Effective 7/1/2026

Title 76. Criminal Offenses

Chapter 1
General Provisions

Part 1
Introductory Provisions

76-1-101.5 Definitions.

Unless otherwise provided, as used in this title:

(1) "Act" means a voluntary bodily movement and includes speech.

(2) "Actor" means a person whose criminal responsibility is in issue in a criminal action.

(3) "Affinity" means a relationship by marriage.

(4) "Bodily injury" means physical pain, illness, or any impairment of physical condition.

(5) "Conduct" means an act or omission.

(6) "Consanguinity" means a relationship by blood to the first or second degree, including an individual's parent, grandparent, sibling, child, aunt, uncle, niece, or nephew.

(7) "Dangerous weapon" means:

(a) any item capable of causing death or serious bodily injury; or

(b) a facsimile or representation of the item, if:

(i) the actor's use or apparent intended use of the item leads the victim to reasonably believe the item is likely to cause death or serious bodily injury; or

(ii) the actor represents to the victim verbally or in any other manner that the actor is in control of such an item.

(8) "Grievous sexual offense" means:

(a) rape, Section 76-5-402;

(b) rape of a child, Section 76-5-402.1;

(c) object rape, Section 76-5-402.2;

(d) object rape of a child, Section 76-5-402.3;

(e) forcible sodomy, Subsection 76-5-403(2);

(f) sodomy on a child, Section 76-5-403.1;

(g) aggravated sexual abuse of a child, Section 76-5-404.3;

(h) aggravated sexual assault, Section 76-5-405;

(i) any felony attempt to commit an offense described in Subsections (8)(a) through (h); or

(j) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (8)(a) through (i).

(9) "Offense" means a violation of any penal statute of this state.

(10) "Omission" means a failure to act when there is a legal duty to act and the actor is capable of acting.

(11) "Person" means an individual, public or private corporation, government, partnership, or unincorporated association.

(12) "Possess" means to have physical possession of or to exercise dominion or control over tangible property.

(13) "Public entity" means:

(a) the state, or an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of the state;

(b) a political subdivision of the state, including a county, municipality, interlocal entity, special district, special service district, school district, or school board;
(c) an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of a political subdivision of the state; or
(d) another entity that:
(i) performs a public function; and
(ii) is authorized to hold, spend, transfer, disburse, use, or receive public money.
(14)
(a) "Public money" or "public funds" means money, funds, or accounts, regardless of the source from which they are derived, that:
(i) are owned, held, or administered by an entity described in Subsections (13)(a) through (c); or
(ii) are in the possession of an entity described in Subsection (13)(d)(i) for the purpose of performing a public function.
(b) "Public money" or "public funds" includes money, funds, or accounts described in Subsection (14)(a) after the money, funds, or accounts are transferred by a public entity to an independent contractor of the public entity.
(c) "Public money" or "public funds" remains public money or public funds while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.
(15) "Public officer" means:
(a) an elected official of a public entity;
(b) an individual appointed to, or serving an unexpired term of, an elected official of a public entity;
(c) a judge of a court of record or not of record, including justice court judges; or
(d) a member of the Board of Pardons and Parole.
(16)
(a) "Public servant" means:
(i) a public officer;
(ii) an appointed official, employee, consultant, or independent contractor of a public entity; or
(iii) a person hired or paid by a public entity to perform a government function.
(b) Public servant includes a person described in Subsection (16)(a) upon the person's election, appointment, contracting, or other selection, regardless of whether the person has begun to officially occupy the position of a public servant.
(17) "Serious bodily injury" means bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.
(18) "Substantial bodily injury" means bodily injury, not amounting to serious bodily injury, that creates or causes protracted physical pain, temporary disfigurement, or temporary loss or impairment of the function of any bodily member or organ.
(19) "Writing" or "written" includes any handwriting, typewriting, printing, electronic storage or transmission, or any other method of recording information or fixing information in a form capable of being preserved.

Amended by Chapter 16, 2023 General Session

76-1-101.6 Application of definitions to title.

(1) For formatting purposes, sections in this title that contain a criminal offense include an express provision that states that the title definitions in Section 76-1-101.5 apply to that section.
(2) Although a provision described in Subsection (1) is not included in non-offense sections in this title, or in other titles, title definitions apply to all statutes within a title unless otherwise expressly provided.

Amended by Chapter 291, 2026 General Session

76-1-102 Effective date.
This code shall become effective on July 1, 1973.

Enacted by Chapter 196, 1973 General Session

76-1-103 Application of code -- Offense prior to effective date.
(1) The provisions of this code shall govern the construction of, the punishment for, and defenses against any offense defined in this code or, except where otherwise specifically provided or the context otherwise requires, any offense defined outside this code; provided such offense was committed after the effective date of this code.
(2) Any offense committed prior to the effective date of this code shall be governed by the law, statutory and non-statutory, existing at the time of commission thereof, except that a defense or limitation on punishment available under this code shall be available to any defendant tried or retried after the effective date. An offense under the laws of this state shall be deemed to have been committed prior to the effective date of this act if any of the elements of the offense occurred prior thereto.

Enacted by Chapter 196, 1973 General Session

76-1-104 Purposes and principles of construction.
The provisions of this code shall be construed in accordance with these general purposes.
(1) Forbid and prevent the commission of offenses.
(2) Define adequately the conduct and mental state which constitute each offense and safeguard conduct that is without fault from condemnation as criminal.
(3) Prescribe penalties which are proportionate to the seriousness of offenses and which permit recognition or differences in rehabilitation possibilities among individual offenders.
(4) Prevent arbitrary or oppressive treatment of persons accused or convicted of offenses.

Enacted by Chapter 196, 1973 General Session

76-1-105 Common law crimes abolished.
Common law crimes are abolished and no conduct is a crime unless made so by this code, other applicable statute or ordinance.

Amended by Chapter 32, 1974 General Session

76-1-106 Strict construction rule not applicable.
The rule that a penal statute is to be strictly construed shall not apply to this code, any of its provisions, or any offense defined by the laws of this state. All provisions of this code and offenses

defined by the laws of this state shall be construed according to the fair import of their terms to promote justice and to effect the objects of the law and general purposes of Section 76-1-104.

Enacted by Chapter 196, 1973 General Session

76-1-107 Procedure -- Applicable provisions -- Military codes, enforcement of court orders, and liability for civil damages not affected.

(1) Except as otherwise provided, the procedure governing the accusation, prosecution, conviction, and punishment of offenders and offenses is not regulated by this act but by the code of criminal procedure.
(2) This code does not affect any power conferred by law upon any court-martial or other military authority or officer to impose and inflict punishment upon offenders violating military codes or laws; nor does it affect any power of a court to punish for contempt or to employ any sanction authorized by law for the enforcement of an order or a civil judgment or decree.
(3) This act does not bar, suspend, or otherwise affect any right or liability to damages, penalty, forfeiture, impeachment, or other remedy authorized by law to be recovered or enforced in a civil action, administrative proceeding, or otherwise, regardless of whether the conduct involved in the proceeding constitutes an offense defined in this code.

Enacted by Chapter 196, 1973 General Session

76-1-108 Severability clause.

If any provision of this act, or the application of any provision to any person or circumstance, is held invalid, the remainder of this act shall not be affected thereby.

Enacted by Chapter 196, 1973 General Session

Part 2
Jurisdiction and Venue

76-1-201 Jurisdiction of offenses.

(1) A person is subject to prosecution in this state for an offense which the person commits, while either within or outside the state, by the person's own conduct or that of another for which the person is legally accountable, if:
  (a) the offense is committed either wholly or partly within the state;
  (b) the conduct outside the state constitutes an attempt to commit an offense within the state;
  (c) the conduct outside the state constitutes a conspiracy to commit an offense within the state and an act in furtherance of the conspiracy occurs in the state; or
  (d) the conduct within the state constitutes an attempt, solicitation, or conspiracy to commit in another jurisdiction an offense under the laws of both this state and the other jurisdiction.
(2) An offense is committed partly within this state if either the conduct which is any element of the offense, or the result which is an element, occurs within this state.
(3) In homicide offenses, the "result" is either the physical contact which causes death or the death itself.
  (a) If the body of a homicide victim is found within the state, the death shall be presumed to have occurred within the state.

(b) If jurisdiction is based on this presumption, this state retains jurisdiction unless the defendant proves by clear and convincing evidence that:
(i) the result of the homicide did not occur in this state; and
(ii) the defendant did not engage in any conduct in this state which is any element of the offense.
(4) An offense which is based on an omission to perform a duty imposed by the law of this state is committed within the state regardless of the location of the offender at the time of the omission.
(5)
(a) If no jurisdictional issue is raised, the pleadings are sufficient to establish jurisdiction.
(b) The defendant may challenge jurisdiction by filing a motion before trial stating which facts exist that deprive the state of jurisdiction.
(c) The burden is upon the state to initially establish jurisdiction over the offense by a preponderance of the evidence by showing under the provisions of Subsections (1) through (4) that the offense was committed either wholly or partly within the borders of the state.
(d) If after the prosecution has met its burden of proof under Subsection (5)(c) the defendant claims that the state is deprived of jurisdiction or may not exercise jurisdiction, the burden is upon the defendant to prove by a preponderance of the evidence:
(i) any facts claimed; and
(ii) why those facts deprive the state of jurisdiction.
(6) Facts that deprive the state of jurisdiction or prohibit the state from exercising jurisdiction include the fact that the:
(a) defendant is serving in a position that is entitled to diplomatic immunity from prosecution and that the defendant's country has not waived that diplomatic immunity;
(b) defendant is a member of the armed forces of another country and that the crime that he is alleged to have committed is one that due to an international agreement, such as a status of forces agreement between his country and the United States, cedes the exercise of jurisdiction over him for that offense to his country;
(c) defendant is an enrolled member of an Indian tribe, as defined in Section 9-9-101, and that the Indian tribe has a legal status with the United States or the state that vests jurisdiction in either tribal or federal courts for certain offenses committed within the exterior boundaries of a tribal reservation, and that the facts establish that the crime is one that vests jurisdiction in tribal or federal court; or
(d) offense occurred on land that is exclusively within federal jurisdiction.
(7)
(a) The Legislature finds that identity fraud under Chapter 6, Part 11, Identity Fraud Act, involves the use of personal identifying information which is uniquely personal to the consumer or business victim of that identity fraud and which information is considered to be in lawful possession of the consumer or business victim wherever the consumer or business victim currently resides or is found.
(b) For purposes of Subsection (1)(a), an offense which is based on a violation of Chapter 6, Part 11, Identity Fraud Act, is committed partly within this state, regardless of the location of the offender at the time of the offense, if the victim of the identity fraud resides or is found in this state.
(8) The judge shall determine jurisdiction.

Amended by Chapter 291, 2025 General Session

76-1-202 Venue for a criminal action.

