plan provisions not constituting defenses.	Repealed and language inserted into new sections 76-6a-102 and 76-6a-103.	
76-6a-6. Rights of persons giving consideration in scheme.	Renumbered and amended as 76-6a-104.	
76-6a-101. Definitions.	Previously was numbered as 76-6a-2.	

76-6a-102. Conducting pyramid scheme -- Violation as deceptive consumer sales practice -- Prosecution of civil violation.	<ul style="list-style-type: none"> • New section • Contains portions of repealed 76-6a-3, 76-6a-4, and 76-6a-5. 	
76-6a-103. Participating in pyramid scheme -- Violation as deceptive consumer sales practice -- Prosecution of civil violation.	<ul style="list-style-type: none"> • New section • Contains portions of repealed 76-6a-3, 76-6a-4, and 76-6a-5. 	
76-6a-104. Rights of person giving consideration in pyramid scheme.	Previously was numbered as 76-6a-6.	

Changes of Note outside of Title 76, Chapters 6 and 6a

Reference	Change/No Change	Comments
26-20-9. Criminal penalties.	Inserted applicable contents of penalty statute taken from repealed 76-6-412 and modified to specifically apply to statute's reference to dollar amounts	
31A-23a-409. Trust obligation for money collected.	Removed reference to 76-6-412; no new reference needed because the provisions of 76-6-412 have been incorporated where relevant into the offenses in Title 76, Chapter 6, Part 4.	
31A-36-118. Criminal penalties and restitution.	Removed reference to 76-6-412 and replaced with general reference to Title 76, Chapter 6, Part 4.	
41-1a-1314. Unauthorized control for extended time.	Removed reference to 76-6-412 and replaced with reference to applicable subsection in 76-6-404	

58-9-607. Authorization to cremate -- Penalties for removal of items from human remains.	Removed reference to 76-6-412 and replaced with reference to theft statute (76-6-404) to refer to same penalties	
58-9-613. Authorization for alkaline hydrolysis -- Penalties for removal of items from human remains.	Removed reference to 76-6-412 and replaced with reference to theft statute (76-6-404) to refer to same penalties	
58-55-503. Penalty for unlawful conduct -- Citations.	Removed reference to 76-6-412 and replaced with reference to theft statute (76-6-404)	
63M-7-404. Purpose -- Duties.	Removed reference to 76-6-412 and replaced with general reference to Title 76, Chapter 6, Part 4.	
76-3-203.3. Penalty for hate crimes -- Civil rights violation.	Removed reference to 76-6-412 and replaced with specific references to offenses that used 76-6-412 for their penalties and also included misdemeanor penalties	
76-5-102.1. Negligently operating a vehicle resulting in injury.	Added reference to title definitions.	
76-5-207.5. Automobile homicide involving a handheld wireless communication device while driving.	Clarified elements of offense with regard to corresponding penalties.	
76-5-208. Child abuse homicide.	Clarified elements of offense with regard to corresponding penalties.	
76-10-1508. Theft of baggage or cargo.	Removed reference to 76-6-412 and replaced with reference to theft statute (76-6-404)	

<p>78B-3-108. Shoplifting -- Merchant's rights -- Civil liability for shoplifting by adult or minor -- Criminal conviction not a prerequisite for civil liability -- Written notice required for penalty demand.</p>	<p>Removed reference to specific subsection in 76-6-412 and replaced with reference to same subsection now in theft statute (76-6-404)</p>	
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