(1) As used in this section, "body of water" includes any stream, river, lake, or reservoir, whether natural or man-made.
(2) A criminal action shall be tried in the county, judicial district, or precinct in which the offense is alleged to have been committed.
(3)
(a) In determining the proper place of trial for a criminal action, this Subsection (3) shall apply.
(b) If the commission of an offense commenced outside the state is consummated within this state, the actor shall be tried in the county in which the offense is consummated.
(c) When conduct constituting elements of an offense or results that constitute elements, whether the conduct or result constituting elements is in itself unlawful, shall occur in two or more counties, trial of the offense may be held in any of the counties concerned.
(d) If an actor committing an offense upon a person is located in one county and the person is located in another county at the time of the commission of the offense, the trial may be held in either county.
(e) If a cause of death is inflicted in one county and death ensues in another county, the actor may be tried in either county.
(f) An actor who commits an inchoate offense may be tried in any county in which any act that is an element of the offense, including the agreement in conspiracy, is committed.
(g) If an actor in one county solicits, aids, abets, agrees, or attempts to aid another in the planning or commission of an offense in another county, the actor may be tried for the offense in either county.
(h)
(i) If an offense is committed within this state and it cannot be readily determined in which county or judicial district the offense occurred, this Subsection (3)(h) shall apply.
(ii) If an offense is committed upon any railroad car, vehicle, watercraft, or aircraft passing within this state, the actor may be tried in any county through which such railroad car, vehicle, watercraft, or aircraft has passed.
(iii) If an offense is committed on any body of water bordering on or within this state, the actor may be tried in any county adjacent to the body of water.
(iv) An actor who commits theft may be tried in any county in which the actor exerts control over the property affected.
(v) If an offense is committed on or near the boundary of two or more counties, the trial of the offense may be held in any of such counties.
(vi) For any other offense, the trial may be held in the county in which the actor resides, or, if the actor has no fixed residence, in the county in which the actor is apprehended or to which the actor is extradited.
(i) An actor who commits an offense based on Chapter 6, Part 11, Identity Fraud Act, may be tried in the county:
(i) where the victim's personal identifying information was obtained;
(ii) where the actor used or attempted to use the personally identifying information;
(iii) where the victim of the identity fraud resides or is found; or
(iv) if multiple offenses of identity fraud occur in multiple jurisdictions, in any county where the victim's identity was used or obtained, or where the victim resides or is found.
(j) For the purpose of establishing venue for a violation of Section 53-29-304 concerning sex offender, kidnap offender, or child abuse offender registration, the offense is considered to be committed:
(i) at the most recent registered primary residence of the offender, if the actual location of the offender at the time of the violation is not known; or

(ii) at the location of the offender at the time the offender is apprehended.

(4)

(a) A criminal action for multiple offenses may be tried in any county or precinct within a judicial district if:

(i) the offenses were committed within the judicial district;

(ii) the offenses may be joined in the same information or indictment under Section 77-8a-1; and

(iii) the prosecuting agencies for the jurisdictions in which any of the offenses were committed consent to the place of trial.

(b) A criminal action for multiple offenses shall be tried in any county or precinct within a judicial district if:

(i) the offenses were committed within the judicial district; and

(ii) the prosecution meets the requirements of Section 76-1-402.

(5) All objections of improper place of trial are waived by a defendant unless made before trial.

Amended by Chapter 377, 2026 General Session

Part 3
Limitations of Actions

76-1-301 Offenses for which prosecution may be commenced at any time.

(1) As used in this section:

(a) "Aggravating offense" means any offense incident to which a homicide was committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection 76-5-202(2)(b).

(b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a person other than a party as defined in Section 76-2-202 was killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of the offense.

(2) Notwithstanding any other provisions of this code, prosecution for the following offenses may be commenced at any time:

(a) an offense classified as a capital felony under Section 76-3-103;

(b) aggravated murder under Section 76-5-202;

(c) murder under Section 76-5-203;

(d) manslaughter under Section 76-5-205;

(e) child abuse homicide under Section 76-5-208;

(f) aiding or encouraging suicide under Section 76-5-211;

(g) aggravated kidnapping under Section 76-5-302;

(h) child kidnapping under Section 76-5-301.1;

(i) rape under Section 76-5-402;

(j) rape of a child under Section 76-5-402.1;

(k) object rape under Section 76-5-402.2;

(l) object rape of a child under Section 76-5-402.3;

(m) forcible sodomy under Section 76-5-403;

(n) sodomy on a child under Section 76-5-403.1;

(o) sexual abuse of a child under Section 76-5-404.1;

(p) aggravated sexual abuse of a child under Section 76-5-404.3;

(q) aggravated sexual assault under Section 76-5-405;
(r) any predicate offense to a murder or aggravating offense to an aggravated murder;
(s) aggravated human trafficking under Section 76-5-310 or 76-5-310.2;
(t) human trafficking of a child for labor under Section 76-5-308.5;
(u) female genital mutilation under Section 76-5-702;
(v) human trafficking of a child for commercial sexual exploitation under Section 76-5-308.6;
(w) aggravated human smuggling under Section 76-5-317; or
(x) aggravated exploitation of prostitution involving a child under Section 76-5d-208.

Amended by Chapter 462, 2026 General Session

76-1-301.1 Statute of limitations for unlawful sexual activity with a minor.

The statute of limitations for a felony violation of Section 76-5-401 or 76-5-401.2 is 10 years from the time the victim reaches the age of 18.

Enacted by Chapter 194, 2020 General Session

76-1-301.5 Time limitations for prosecution of misusing public money, falsification or alteration of government records, and bribery.

(1) A prosecution for misusing public money, falsification or alteration of government records, or for a bribery offense shall be commenced within two years after facts constituting the offense have been reported to a prosecutor having responsibility and jurisdiction to prosecute the offense.
(2) This section does not shorten the limitation of actions under Section 76-1-302 or Subsection 76-1-303(3).

Amended by Chapter 208, 2002 General Session

76-1-302 Time limitations for prosecution of offenses -- Specific exceptions -- Provisions if DNA evidence would identify the defendant -- Commencement of prosecution.

(1) Except as otherwise provided by Subsection (2) or another provision of the Utah Code, a prosecution for:
(a) a felony or negligent homicide shall be commenced within four years after it is committed;
(b) a misdemeanor other than negligent homicide shall be commenced within two years after it is committed; and
(c) any infraction shall be commenced within one year after it is committed.
(2)
(a) A prosecution for:
(i) an offense listed in Subsections 76-3-203.5(1)(c)(i)(A) through (CC) may be commenced at any time if the identity of the person who committed the crime is unknown but DNA evidence is collected that would identify the person at a later date;
(ii) an offense of forcible sexual abuse, as described in Section 76-5-404, shall be commenced within eight years after the offense is committed, if within four years after the offense's commission, the offense is reported to a law enforcement agency;
(iii) an offense of incest, as described in Section 76-7-102, shall be commenced within eight years after the offense is committed, if within four years after the offense's commission, the offense is reported to a law enforcement agency;

(iv) an offense of unlawfully marrying a minor, as described in Section 76-7-105, shall be commenced within 15 years after the day on which a minor to the marriage turns 18 years old;
(v) an offense of transporting a minor out of state for an illegal marriage, as described in Section 76-7-109, shall be commenced within 15 years after the day on which a minor to the marriage turns 18 years old; and
(vi) an offense of traveling out of state to marry a minor, as described in Section 76-7-110, shall be commenced within 15 years after the day on which a minor to the marriage turns 18 years old.
(b) Subsection (2)(a)(i) does not apply if the statute of limitations on the offense has run as of May 5, 2003, and no charges have been filed.
(3) If the statute of limitations would have run but for the provisions of Subsection (2)(a)(i) and identification of a perpetrator is made through DNA, a prosecution shall be commenced within four years of confirmation of the identity of the perpetrator.
(4) A prosecution is commenced upon:
(a) the finding and filing of an indictment by a grand jury;
(b) the filing of a complaint or information; or
(c) the issuance of a citation.

Amended by Chapter 451, 2026 General Session

76-1-303 Time limitations for fraud or breach of fiduciary obligation -- Misconduct of public officer or employee.
(1) If the period prescribed in Section 76-1-302 has expired, a prosecution may be commenced for any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after a report of the offense has been filed with a law enforcement agency.
(2) Subsection (1) may not extend the period of limitation as provided in Section 76-1-302 by more than three years.
(3) If the period prescribed in Section 76-1-301.5 or 76-1-302 has expired, a prosecution may be commenced for:
(a) any offense based upon misconduct in office by a public officer or public employee:
(i) at any time during which the defendant holds a public office or during the period of his public employment; or
(ii) within two years after termination of defendant's public office or public employment.
(b) Except as provided in Section 76-1-301.5, Subsection (3) shall not extend the period of limitation otherwise applicable by more than three years.

Amended by Chapter 145, 2009 General Session

76-1-304 Defendant out of state -- Plea held invalid -- New prosecutions.
(1) The period of limitation does not run against any defendant during any period of time in which the defendant is out of the state following the commission of an offense.
(2) If the defendant has entered into a plea agreement with the prosecution and later successfully moves to invalidate the defendant's conviction, the period of limitation is suspended from the time of the entry of the plea pursuant to the plea agreement until the time at which the conviction is determined to be invalid, and that determination becomes final.
(3) For purposes of this section, "final" means:
(a) all appeals have been exhausted;

(b) no judicial review is pending; and
(c) no application for judicial review is pending.
(4) When the period of limitation is suspended pursuant to Subsection (2), the suspension includes any charges to which the defendant pleaded guilty pursuant to a plea agreement, charges which were dismissed as a result of a plea agreement, as well as any known charges which were not barred at the time of entry of the plea.
(5) Notwithstanding any other limitation, a prosecution may be commenced for charges described in Subsection (4) within one year after a plea entered pursuant to a plea agreement has been determined to be invalid, and that determination becomes final.

Amended by Chapter 302, 2025 General Session

76-1-305 Lesser included offense for which period of limitations has run.

Whenever a defendant is charged with an offense for which the period of limitations has not run and the defendant should be found guilty of a lesser offense for which the period of limitations has run, the finding of the lesser and included offense against which the statute of limitations has run shall not be a bar to punishment for the lesser offense.

Enacted by Chapter 196, 1973 General Session

76-1-306 Judge to determine.

When an issue concerning the statute of limitations is raised, the judge shall determine by a preponderance of the evidence whether the prosecution is barred by the limitations in this part.

Enacted by Chapter 121, 1998 General Session

Part 4
Multiple Prosecutions and Double Jeopardy

76-1-401 "Single criminal episode" defined -- Joinder of offenses and defendants.

In this part unless the context requires a different definition, "single criminal episode" means all conduct which is closely related in time and is incident to an attempt or an accomplishment of a single criminal objective.

Nothing in this part shall be construed to limit or modify the effect of Section 77-8a-1 in controlling the joinder of offenses and defendants in criminal proceedings.

Amended by Chapter 20, 1995 General Session

76-1-402 Separate offenses arising out of single criminal episode -- Included offenses.

(1)
(a) A defendant may be prosecuted in a single criminal action for all separate offenses arising out of a single criminal episode.
(b) Notwithstanding Subsection (1)(a), when the same act of a defendant under a single criminal episode shall establish offenses that may be punished in different ways under different provisions of the Utah Code, the act shall be punishable under only one such provision and

an acquittal or conviction and sentence under any such provision bars a prosecution under any other such provision.

(2) Unless the court otherwise orders separate trials to promote justice, a defendant may not be subject to separate trials for separate offenses arising out a single criminal episode if:

(a) the offenses are within the jurisdiction of a single court;

(b) venue for the offenses is proper in a single court under Section 76-1-202; and

(c) the offenses are known to the prosecuting attorney at the time the defendant is arraigned on the first information or indictment.

(3)

(a) A defendant may be convicted of an offense included in the offense charged but may not be convicted of both the offense charged and the included offense.

(b) An offense is included in the offense charged when:

(i) the offense is established by proof of the same or less than all of the facts required to establish the commission of the offense charged;

(ii) the offense constitutes an attempt, solicitation, conspiracy, or form of preparation to commit the offense charged or an offense otherwise included therein; or

(iii) the offense is specifically designated by a statute as a lesser included offense.

(4) The court shall not be obligated to charge the jury with respect to an included offense unless there is a rational basis for a verdict acquitting the defendant of the offense charged and convicting the defendant of the included offense.

(5) If the district court on motion after verdict or judgment, or an appellate court on appeal or certiorari, determines that there is insufficient evidence to support a conviction for the offense charged but that there is sufficient evidence to support a conviction for an included offense and the trier of fact necessarily found every fact required for conviction of that included offense, the verdict or judgment of conviction may be set aside or reversed and a judgment of conviction entered for the included offense, without necessity of a new trial, if such relief is sought by the defendant.

Amended by Chapter 377, 2026 General Session

76-1-403 Former prosecution barring subsequent prosecution for offense out of same episode.

(1) If a defendant has been prosecuted for one or more offenses arising out of a single criminal episode, a subsequent prosecution for the same or a different offense arising out of the same criminal episode is barred if:

(a) the subsequent prosecution is for an offense that was or should have been tried under Subsection 76-1-402(2) in the former prosecution; and

(b) the former prosecution:

(i) resulted in acquittal;

(ii) resulted in conviction;

(iii) was improperly terminated; or

(iv) was terminated by a final order or judgment for the defendant that has not been reversed, set aside, or vacated and that necessarily required a determination inconsistent with a fact that must be established to secure conviction in the subsequent prosecution.

(2) There is an acquittal if the prosecution resulted in a finding of not guilty by the trier of facts or in a determination that there was insufficient evidence to warrant conviction. A finding of guilty of a lesser included offense is an acquittal of the greater offense even though the conviction for the lesser included offense is subsequently reversed, set aside, or vacated.

(3) There is a conviction if the prosecution resulted in a judgment of guilt that has not been reversed, set aside, or vacated; a verdict of guilty that has not been reversed, set aside, or vacated and that is capable of supporting a judgment; or a plea of guilty accepted by the court.
(4) There is an improper termination of prosecution if the termination takes place before the verdict, is for reasons not amounting to an acquittal, and takes place after a jury has been impaneled and sworn to try the defendant, or, if the jury trial is waived, after the first witness is sworn. However, termination of prosecution is not improper if:
(a) the defendant consents to the termination;
(b) the defendant waives his right to object to the termination; or
(c) the court finds and states for the record that the termination is necessary because:
(i) it is physically impossible to proceed with the trial in conformity with the law;
(ii) there is a legal defect in the proceeding not attributable to the state that would make any judgment entered upon a verdict reversible as a matter of law;
(iii) prejudicial conduct in or out of the courtroom not attributable to the state makes it impossible to proceed with the trial without injustice to the defendant or the state;
(iv) the jury is unable to agree upon a verdict; or
(v) false statements of a juror on voir dire prevent a fair trial.

Amended by Chapter 278, 2013 General Session

76-1-404 Concurrent jurisdiction -- Prosecution in other jurisdiction barring prosecution in state.

If a defendant's conduct establishes the commission of one or more offenses within the concurrent jurisdiction of this state and of another jurisdiction, federal or state, the prosecution in the other jurisdiction is a bar to a subsequent prosecution in this state if:
(1) the former prosecution resulted in an acquittal, conviction, or termination of prosecution, as those terms are defined in Section 76-1-403; and
(2) the subsequent prosecution is for the same offense or offenses.

Enacted by Chapter 196, 1973 General Session

76-1-405 Subsequent prosecution not barred -- Circumstances.

(1) As used in this section:
(a) "Homicide offense" means an offense for:
(i) aggravated murder, as described in Section 76-5-202;
(ii) murder, as described in Section 76-5-203;
(iii) manslaughter, as described in Section 76-5-205;
(iv) negligent homicide, as described in Section 76-5-206;
(v) automobile homicide, as described in Section 76-5-207;
(vi) child abuse homicide, as described in Section 76-5-208; or
(vii) homicide by assault, as described in Section 76-5-209.
(b) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
(2) Notwithstanding Sections 76-1-401 and 76-1-404, a subsequent prosecution for an offense is not barred if:
(a) the former prosecution was procured by the defendant without the knowledge of the prosecuting attorney bringing the subsequent prosecution and with intent to avoid the sentence that might otherwise be imposed;

(b) the former prosecution resulted in a judgment of guilt held invalid in a subsequent proceeding on writ of habeas corpus, coram nobis, or similar collateral attack; or

(c)

(i) the former prosecution was for an offense that resulted in serious bodily injury to an individual;

(ii) the subsequent prosecution is for a homicide offense because the individual died from the serious bodily injury and the serious bodily injury was the proximate cause of the individual's death;

(iii) the individual died after the former prosecution concluded with a conviction or a dismissal if the dismissal was without prejudice; and

(iv) except as provided in Subsection (3), the individual died within 10 years after the day on which the former prosecution concluded with the conviction or dismissal.

(3) Subsection (2)(c)(iv) is not required when bringing a subsequent prosecution under Subsection (2)(c) if the former prosecution resulted in a conviction or dismissal for:

(a) attempted aggravated murder, as described in Subsection 76-4-102(1)(a)(ii);

(b) attempted murder, as described in Section 76-4-102(1)(c);

(c) aggravated child abuse that is a first degree felony, as described in Section 76-5-109.2; or

(d) child torture, as described in Section 76-5-109.4.

(4) A prosecuting attorney may not prosecute a defendant in a subsequent prosecution under Subsection (2)(c) for any other offense other than a homicide offense.

(5)

(a) Notwithstanding Section 76-3-406, when sentencing a defendant convicted of a homicide offense in a subsequent prosecution as described in Subsection (2)(c), the court may reduce the minimum term that a defendant is statutorily required to serve in prison before becoming eligible for parole if:

(i) the defendant was convicted of an offense in the former prosecution and served a prison sentence for the conviction;

(ii) the court determines that it would be in the interest of justice to reduce the minimum term that the defendant is statutorily required to serve in prison before becoming eligible for parole for the homicide offense; and

(iii) the amount of time that the court reduces the minimum term of the sentence is no greater than the amount of time that the defendant was in custody for the prison sentence described in Subsection (5)(a)(i).

(b) The court may not grant probation, or suspend the execution of a defendant's sentence, under Subsection (5)(a).

(6) When a defendant is sentenced to a term of imprisonment for a conviction under Subsection (2)(c), the Board of Pardons and Parole may provide credit for any time served in prison for a conviction in the former prosecution toward the term of imprisonment for the subsequent conviction.

Amended by Chapter 257, 2026 General Session

Part 5
Burden of Proof

76-1-501 Presumption of innocence -- "Element of the offense" defined.

(1) A defendant in a criminal proceeding is presumed to be innocent until each element of the offense charged against him is proved beyond a reasonable doubt. In the absence of this proof, the defendant shall be acquitted.
(2) As used in this part, "element of the offense" means:
(a) the conduct, attendant circumstances, or results of conduct proscribed, prohibited, or forbidden in the definition of the offense; and
(b) the culpable mental state required.
(3) The existence of jurisdiction and venue are not elements of the offense but shall be established by a preponderance of the evidence.

Amended by Chapter 40, 2014 General Session
Amended by Chapter 189, 2014 General Session

76-1-502 Negating defense by allegation or proof -- When not required.

Section 76-1-501 does not require negating a defense:
(1) By allegation in an information, indictment, or other charge; or
(2) By proof, unless:
(a) The defense is in issue in the case as a result of evidence presented at trial, either by the prosecution or the defense; or
(b) The defense is an affirmative defense, and the defendant has presented evidence of such affirmative defense.

Enacted by Chapter 196, 1973 General Session

76-1-503 Presumption of fact.

An evidentiary presumption established by this code or other penal statute has the following consequences:
(1) When evidence of facts which support the presumption exist, the issue of the existence of the presumed fact must be submitted to the jury unless the court is satisfied that the evidence as a whole clearly negates the presumed fact;
(2) In submitting the issue of the existence of a presumed fact to the jury, the court shall charge that while the presumed fact must on all evidence be proved beyond a reasonable doubt, the law regards the facts giving rise to the presumption as evidence of the presumed fact.

Enacted by Chapter 196, 1973 General Session

76-1-504 Affirmative defense presented by defendant.

Evidence of an affirmative defense as defined by this code or other statutes shall be presented by the defendant.

Enacted by Chapter 196, 1973 General Session

Chapter 2
Principles of Criminal Responsibility

Part 1
Culpability Generally

76-2-101 Requirements of criminal conduct and criminal responsibility.

(1)
(a) A person is not guilty of an offense unless the person's conduct is prohibited by law; and
(b)
(i) the person acts intentionally, knowingly, recklessly, with criminal negligence, or with a mental state otherwise specified in the statute defining the offense, as the definition of the offense requires; or
(ii) the person's acts constitute an offense involving strict liability.

(2) These standards of criminal responsibility do not apply to the violations set forth in Title 41, Chapter 6a, Traffic Code, unless specifically provided by law.

Amended by Chapter 2, 2005 General Session

76-2-102 Culpable mental state required -- Strict liability.

Every offense not involving strict liability shall require a culpable mental state, and when the definition of the offense does not specify a culpable mental state and the offense does not involve strict liability, intent, knowledge, or recklessness shall suffice to establish criminal responsibility. An offense shall involve strict liability if the statute defining the offense clearly indicates a legislative purpose to impose criminal responsibility for commission of the conduct prohibited by the statute without requiring proof of any culpable mental state.

Amended by Chapter 90, 1983 General Session

76-2-103 Definitions.

A person engages in conduct:

(1) Intentionally, or with intent or willfully with respect to the nature of his conduct or to a result of his conduct, when it is his conscious objective or desire to engage in the conduct or cause the result.

(2) Knowingly, or with knowledge, with respect to his conduct or to circumstances surrounding his conduct when he is aware of the nature of his conduct or the existing circumstances. A person acts knowingly, or with knowledge, with respect to a result of his conduct when he is aware that his conduct is reasonably certain to cause the result.

(3) Recklessly with respect to circumstances surrounding his conduct or the result of his conduct when he is aware of but consciously disregards a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of such a nature and degree that its disregard constitutes a gross deviation from the standard of care that an ordinary person would exercise under all the circumstances as viewed from the actor's standpoint.

(4) With criminal negligence or is criminally negligent with respect to circumstances surrounding his conduct or the result of his conduct when he ought to be aware of a substantial and unjustifiable risk that the circumstances exist or the result will occur. The risk must be of a nature and degree that the failure to perceive it constitutes a gross deviation from the standard of care that an ordinary person would exercise in all the circumstances as viewed from the actor's standpoint.

Amended by Chapter 229, 2007 General Session

76-2-104 Culpable mental state -- Higher mental states included.

(1) If acting with criminal negligence is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally, knowingly, or recklessly.

(2) If acting recklessly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally or knowingly.

(3) If acting knowingly is sufficient to establish the culpable mental state for an element of an offense, that element is also established if a person acts intentionally.

Amended by Chapter 75, 1998 General Session

76-2-105 Transferred intent.

Where intentionally causing a result is an element of an offense, that element is established even if a different person than the actor intended was killed, injured, or harmed, or different property than the actor intended was damaged or otherwise affected.

Enacted by Chapter 199, 2004 General Session

76-2-106 Commission of offense with aid of unmanned aircraft system.

(1) As used in this section:

(a) "Unmanned aircraft" means the same as that term is defined in Section 72-10-102.

(b) "Unmanned aircraft system" means the same as that term is defined in Section 72-10-102.

(2) An actor may be found guilty of an offense if:

(a) the actor commits the offense with the aid of an unmanned aircraft; and

(b) the unmanned aircraft system for the unmanned aircraft is under the actor's control at the time of the offense.

Amended by Chapter 216, 2023 General Session

76-2-107 Commission of offense with aid of generative artificial intelligence.

(1) As used in this section, "generative artificial intelligence" means the same as that term is defined in Section 13-77-101.

(2) An actor may be found guilty of an offense if:

(a) the actor commits the offense with the aid of a generative artificial intelligence; or

(b) the actor intentionally prompts or otherwise causes a generative artificial intelligence to commit the offense.

Enacted by Chapter 186, 2024 General Session

Part 2
Criminal Responsibility for Conduct of Another

76-2-201 Definitions.

As used in this part:

(1) "Agent" means any director, officer, employee, or other person authorized to act in behalf of a corporation or association.
(2) "High managerial agent" means:
(a) a partner in a partnership;
(b) an officer of a corporation or association;
(c) an agent of a corporation or association who has duties of such responsibility that the agent's conduct reasonably may be assumed to represent the policy of the corporation or association.
(3) "Corporation" means all organizations required by the laws of this state or any other state to obtain a certificate of authority, a certificate of incorporation, or other form of registration to transact business as a corporation within this state or any other state and shall include domestic, foreign, profit and nonprofit corporations, but shall not include a corporation sole, as such term is used in Title 16, Chapter 7, Corporations Sole. Lack of an appropriate certificate of authority, incorporation, or other form of registration shall be no defense when such organization conducted its business in a manner as to appear to have lawful corporate existence.

Amended by Chapter 302, 2025 General Session

76-2-202 Criminal responsibility for direct commission of offense or for conduct of another.

Every person, acting with the mental state required for the commission of an offense who directly commits the offense, who solicits, requests, commands, encourages, or intentionally aids another person to engage in conduct which constitutes an offense shall be criminally liable as a party for such conduct.

Enacted by Chapter 196, 1973 General Session

76-2-203 Defenses unavailable in prosecution based on conduct of another.

In any prosecution in which an actor's criminal responsibility is based on the conduct of another, it is no defense:
(1) That the actor belongs to a class of persons who by definition of the offense is legally incapable of committing the offense in an individual capacity, or
(2) That the person for whose conduct the actor is criminally responsible has been acquitted, has not been prosecuted or convicted, has been convicted of a different offense or of a different type or class of offense or is immune from prosecution.

Enacted by Chapter 196, 1973 General Session

76-2-204 Criminal responsibility of corporation or association.

A corporation or association is guilty of an offense when:
(1) The conduct constituting the offense consists of an omission to discharge a specific duty of affirmative performance imposed on corporations or associations by law; or
(2) The conduct constituting the offense is authorized, solicited, requested, commanded, or undertaken, performed, or recklessly tolerated by the board of directors or by a high managerial agent acting within the scope of employment and in behalf of the corporation or association.

Amended by Chapter 302, 2025 General Session

76-2-205 Criminal responsibility of person for conduct in name of corporation or association.

A person is criminally liable for conduct constituting an offense which the person performs or causes to be performed in the name of or on behalf of a corporation or association to the same extent as if such conduct were performed in the person's own name or behalf.

Amended by Chapter 302, 2025 General Session

Part 3
Defenses to Criminal Responsibility

76-2-301 Person under 14 years old not criminally responsible.

A person is not criminally responsible for conduct performed before the person reaches 14 years old. This section shall in no way limit the jurisdiction of or proceedings before the juvenile courts of this state.

Amended by Chapter 302, 2025 General Session

76-2-302 Compulsion.

(1) A person is not guilty of an offense when the person engaged in the proscribed conduct because the person was coerced to do so by the use or threatened imminent use of unlawful physical force upon the person or a third person, which force or threatened force a person of reasonable firmness in that situation would not have resisted.
(2) The defense of compulsion provided by this section shall be unavailable to a person who intentionally, knowingly, or recklessly places himself or herself in a situation in which it is probable that the person will be subjected to duress.
(3) A married woman is not entitled, by reason of the presence of her husband, to any presumption of compulsion or to any defense of compulsion except as in Subsection (1) provided.

Amended by Chapter 302, 2025 General Session

76-2-303 Entrapment.

(1) It is a defense that the actor was entrapped into committing the offense. Entrapment occurs when a peace officer or a person directed by or acting in cooperation with the officer induces the commission of an offense in order to obtain evidence of the commission for prosecution by methods creating a substantial risk that the offense would be committed by one not otherwise ready to commit it. Conduct merely affording a person an opportunity to commit an offense does not constitute entrapment.
(2) The defense of entrapment shall be unavailable when causing or threatening bodily injury is an element of the offense charged and the prosecution is based on conduct causing or threatening the injury to a person other than the person perpetrating the entrapment.
(3) The defense provided by this section is available even though the actor denies commission of the conduct charged to constitute the offense.
(4) Upon written motion of the defendant, the court shall hear evidence on the issue and shall determine as a matter of fact and law whether the defendant was entrapped to commit the

offense. Defendant's motion shall be made at least 10 days before trial except the court for good cause shown may permit a later filing.
(5) Should the court determine that the defendant was entrapped, it shall dismiss the case with prejudice, but if the court determines the defendant was not entrapped, such issue may be presented by the defendant to the jury at trial. Any order by the court dismissing a case based on entrapment shall be appealable by the state.
(6) In any hearing before a judge or jury where the defense of entrapment is an issue, past offenses of the defendant shall not be admitted, except that in a trial where the defendant testifies, the defendant may be asked about past convictions for felonies and any testimony given by the defendant at a hearing on entrapment may be used to impeach the defendant's testimony at trial.

Amended by Chapter 302, 2025 General Session

76-2-304 Ignorance or mistake of fact or law.
(1) Unless otherwise provided, ignorance or mistake of fact which disproves the culpable mental state is a defense to any prosecution for that crime.
(2) Ignorance or mistake concerning the existence or meaning of a penal law is no defense to a crime unless:
  (a) due to an actor's ignorance or mistake, the actor reasonably believed the actor's conduct did not constitute an offense; and
  (b) an actor's ignorance or mistake resulted from the actor's reasonable reliance upon:
    (i) an official statement of the law contained in a written order or grant of permission by an administrative agency charged by law with responsibility for interpreting the law in question; or
    (ii) a written interpretation of the law contained in an opinion of a court of record or made by a public servant charged by law with responsibility for interpreting the law in question.
(3) Although an actor's ignorance or mistake of fact or law may constitute a defense to the offense charged, the actor may nevertheless be convicted of a lesser included offense of which the actor would be guilty if the fact or law were as the actor believed.

Amended by Chapter 302, 2025 General Session

76-2-304.5 Mistake as to victim's age not a defense.
(1) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 14 years old or older at the time of the alleged offense or was unaware of the victim's true age:
  (a) child kidnapping, Section 76-5-301.1;
  (b) rape of a child, Section 76-5-402.1;
  (c) object rape of a child, Section 76-5-402.3;
  (d) sodomy on a child, Section 76-5-403.1;
  (e) sexual abuse of a child, Section 76-5-404.1;
  (f) aggravated sexual abuse of a child, Section 76-5-404.3;
  (g) unlawful kissing of a child, Section 76-5-416.2; or
  (h) an attempt to commit an offense listed in Subsections (1)(a) through (1)(g).
(2) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 16 years old or older at the time of the alleged offense or was unaware of the victim's true age:
  (a) unlawful sexual activity with a minor, Section 76-5-401;
  (b) sexual abuse of a minor, Section 76-5-401.1; or

(c) an attempt to commit an offense listed in Subsection (2)(a) or (2)(b).
(3) It is not a defense to the following offenses that the actor mistakenly believed the victim to be 18 years old or older at the time of the alleged offense or was unaware of the victim's true age:
(a) human trafficking of a child for labor, Section 76-5-308.5;
(b) human trafficking of a child for commercial sexual exploitation, Section 76-5-308.6;
(c) aggravated human trafficking, Section 76-5-310;
(d) aggravated human smuggling, Section 76-5-317;
(e) unlawful sexual conduct with a minor, Subsection 76-5-401.2(2)(a)(ii);
(f) patronizing a prostituted individual who is a child, Section 76-5d-204;
(g) aggravated exploitation of prostitution, Section 76-5d-208; or
(h) sexual solicitation by an actor offering compensation to a child in exchange for sexual activity, Section 76-5d-211.

Amended by Chapter 247, 2026 General Session

76-2-305 Mental condition -- Use as a defense -- Influence of alcohol or other substance voluntarily consumed.

(1) As used in this section:
(a)
(i) "Mental condition" means a mental illness or a mental disability that substantially impairs an individual's mental, emotional, or behavioral functioning.
(ii) "Mental condition" does not include a mental abnormality that is manifested solely by repeated criminal conduct, anti-social behavior, or a substance use disorder.
(b) "Mental disability" means an intellectual disability or a neurodevelopmental disorder as those terms are defined in the current edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association.
(c) "Mental illness" means the following mental disorders as described in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association:
(i) schizophrenia spectrum and other psychotic disorders;
(ii) bipolar I disorder;
(iii) post-traumatic stress disorder; or
(iv) other serious mental health conditions with psychotic features.
(2)
(a) It is a defense to a prosecution under any statute or ordinance that the defendant, as a result of a mental condition, lacked the mental state required as an element of the offense charged.
(b) A mental condition is not otherwise a defense, but may be evidence in mitigation of the penalty in a capital felony under Section 76-3-207 and may be evidence of special mitigation reducing the level of a criminal homicide or attempted criminal homicide offense under Section 76-5-205.5.
(3) The defense defined in this section includes the defenses known as "insanity" and "diminished mental capacity."
(4) A person who asserts a defense of insanity or diminished mental capacity, and who is under the influence of voluntarily consumed, injected, or ingested alcohol, controlled substances, or volatile substances at the time of the alleged offense is not excused from criminal responsibility on the basis of a mental condition if the alcohol or substance caused, triggered, or substantially contributed to the mental condition.

Amended by Chapter 177, 2024 General Session

Superseded 1/1/2027

76-2-306 Voluntary intoxication.

(1) Voluntary intoxication is not a defense to a criminal charge unless such intoxication negates the existence of the mental state which is an element of the offense. If recklessness or criminal negligence establishes an element of an offense and the actor is unaware of the risk because of voluntary intoxication, his unawareness is immaterial in a prosecution for that offense.

(2) Voluntary intoxication is not a defense to sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-2-306 Voluntary intoxication.

(1) Voluntary intoxication is not a defense to a criminal charge unless such intoxication negates the existence of the mental state which is an element of the offense. If recklessness or criminal negligence establishes an element of an offense and the actor is unaware of the risk because of voluntary intoxication, the actor's unawareness is immaterial in a prosecution for that offense.

(2) Voluntary intoxication is not a defense to a sexual offense, as described in Title 76, Chapter 5, Part 4, Sexual Offenses.

Amended by Chapter 445, 2026 General Session

76-2-307 Voluntary termination of efforts prior to offense.

It is an affirmative defense to a prosecution in which an actor's criminal responsibility arises from the actor's own conduct or from being a party to an offense under Section 76-2-202 that prior to the commission of the offense, the actor voluntarily terminated the actor's effort to promote or facilitate its commission and either:

(1) gave timely warning to the proper law enforcement authorities or the intended victim; or

(2) wholly deprives the actor's prior efforts of effectiveness in the commission.

Amended by Chapter 302, 2025 General Session

76-2-308 Affirmative defenses.

Defenses enumerated in this part constitute affirmative defenses.

Enacted by Chapter 196, 1973 General Session

76-2-309 Justified use of force.

(1) An individual who uses or threatens to use force as permitted in Section 76-2-402, 76-2-404, 76-2-405, 76-2-406, 76-2-407, or 76-2-408 is justified in that conduct.

(2) The pretrial justification hearing process described in Subsections (3)(a) and (b) does not apply if:

(a)

(i) the individual against whom force was used or threatened is a law enforcement officer, as defined in Section 53-13-103;

(ii) the officer was acting lawfully in the performance of the officer's official duties; and

(iii)
(A) the officer was identified as an officer by the officer in accordance with applicable law; or
(B) the individual using or threatening to use force knew or reasonably should have known that the officer was a law enforcement officer; or
(b) the charge filed against the defendant for which the defendant seeks a pretrial justification hearing is an infraction, a class B or C misdemeanor, or a domestic violence offense as defined in Section 77-36-1.
(3)
(a) Upon motion of the defendant filed in accordance with Rule 12 of the Utah Rules of Criminal Procedure, the court shall hear evidence on the issue of justification under this section and shall determine as a matter of fact and law whether the defendant was justified in the use or threatened use of force.
(b) At the pretrial justification hearing, after the defendant makes a prima facie claim of justification, the state has the burden to prove by clear and convincing evidence that the defendant's use or threatened use of force was not justified.
(c)
(i) If the court determines that the state has not met the state's burden described in Subsection (3)(b), the court shall dismiss the charge with prejudice.
(ii) The state may appeal a court's order dismissing a charge under Subsection (3)(c)(i) in accordance with Section 77-18a-1.
(iii) If a court determines after the pretrial justification hearing that the state has met the state's burden described in Subsection (3)(b), the issue of justification may be raised by the defendant to the jury at trial and, if raised by the defendant, the state shall have the burden to prove beyond a reasonable doubt that the defendant's use or threatened use of force was not justified.
(iv) At trial, a court's determination that the state met the state's burden under Subsection (3)(c)(iii) is not admissible and may not be referenced by the prosecution.

Enacted by Chapter 147, 2021 General Session

Part 4
Justification Excluding Criminal Responsibility

76-2-401 Justification as defense -- When allowed.

(1) Conduct which is justified is a defense to prosecution for any offense based on the conduct. The defense of justification may be claimed:
(a) when the actor's conduct is in defense of persons or property under the circumstances described in Sections 76-2-402 through 76-2-406 of this part;
(b) when the actor's conduct is reasonable and in fulfillment of his duties as a governmental officer or employee;
(c) when the actor's conduct is reasonable discipline of minors by parents, guardians, teachers, or other persons in loco parentis, as limited by Subsection (2);
(d) when the actor's conduct is reasonable discipline of persons in custody under the laws of the state; or
(e) when the actor's conduct is justified for any other reason under the laws of this state.

(2) The defense of justification under Subsection (1)(c) is not available if the offense charged involves causing serious bodily injury, as defined in Section 76-1-101.5, serious injury, as defined in Section 76-5-109, or the death of the minor.

Amended by Chapter 284, 2025 General Session

76-2-402 Force in defense of person -- Forcible felony defined.

(1) As used in this section:

(a) "Forcible felony" means aggravated assault, mayhem, aggravated murder, murder, manslaughter, kidnapping and aggravated kidnapping, rape, forcible sodomy, rape of a child, object rape, object rape of a child, sexual abuse of a child, aggravated sexual abuse of a child, and aggravated sexual assault as defined in Chapter 5, Offenses Against the Individual, and arson, robbery, and burglary as defined in Chapter 6, Offenses Against Property.

(b) "Forcible felony" includes any other felony offense that involves the use of force or violence against an individual that poses a substantial danger of death or serious bodily injury.

(c) "Forcible felony" does not include burglary of a vehicle, as defined in Section 76-6-204, unless the vehicle is occupied at the time unlawful entry is made or attempted.

(2)

(a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.

(b) An individual is justified in using force intended or likely to cause death or serious bodily injury only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony.

(3)

(a) An individual is not justified in using force under the circumstances specified in Subsection (2) if the individual:

(i) initially provokes the use of force against another individual with the intent to use force as an excuse to inflict bodily harm upon the other individual;

(ii) is attempting to commit, committing, or fleeing after the commission or attempted commission of a felony , unless the use of force is a reasonable response to factors unrelated to the commission, attempted commission, or fleeing after the commission of that felony ; or

(iii) was the aggressor or was engaged in a combat by agreement, unless the individual withdraws from the encounter and effectively communicates to the other individual the intent to withdraw from the encounter and, notwithstanding, the other individual continues or threatens to continue the use of unlawful force.

(b) For purposes of Subsection (3)(a)(iii) the following do not, alone, constitute "combat by agreement":

(i) voluntarily entering into or remaining in an ongoing relationship; or

(ii) entering or remaining in a place where one has a legal right to be.

(4) Except as provided in Subsection (3)(a)(iii):

(a) an individual does not have a duty to retreat from the force or threatened force described in Subsection (2) in a place where that individual has lawfully entered or remained; and

(b) the failure of an individual to retreat under the provisions of Subsection (4)(a) is not a relevant factor in determining whether the individual who used or threatened force acted reasonably.

(5) In determining imminence or reasonableness under Subsection (2), the trier of fact may consider:
(a) the nature of the danger;
(b) the immediacy of the danger;
(c) the probability that the unlawful force would result in death or serious bodily injury;
(d) the other individual's prior violent acts or violent propensities;
(e) any patterns of abuse or violence in the parties' relationship; and
(f) any other relevant factors.

Amended by Chapter 181, 2022 General Session

76-2-403 Force in arrest or temporary detention..

A person is justified in using any force, except deadly force, which the person reasonably believes to be necessary to effect an arrest or temporary detention or to defend the person's self or another from bodily harm while making an arrest or temporary detention.

Amended by Chapter 199, 2025 General Session
Amended by Chapter 302, 2025 General Session

76-2-404 Law enforcement officer use of deadly force.

(1) As used in this section:
(a) "Deadly force" means force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.
(b) "Officer" means an officer described in Section 53-13-102.
(c) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
(2) The defense of justification applies to the use of deadly force by an officer, or an individual acting by the officer's command in providing aid and assistance, when:
(a) the officer is acting in obedience to and in accordance with the judgment of a competent court in executing a penalty of death under Subsection 77-18-113(2), (3), or (4);
(b) effecting an arrest or preventing an escape from custody following an arrest, if:
(i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and
(ii)
(A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or
(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or
(c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.
(3) If feasible, a verbal warning should be given by the officer prior to any use of deadly force under Subsection (2)(b) or (2)(c).

Amended by Chapter 181, 2022 General Session

76-2-405 Force or deadly force in defense of habitation, vehicle, or place of business or employment.

(1) Except as provided in Subsection (2), an actor is justified in using force against an individual when and to the extent that the actor reasonably believes that the force is necessary to prevent or terminate the individual's unlawful entry into the actor's vehicle or unlawful entry or attack upon the actor's habitation or place of business or employment.
(2) An actor is justified in using force against the individual described in Subsection (1) that is intended or likely to cause death or serious bodily injury to the individual only if:
(a)
(i) the entry is made or attempted in a violent and tumultuous manner, surreptitiously, or by stealth; and
(ii) the actor reasonably believes:
(A) that the entry is attempted or made for the purpose of assaulting or perpetrating personal violence against any individual who dwells in or is present in the habitation or is present in the vehicle, or place of business or employment; and
(B) that the force is necessary to prevent the assault or perpetration of personal violence; or
(b) the actor reasonably believes that:
(i) the entry is made or attempted for the purpose of committing a felony in the habitation; and
(ii) the force is necessary to prevent the commission of the felony.
(3)
(a) An actor who uses force or deadly force against an individual to defend the actor's habitation is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the entry or attempted entry is:
(i) unlawful; and
(ii) made or attempted:
(A) by use of force;
(B) in a violent and tumultuous manner;
(C) surreptitiously or by stealth; or
(D) for the purpose of committing a felony.
(b) An actor who uses force or deadly force against an individual to defend the actor's vehicle or place of business or employment is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if:
(i) the actor knew or had reason to believe that the individual:
(A) entered, or attempted to enter, unlawfully and with force, the actor's occupied vehicle or place of business or employment; or
(B) removed, or attempted to remove, unlawfully and with force, the actor from the actor's vehicle or place of business or employment; and
(ii) the actor:
(A) did not provoke the individual; and
(B) was not otherwise engaged in criminal activity, other than a traffic offense, at the time the force was used.
(c) The presumption in Subsection (3)(b) applies to an actor's use of force or deadly force against an individual to protect a third person if:
(i) under the circumstances as the actor believes them to be, the actor would be justified under Subsection (3)(b) in using force or deadly force to protect the actor against the unlawful force or unlawful deadly force that the actor reasonably believes to be threatening the third person the actor seeks to protect; and

(ii) the actor reasonably believes that the actor's intervention is immediately necessary to protect the third person.

Amended by Chapter 189, 2024 General Session

76-2-406 Force in defense of property -- Affirmative defense.

(1) Except as provided in Section 76-2-405, an actor is justified in using force, other than deadly force, against another individual when and to the extent that the actor reasonably believes that force is necessary to prevent or terminate the individual's criminal interference with:
  (a) real or personal property lawfully in the actor's possession;
  (b) real or personal property lawfully in the possession of a member of the actor's immediate family;
  (c) real or personal property belonging to an individual whose property the actor has a legal duty to protect; or
  (d) personal property that the actor reasonably believes belongs to another person and that individual's criminal interference is meant to deprive the other person of the person's personal property.
(2) In determining reasonableness under Subsection (1), the trier of fact shall, in addition to any other factors, consider the following factors:
  (a) the apparent or perceived extent of the damage to the property;
  (b) property damage previously caused by the other individual;
  (c) threats of personal injury or damage to property that have been made previously by the other individual; and
  (d) any patterns of abuse or violence between the actor and the individual.

Amended by Chapter 199, 2025 General Session

76-2-407 Deadly force in defense of individuals on real property.

(1) As used in this section, "forcible felony" means the same as that term is defined in Section 76-2-402.
(2) An actor is justified in using force intended or likely to cause death or serious bodily injury against an individual in the actor's defense of another individual on real property other than the places or situations described in Section 76-2-405 if:
  (a) the actor is in lawful possession of the real property;
  (b) the actor reasonably believes that the force is necessary to prevent or terminate the individual's trespass onto the real property;
  (c) the individual's trespass is made or attempted by use of force or in a violent and tumultuous manner; and
  (d)
    (i) the actor reasonably believes:
      (A) that the individual's trespass is attempted or made for the purpose of committing violence against an individual on the real property; and
      (B) that the force is necessary to prevent personal violence; or
    (ii) the actor reasonably believes that:
      (A) the individual's trespass is made or attempted for the purpose of committing a forcible felony that poses imminent peril of death or serious bodily injury to an individual on the real property; and
      (B) the force is necessary to prevent the commission of the forcible felony.

(3) An actor who uses deadly force in defense of an individual on real property under Subsection (2) is presumed for the purpose of both civil and criminal cases to have acted reasonably and had a reasonable fear of imminent peril of death or serious bodily injury if the trespass or attempted trespass:
(a) is unlawful; and
(b) is made or attempted:
(i) by use of force;
(ii) in a violent and tumultuous manner; or
(iii) for the purpose of committing a forcible felony.

Amended by Chapter 189, 2024 General Session

76-2-408 Officer use of force -- Investigations.
(1) As used in this section:
(a) "Dangerous weapon" means a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to an individual.
(b) "Deadly force" means a force that creates or is likely to create, or that the individual using the force intends to create, a substantial likelihood of death or serious bodily injury to an individual.
(c) "In custody" means in the legal custody of a state prison, county jail, or other correctional facility, including custody that results from:
(i) a detention to secure attendance as a witness in a criminal case;
(ii) an arrest for or charging with a crime and committing for trial;
(iii) committing for contempt, upon civil process, or by other authority of law; or
(iv) sentencing to imprisonment on conviction of a crime.
(d) "Investigating agency" means a law enforcement agency, the county or district attorney's office, or an interagency task force composed of officers from multiple law enforcement agencies.
(e) "Officer" means an officer described in Section 53-13-102.
(f) "Officer-involved critical incident" means any of the following:
(i) an officer's use of deadly force;
(ii) an officer's use of a dangerous weapon against an individual who causes injury to any individual;
(iii) death or serious bodily injury to any individual, other than the officer, resulting from an officer's:
(A) use of a motor vehicle while the officer is on duty; or
(B) use of a government vehicle while the officer is off duty;
(iv) the death of an individual who is in custody, but excluding a death that is the result of disease, natural causes, or conditions that have been medically diagnosed prior to the individual's death; or
(v) the death of or serious bodily injury to an individual not in custody, other than an officer, resulting from an officer's attempt to prevent an individual's escape from custody, to make an arrest, or otherwise to gain physical control of an individual.
(g) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
(2) When an officer-involved critical incident occurs:
(a) upon receiving notice of the officer-involved critical incident, the law enforcement agency having jurisdiction where the incident occurred shall, as soon as practical, notify the county or district attorney having jurisdiction where the incident occurred; and

(b) the chief executive of the law enforcement agency and the county or district attorney having jurisdiction where the incident occurred shall:
(i) jointly designate an investigating agency for the officer-involved critical incident; and
(ii) designate which agency is the lead investigative agency if the officer-involved critical incident involves multiple investigations.
(3) The investigating agency under Subsection (2) may not be the law enforcement agency employing the officer who is alleged to have caused or contributed to the officer-involved critical incident.
(4) This section does not preclude the law enforcement agency employing an officer alleged to have caused or contributed to the officer-involved critical incident from conducting an internal administrative investigation.
(5) Each law enforcement agency that is part of or administered by the state or any of the state's political subdivisions shall adopt and post on the agency's publicly accessible website:
(a) the policies and procedures the agency has adopted to select the investigating agency if an officer-involved critical incident occurs in the agency's jurisdiction and one of the agency's officers is alleged to have caused or contributed to the officer-involved incident; and
(b) the protocols the agency has adopted to ensure that any investigation of officer-involved incidents occurring in the agency's jurisdiction are conducted professionally, thoroughly, and impartially.
(6) Once a criminal investigation is turned over from law enforcement, the county or district attorney's findings or analyses into an officer's use of force shall be completed within 180 days of the turnover. If the findings or analyses is not published within 180 days of the turnover, the county or district attorney shall post a public statement on the county or district attorney's website stating a reasonable estimate when the findings or analyses will be complete and the reason for the delay.
(7) Subject to the requirements of Title 63G, Chapter 2, Government Records Access and Management Act, the county or district attorney's resulting findings or analyses shall be published on the county or district attorney's website within five business days of completion.

Amended by Chapter 130, 2022 General Session
Amended by Chapter 181, 2022 General Session

76-2-409 Battered person mitigation.
(1) As used in this section:
(a) "Abuse" means the same as that term is defined in Section 78B-7-102.
(b)
(i) "Cohabitant" means the same as the term is defined in Section 78B-7-102.
(ii) "Cohabitant" includes, notwithstanding the definition in Section 78B-7-102, an individual who is:
(A) a minor when the minor's parent or stepparent, or an individual living with the minor's parent as if a stepparent to the minor, committed the criminal offense; or
(B) a parent or stepparent of a minor, or an individual living with a parent of a minor as if a stepparent to the minor, when the minor committed the criminal offense.
(c) "Minor" means an individual who is younger than 18 years old.
(d) "Parent" means an individual with an established parent-child relationship as described in Section 81-5-201.
(2)
(a) An individual is entitled to battered person mitigation if:

(i) the individual committed a criminal offense that was not legally justified;
(ii) the individual committed the criminal offense against a cohabitant who demonstrated a pattern of abuse against the individual or another cohabitant of the individual; and
(iii) the individual reasonably believed that the criminal offense was necessary to end the pattern of abuse.

(b) A reasonable belief under Subsection (2)(a) is determined from the viewpoint of a reasonable person in the individual's circumstances, as the individual's circumstances are perceived by the individual.

(3) An individual claiming mitigation under Subsection (2)(a) has the burden of proving, by clear and convincing evidence, each element that would entitle the individual to mitigation under Subsection (2)(a).

(4) Mitigation under Subsection (2)(a) results in a one-step reduction of the level of offense of which the individual is convicted.

(5)

(a) If the trier of fact is a jury, an individual is not entitled to mitigation under Subsection (2)(a) unless the jury:
(i) finds the individual proved, in accordance with Subsection (3), that the individual is entitled to mitigation by unanimous vote; and
(ii) returns a special verdict for the reduced charge at the same time the jury returns the general verdict.

(b) A nonunanimous vote by the jury on the question of mitigation under Subsection (2)(a) does not result in a hung jury.

(6) An individual intending to claim mitigation under Subsection (2)(a) at the individual's trial shall give notice of the individual's intent to claim mitigation under Subsection (2)(a) to the prosecuting agency at least 30 days before the individual's trial.

Amended by Chapter 377, 2026 General Session

Chapter 3
Punishments

Part 1
Classification of Offenses

76-3-101 Sentencing in accordance with chapter.

(1) A person adjudged guilty of an offense under this code shall be sentenced in accordance with the provisions of this chapter.

(2) Penal laws enacted after the effective date of this code shall be classified for sentencing purposes in accordance with this chapter.

Enacted by Chapter 196, 1973 General Session

76-3-102 Designation of offenses.

Offenses are designated as felonies, misdemeanors, or infractions.

Enacted by Chapter 196, 1973 General Session

76-3-103 Felonies classified.

(1) Felonies are classified into four categories:
  (a) Capital felonies;
  (b) Felonies of the first degree;
  (c) Felonies of the second degree;
  (d) Felonies of the third degree.
(2) An offense designated as a felony either in this code or in another law, without specification as to punishment or category, is a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-3-104 Misdemeanors classified.

(1) Misdemeanors are classified into three categories:
  (a) Class A misdemeanors;
  (b) Class B misdemeanors;
  (c) Class C misdemeanors.
(2) An offense designated as a misdemeanor in this code without specification as to punishment or category is an infraction punishable in accordance with Section 76-3-205.
(3) Except as provided in Subsection (4), an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is a class B misdemeanor.
(4) After June 30, 2019, an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is an infraction punishable in accordance with Section 76-3-205.

Amended by Chapter 148, 2018 General Session

76-3-105 Infractions.

(1) Infractions are not classified.
(2) Any offense which is an infraction within this code is expressly designated and any offense defined outside this code which is not designated as a felony or misdemeanor and for which no penalty is specified is an infraction.

Enacted by Chapter 196, 1973 General Session

Part 2
Sentencing

76-3-201 Sentences or combination of sentences allowed -- Restitution and other costs -- Civil penalties.

(1) As used in this section:
  (a)
    (i) "Convicted" means:

(A) having entered a plea of guilty, a plea of no contest, or a plea of guilty with a mental condition; or
(B) having received a judgment of guilty or a judgment of guilty with a mental condition.
(ii) "Convicted" does not include an adjudication of an offense under Section 80-6-701.
(b) "Restitution" means the same as that term is defined in Section 77-38b-102.
(2)
(a) Within the limits provided by this chapter, a court may sentence an individual convicted of an offense to any one of the following sentences, or combination of the following sentences:
(i) to pay a fine;
(ii) to removal or disqualification from public or private office;
(iii) except as otherwise provided by law, to probation in accordance with Section 77-18-105;
(iv) in accordance with Subsection 77-18-111(4), to imprisonment;
(v) on or after April 27, 1992, to life in prison without parole; or
(vi) to death.
(b) In determining the appropriate sentence for an individual convicted of an offense, the court shall consider:
(i) the nature and circumstances of the offense, including the nature and gravity of the harm caused by the individual's criminal conduct;
(ii) the history and characteristics of the individual, including the acceptance or lack of acceptance of accountability by the individual;
(iii) whether the sentence to be imposed:
(A) reflects the seriousness of the offense, promotes respect for the law, and provides just punishment for the offense;
(B) affords adequate deterrence of criminal conduct;
(C) protects the public from future offenses by the individual; and
(D) provides for the rehabilitative needs of the individual;
(iv) the adult sentencing and supervision length guidelines as defined in Section 75E-4-101;
(v) the presentence investigation report described in Section 77-18-103 if a presentence investigation report has been prepared for the individual;
(vi) any aggravating factor that the court may, or is required to, consider by law for the offense;
(vii) any aggravating or mitigating circumstances; and
(viii) the desires and interests of any victim of the offense.
(c) In determining the appropriate sentence for an individual convicted of a violent felony, as defined in Section 76-3-203.5, or a sexual offense, as defined in Section 76-3-407, the sentencing court shall prioritize the factors described in Subsections (2)(b)(i), (2)(b)(iii)(A), (2)(b)(iii)(B), and (2)(b)(iii)(C) over any interest of the defendant.
(3)
(a) This chapter does not deprive a court of authority conferred by law:
(i) to forfeit property;
(ii) to dissolve a corporation;
(iii) to suspend or cancel a license;
(iv) to permit removal of an individual from office;
(v) to cite for contempt; or
(vi) to impose any other civil penalty.
(b) A court may include a civil penalty in a sentence.
(4) In addition to any other sentence that a sentencing court may impose, the court shall order an individual to:
(a) pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act;

(b) subject to Section 77-32b-104, pay the cost expended by an appropriate governmental entity under Section 77-30-24 for the extradition of the individual if the individual:
(i) was extradited to this state, under Title 77, Chapter 30, Extradition, to resolve pending criminal charges; and
(ii) is convicted of an offense in the county for which the individual is returned;
(c) subject to Subsection (5) and Subsections 77-32b-104(2), (3), and (4), pay the cost of medical care, treatment, hospitalization, and related transportation, as described in Section 17-63-706, that is provided by a county to the individual while the individual is in a county correctional facility before and after sentencing if:
(i) the individual is convicted of an offense that results in incarceration in the county correctional facility; and
(ii)
(A) the individual is not a state prisoner housed in the county correctional facility through a contract with the Department of Corrections; or
(B) the reimbursement does not duplicate the reimbursement under Section 64-13e-104 if the individual is a state probationary inmate or a state parole inmate; and
(d) pay any other cost that the court determines is appropriate under Section 77-32b-104.
(5) The cost of medical care under Subsection (4)(c) does not include expenses incurred by the county correctional facility in providing reasonable accommodation for an inmate qualifying as an individual with a disability as defined and covered by the Americans with Disabilities Act, 42 U.S.C. Secs. 12101 through 12213, including medical and mental health treatment for the inmate's disability.

Amended by Chapter 350, 2026 General Session

76-3-202 Paroled individuals -- Termination or discharge from sentence -- Time served on parole -- Discretion of Board of Pardons and Parole.
(1) As described in Subsection 77-27-5(7), every individual committed to the state prison to serve an indeterminate term and, after December 31, 2018, released on parole shall complete a term of parole that extends through the expiration of the individual's maximum sentence unless the parole is earlier terminated by the Board of Pardons and Parole in accordance with the adult sentencing and supervision length guidelines, as defined in Section 75E-4-101, to the extent the guidelines are consistent with the requirements of the law.
(2)
(a) Except as provided in Subsection (2)(b), an individual committed to the state prison to serve an indeterminate term and released on parole on or after October 1, 2015, but before January 1, 2019, shall, upon completion of three years on parole outside of confinement and without violation, be terminated from the individual's sentence unless the parole is earlier terminated by the Board of Pardons and Parole or is terminated in accordance with Section 64-14-204.
(b) An individual committed to the state prison to serve an indeterminate term and later released on parole on or after July 1, 2008, but before January 1, 2019, and who was convicted of a felony offense under Chapter 5, Offenses Against the Individual, or an attempt, conspiracy, or solicitation to commit the offense, shall complete a term of parole that extends through the expiration of the individual's maximum sentence, unless the parole is earlier terminated by the Board of Pardons and Parole.
(3) An individual convicted of a second degree felony for violating Section 76-5-404, forcible sexual abuse; Section 76-5-404.1, sexual abuse of a child; or Section 76-5-404.3, aggravated sexual abuse of a child; or attempting, conspiring, or soliciting the commission of a violation of any

of those sections, and who is paroled before July 1, 2008, shall, upon completion of 10 years parole outside of confinement and without violation, be terminated from the sentence unless the individual is earlier terminated by the Board of Pardons and Parole.

(4) An individual who violates the terms of parole, while serving parole, for any offense under Subsection (1), (2), or (3), shall at the discretion of the Board of Pardons and Parole be recommitted to prison to serve the portion of the balance of the term as determined by the Board of Pardons and Parole, but not to exceed the maximum term.

(5) An individual paroled following a former parole revocation may not be discharged from the individual's sentence until:

(a) the individual has served the applicable period of parole under this section outside of confinement;

(b) the individual's maximum sentence has expired; or

(c) the Board of Pardons and Parole orders the individual to be discharged from the sentence.

(6)

(a) All time served on parole, outside of confinement and without violation, constitutes service toward the total sentence.

(b) Any time an individual spends outside of confinement after commission of a parole violation does not constitute service toward the total sentence unless the individual is exonerated at a parole revocation hearing.

(c)

(i) Any time an individual spends in confinement awaiting a hearing before the Board of Pardons and Parole or a decision by the board concerning revocation of parole constitutes service toward the total sentence.

(ii) In the case of exoneration by the board, the time spent is included in computing the total parole term.

(7) When a parolee causes the parolee's absence from the state without authority from the Board of Pardons and Parole or avoids or evades parole supervision, the period of absence, avoidance, or evasion tolls the parole period.

(8)

(a) While on parole, time spent in confinement outside the state may not be credited toward the service of any Utah sentence.

(b) Time in confinement outside the state or in the custody of any tribal authority or the United States government for a conviction obtained in another jurisdiction tolls the expiration of the Utah sentence.

(9) This section does not preclude the Board of Pardons and Parole from paroling or discharging an inmate at any time within the discretion of the Board of Pardons and Parole unless otherwise specifically provided by law.

(10) A parolee sentenced to lifetime parole may petition the Board of Pardons and Parole for termination of lifetime parole.

Amended by Chapter 291, 2026 General Session

76-3-203 Felony conviction -- Indeterminate term of imprisonment.

A person who has been convicted of a felony may be sentenced to imprisonment for an indeterminate term as follows:

(1) In the case of a felony of the first degree, unless the statute provides otherwise, for a term of not less than five years and which may be for life.

(2) In the case of a felony of the second degree, unless the statute provides otherwise, for a term of not less than one year nor more than 15 years.
(3) In the case of a felony of the third degree, unless the statute provides otherwise, for a term not to exceed five years.

Amended by Chapter 148, 2003 General Session

Superseded 1/1/2027
76-3-203.1 Enhanced penalty for offenses committed in or for a certain group.
(1) As used in this section:
(a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
(b) "In concert with two or more individuals" means:
(i) the actor was aided or encouraged by at least two other individuals in committing an offense and was aware of this aid or encouragement; and
(ii) each of the other individuals:
(A) was physically present; and
(B) participated as a party to an offense listed in Subsection (6) or (7).
(c) "In concert with two or more individuals" means, regarding intent:
(i) any other individual participating as a party need not have the intent to engage in the same offense or degree of offense as the actor; and
(ii) a minor is a party if the minor's actions would cause the minor to be a party if the minor were an adult.
(d) "Organized criminal group" means a group of three or more individuals, whether operating formally or informally, that:
(i) has as one of the group's purposes the commission of criminal offenses; and
(ii) whose members collectively engage in committing criminal offenses for the financial or other material benefit of the members or group.
(e) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:
(i) the intent expressed by the individual; and
(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.
(2) An actor who commits an offense listed in Subsection (6) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor acted:
(a) in concert with two or more individuals;
(b) for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or
(c) to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.
(3) An actor who commits an offense listed in Subsection (7) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor:
(a)
(i) acted in concert with two or more individuals; and
(ii)

(A) traveled more than 50 miles from the actor's principal place of residence for the purpose of the actor committing an offense listed in Subsection (7); or

(B) had previously been convicted of an offense listed in Subsection (7), or an offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (7);

(b) acted for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or

(c) acted to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.

(4) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the actor is subject to the enhanced penalties provided under this section.

(5) For an offense listed in Subsection (6) or (7), an actor may be charged as follows:

(a) for a class B misdemeanor, as a class A misdemeanor;

(b) for a class A misdemeanor, as a third degree felony;

(c) for a third degree felony, as a second degree felony; and

(d) for a second degree felony, as a first degree felony.

(6) The offenses referred to in Subsection (2) are:

(a) an offense described in Chapter 5, Part 1, Assault and Related Offenses;

(b) an offense described in Chapter 5, Part 2, Criminal Homicide;

(c) a felony offense described in Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

(d) a felony offense described in Chapter 5, Part 4, Sexual Offenses, other than enticing a minor under Section 76-5-417, lewdness under Section 76-5-419, or lewdness involving a child under Section 76-5-420;

(e) a felony violation of aiding prostitution as described in Section 76-5d-206;

(f) exploiting prostitution as described in Section 76-5d-207;

(g) aggravated exploitation of prostitution under Section 76-5d-208;

(h) robbery as described in Section 76-6-202;

(i) burglary as described in Subsection 76-6-202(3)(b);

(j) aggravated burglary as described in Section 76-6-203;

(k) burglary of a research facility as described in Section 76-6-207;

(l) aggravated robbery as described in Section 76-6-302;

(m) an offense described in Chapter 11, Weapons; and

(n) transporting or harboring aliens as described in Section 76-14-209.

(7) The offenses referred to in Subsection (3) are:

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

(b) an offense described in Chapter 6, Part 1, Property Destruction;

(c) an offense described in Chapter 6, Part 4, Theft;

(d) an offense described in Chapter 6, Part 6, Retail Theft;

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

(f) communications fraud as described in Section 76-6-525; and

(g) an offense described in Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting Act.

(8) A court may, if not otherwise prohibited from doing so by another section of the code, suspend a sentence imposed under this section and place the actor on probation.

(9) It is not a bar to imposing the enhanced penalties under this section that the individuals with whom the actor is alleged to have acted in concert are not identified, apprehended, charged, or

convicted, or that any of those individuals are charged with or convicted of a different or lesser offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 174, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 208, 2025 General Session

Effective 1/1/2027

76-3-203.1 Enhanced penalty for offenses committed in or for a certain group.

(1) As used in this section:
(a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
(b) "In concert with two or more individuals" means:
(i) the actor was aided or encouraged by at least two other individuals in committing an offense and was aware of this aid or encouragement; and
(ii) each of the other individuals:
(A) was physically present; and
(B) participated as a party to an offense listed in Subsection (6) or (7).
(c) "In concert with two or more individuals" means, regarding intent:
(i) any other individual participating as a party need not have the intent to engage in the same offense or degree of offense as the actor; and
(ii) a minor is a party if the minor's actions would cause the minor to be a party if the minor were an adult.
(d) "Organized criminal group" means a group of three or more individuals, whether operating formally or informally, that:
(i) has as one of the group's purposes the commission of criminal offenses; and
(ii) whose members collectively engage in committing criminal offenses for the financial or other material benefit of the members or group.
(e) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:
(i) the intent expressed by the individual; and
(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.
(2) An actor who commits an offense listed in Subsection (6) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor acted:
(a) in concert with two or more individuals;
(b) for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or
(c) to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.
(3) An actor who commits an offense listed in Subsection (7) is subject to an enhanced penalty for the offense as provided in Subsection (5) if the trier of fact finds beyond a reasonable doubt that the actor:
(a)
(i) acted in concert with two or more individuals; and
(ii)

(A) traveled more than 50 miles from the actor's principal place of residence for the purpose of the actor committing an offense listed in Subsection (7); or
(B) had previously been convicted of an offense listed in Subsection (7), or an offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (7);
(b) acted for the benefit of, at the direction of, or in association with a criminal street gang or other organized criminal group; or
(c) acted to gain recognition, acceptance, membership, or increased status with a criminal street gang or other organized criminal group.
(4) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the actor is subject to the enhanced penalties provided under this section.
(5) For an offense listed in Subsection (6) or (7), an actor may be charged as follows:
(a) for a class B misdemeanor, as a class A misdemeanor;
(b) for a class A misdemeanor, as a third degree felony;
(c) for a third degree felony, as a second degree felony; and
(d) for a second degree felony, as a first degree felony.
(6) The offenses referred to in Subsection (2) are:
(a) an offense described in Chapter 5, Part 1, Assault and Related Offenses;
(b) an offense described in Chapter 5, Part 2, Criminal Homicide;
(c) a felony offense described in Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
(d) a felony offense described in Chapter 5, Part 4, Sexual Offenses;
(e) a felony violation of aiding prostitution as described in Section 76-5d-206;
(f) exploiting prostitution as described in Section 76-5d-207;
(g) aggravated exploitation of prostitution under Section 76-5d-208;
(h) robbery as described in Section 76-6-202;
(i) burglary as described in Subsection 76-6-202(3)(b);
(j) aggravated burglary as described in Section 76-6-203;
(k) burglary of a research facility as described in Section 76-6-207;
(l) aggravated robbery as described in Section 76-6-302;
(m) an offense described in Chapter 11, Weapons; and
(n) transporting or harboring aliens as described in Section 76-14-209.
(7) The offenses referred to in Subsection (3) are:
(a) criminal solicitation of a minor as described in Section 76-4-205;
(b) an offense described in Chapter 6, Part 1, Property Destruction;
(c) an offense described in Chapter 6, Part 4, Theft;
(d) an offense described in Chapter 6, Part 6, Retail Theft;
(e) an offense described in Chapter 6, Part 11, Identity Fraud Act;
(f) communications fraud as described in Section 76-6-525; and
(g) an offense described in Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting Act.
(8) A court may, if not otherwise prohibited from doing so by another section of the code, suspend a sentence imposed under this section and place the actor on probation.
(9) It is not a bar to imposing the enhanced penalties under this section that the individuals with whom the actor is alleged to have acted in concert are not identified, apprehended, charged, or convicted, or that any of those individuals are charged with or convicted of a different or lesser offense.

Amended by Chapter 445, 2026 General Session

76-3-203.2 Definitions -- Use of dangerous weapon in offenses committed on or about school premises -- Enhanced penalties.

(1)
(a) As used in this section "on or about school premises" means:
(i)
(A) in a public or private elementary or secondary school; or
(B) on the grounds of any of those schools;
(ii)
(A) in a public or private institution of higher education; or
(B) on the grounds of a public or private institution of higher education;
(iii) within 1,000 feet of any school, institution, or grounds included in Subsections (1)(a)(i) and (ii); and
(iv) in or on the grounds of a preschool or child care facility.
(b) As used in this section:
(i) "Dangerous weapon" means the same as that term is defined in Section 76-1-101.5.
(ii) "Educator" means a person who is:
(A) employed by a public school district; and
(B) required to hold a certificate issued by the State Board of Education or, for an audiologist or a speech language pathologist, an individual who an LEA employs and holds a credential from the Division of Professional Licensing in accordance with Title 58, Chapter 41, Speech-Language Pathology and Audiology Certification Act, in order to perform duties of employment.
(iii) "Within the course of employment" means that an educator is providing services or engaging in conduct required by the educator's employer to perform the duties of employment.
(2) A person who, on or about school premises, commits an offense and uses or threatens to use a dangerous weapon, as defined in Section 76-1-101.5, in the commission of the offense is subject to an enhanced degree of offense as provided in Subsection (4).
(3)
(a) A person who commits an offense against an educator when the educator is acting within the course of employment is subject to an enhanced degree of offense as provided in Subsection (4).
(b) As used in Subsection (3)(a), "offense" means:
(i) an offense under Chapter 5, Offenses Against the Individual; and
(ii) an offense under Chapter 6, Part 3, Robbery.
(4) If the trier of fact finds beyond a reasonable doubt that the defendant, while on or about school premises, commits an offense and in the commission of the offense uses or threatens to use a dangerous weapon, or that the defendant committed an offense against an educator when the educator was acting within the course of the educator's employment, the enhanced penalty for a:
(a) class B misdemeanor is a class A misdemeanor;
(b) class A misdemeanor is a third degree felony;
(c) third degree felony is a second degree felony; or
(d) second degree felony is a first degree felony.
(5) The enhanced penalty for a first degree felony offense of a convicted person:

(a) is imprisonment for a term of not less than five years and which may be for life, and imposition or execution of the sentence may not be suspended unless the court finds that the interests of justice would be best served and states the specific circumstances justifying the disposition on the record; and
(b) is subject also to the dangerous weapon enhancement provided in Section 76-3-203.8, except for an offense committed under Subsection (3) that does not involve a firearm.
(6) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice upon the information or indictment that the defendant is subject to the enhanced degree of offense or penalty under Subsection (4) or (5).
(7) In cases where an offense is enhanced under Subsection (4), or under Subsection (5)(a) for an offense committed under Subsection (2) that does not involve a firearm, the convicted person is not subject to the dangerous weapon enhancement in Section 76-3-203.8.
(8) The sentencing enhancement described in this section does not apply if:
(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping under Section 76-5-301.1;
(iii) aggravated kidnapping under Section 76-5-302; or
(iv) forcible sexual abuse under Section 76-5-404; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 140, 2026 General Session

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 who commits any primary offense with the intent to intimidate or terrorize another person or with reason to believe that his action would intimidate or terrorize that person 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) "Intimidate or terrorize" means an act which causes the person to fear for his physical safety or damages the property of that person or another. The act must be accompanied with the intent to cause or has the effect of causing a person 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, 76-5-102.10, 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 Chapter 6, Offenses Against Property;
(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, 76-8-308, 76-8-309.2, and 76-8-313;

(f) any offense of interfering or intending to interfere with activities of colleges and universities under Chapter 8, Part 7, Colleges and Universities;
(g) any misdemeanor offense against public order and decency as defined in Chapter 9, Part 1, Breaches of the Peace and Related Offenses, other than Section 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;
(h) any telephone abuse offense under Sections 76-12-202, 76-12-203, 76-12-204, and 76-12-206;
(i) any cruelty to animals offense under Sections 76-13-202, 76-13-203, and 76-13-204;
(j) any weapons offense under Section 76-11-207; 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.

Amended by Chapter 246, 2026 General Session

76-3-203.4 Hate crimes -- Aggravating factors.
(1) The sentencing judge or the Board of Pardons and Parole shall consider in their deliberations as an aggravating factor the public harm resulting from the commission of the offense, including the degree to which the offense is likely to incite community unrest or cause members of the community to reasonably fear for their physical safety or 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.
(2) The sentencing judge or the Board of Pardons and Parole shall also consider whether the penalty for the offense is already increased by other existing provisions of law.
(3) 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.

Enacted by Chapter 184, 2006 General Session

76-3-203.5 Habitual violent offender -- Definition -- Procedure -- Penalty.
(1) As used in this section:
(a) "Felony" means any violation of a criminal statute of the state, any other state, the United States, or any district, possession, or territory of the United States for which the maximum punishment the offender may be subjected to exceeds one year in prison.
(b) "Habitual violent offender" means a person convicted within the state of any violent felony and who on at least two previous occasions has been convicted of a violent felony and committed to either prison in Utah or an equivalent correctional institution of another state or of the United States either at initial sentencing or after revocation of probation.
(c) "Violent felony" means:
(i) any of the following offenses, or any attempt, solicitation, or conspiracy to commit any of the following offenses punishable as a felony:
(A) arson as described in Section 76-6-102;
(B) causing a catastrophe as described in Subsection 76-6-105(3)(a) or (3)(b);
(C) criminal mischief as described in Section 76-6-106;
(D) aggravated arson as described in Section 76-6-103;
(E) assault by prisoner as described in Section 76-5-102.5;

(F) disarming a police officer as described in Section 76-5-102.8;
(G) aggravated assault as described in Section 76-5-103;
(H) aggravated assault by prisoner as described in Section 76-5-103.5;
(I) mayhem as described in Section 76-5-105;
(J) stalking as described in Subsection 76-5-106.5(2);
(K) threat of terrorism as described in Section 76-5-107.3;
(L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);
(M) child torture as described in Section 76-5-109.4;
(N) commission of domestic violence in the presence of a child as described in Section 76-5-114;
(O) abuse or neglect of a child with a disability as described in Section 76-5-110;
(P) abuse or exploitation of a vulnerable adult as described in Section 76-5-111, 76-5-111.2, 76-5-111.3, or 76-5-111.4;
(Q) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;
(R) an offense described in Chapter 5, Part 2, Criminal Homicide;
(S) kidnapping as described in Section 76-5-301;
(T) child kidnapping as described in Section 76-5-301.1;
(U) aggravated kidnapping as described in Section 76-5-302;
(V) rape as described in Section 76-5-402;
(W) rape of a child as described in Section 76-5-402.1;
(X) object rape as described in Section 76-5-402.2;
(Y) object rape of a child as described in Section 76-5-402.3;
(Z) forcible sodomy as described in Section 76-5-403;
(AA) sodomy on a child as described in Section 76-5-403.1;
(BB) forcible sexual abuse as described in Section 76-5-404;
(CC) sexual abuse of a child as described in Section 76-5-404.1;
(DD) aggravated sexual abuse of a child as described in Section 76-5-404.3;
(EE) aggravated sexual assault as described in Section 76-5-405;
(FF) sexual exploitation of a minor as described in Section 76-5b-201;
(GG) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
(HH) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
(II) possession of apparent child sexual abuse material as described in Section 76-5b-207;
(JJ) distribution of apparent child sexual abuse material as described in Section 76-5b-208;
(KK) unlawful activity regarding obscene material depicting the sexual abuse of a minor as described in Section 76-5b-209;
(LL) aggravated exploitation of prostitution as described in Subsection 76-5d-208(2)(a);
(MM) burglary as described in Subsection 76-6-202(3)(b);
(NN) aggravated burglary as described in Section 76-6-203;
(OO) robbery as described in Section 76-6-301;
(PP) aggravated robbery as described in Section 76-6-302;
(QQ) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or (1)(a)(ii);
(RR) tampering with a witness as described in Section 76-8-508;
(SS) retaliation against a witness, victim, or informant as described in Section 76-8-508.3;
(TT) tampering or retaliating against a juror as described in Subsection 76-8-508.5(2)(a)(iii);
(UU) extortion to dismiss a criminal proceeding as described in Subsection 76-6-406(1)(a)(i), (ii), or (ix);
(VV) bus hijacking as described in Section 76-9-1502;
(WW) assault with intent to commit bus hijacking as described in Section 76-9-1503;

(XX) purchase or possession of a dangerous weapon by a restricted person as described in Section 76-11-305 or 76-11-306;
(YY) unlawful delivery of explosive, chemical, or incendiary devices as described in Section 76-15-209;
(ZZ) unlawful conduct involving an explosive, chemical, or incendiary device as described in Section 76-15-210;
(AAA) unlawful conduct involving an explosive, chemical, or incendiary part as described in Section 76-15-211;
(BBB) unlawful discharge of a firearm or hurling of a missile into a bus or terminal as described in Section 76-9-1504; and
(CCC) felony discharge of a firearm as described in Section 76-11-210.
(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 violent felony as defined in this Subsection (1) if committed in this state.

(2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier of fact determines beyond a reasonable doubt that the person is a habitual violent offender under this section, the penalty for a:
(a) third degree felony is as if the conviction were for a first degree felony;
(b) second degree felony is as if the conviction were for a first degree felony; or
(c) first degree felony remains the penalty for a first degree penalty except:
(i) the convicted person is not eligible for probation; and
(ii) the Board of Pardons and Parole shall consider that the convicted person is a habitual violent offender as an aggravating factor in determining the length of incarceration.

(3)
(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide notice in the information or indictment that the defendant is subject to punishment as a habitual violent offender under this section. Notice shall include the case number, court, and date of conviction or commitment of any case relied upon by the prosecution.
(b)
(i) The defendant shall serve notice in writing upon the prosecutor if the defendant intends to deny that:
(A) the defendant is the person who was convicted or committed;
(B) the defendant was represented by counsel or had waived counsel; or
(C) the defendant's plea was understandingly or voluntarily entered.
(ii) The notice of denial shall be served not later than five days before trial and shall state in detail the defendant's contention regarding the previous conviction and commitment.

(4)
(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a jury, the jury may not be told, until after it returns its verdict on the underlying felony charge, of the:
(i) defendant's previous convictions for violent felonies, except as otherwise provided in the Utah Rules of Evidence; or
(ii) allegation against the defendant of being a habitual violent offender.
(b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of being an habitual violent offender by the same jury, if practicable, unless the defendant waives the jury, in which case the allegation shall be tried immediately to the court.
(c)
(i) Before or at the time of sentencing the trier of fact shall determine if this section applies.

(ii) The trier of fact shall consider any evidence presented at trial and the prosecution and the defendant shall be afforded an opportunity to present any necessary additional evidence.
(iii) Before sentencing under this section, the trier of fact shall determine whether this section is applicable beyond a reasonable doubt.
(d) If any previous conviction and commitment is based upon a plea of guilty or no contest, there is a rebuttable presumption that the conviction and commitment were regular and lawful in all respects if the conviction and commitment occurred after January 1, 1970. If the conviction and commitment occurred before January 1, 1970, the burden is on the prosecution to establish by a preponderance of the evidence that the defendant was then represented by counsel or had lawfully waived the right to have counsel present, and that the defendant's plea was understandingly and voluntarily entered.
(e) If the trier of fact finds this section applicable, the court shall enter that specific finding on the record and shall indicate in the order of judgment and commitment that the defendant has been found by the trier of fact to be a habitual violent offender and is sentenced under this section.
(5)
(a) The sentencing enhancement provisions of Section 76-3-407 supersede the provisions of this section.
(b)
(i) Notwithstanding Subsection (5)(a) and except as provided in Subsection (5)(b)(ii), the "violent felony" offense defined in Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part 4, Sexual Offenses, to determine if the convicted person is a habitual violent offender.
(ii) The "violent felony" offense defined in Subsection (1)(c) does not include any felony sexual offense violation of:
(A) enticing a minor, Section 76-5-417;
(B) lewdness, Section 76-5-419; or
(C) lewdness involving a child, Section 76-5-420.
(6) The sentencing enhancement described in this section does not apply if:
(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping, Section 76-5-301.1;
(iii) aggravated kidnapping, Section 76-5-302; or
(iv) forcible sexual abuse, Section 76-5-404; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 358, 2026 General Session

76-3-203.6 Enhanced penalty for certain offenses committed by prisoner.
(1) As used in this section, "serving a sentence" means a prisoner is sentenced and committed to the custody of the Department of Corrections, the sentence has not been terminated or voided, and the prisoner:
(a) has not been paroled; or
(b) is in custody after arrest for a parole violation.
(2) If the trier of fact finds beyond a reasonable doubt that a prisoner serving a sentence for a capital felony or a first degree felony commits any offense listed in Subsection (5), the offense

is a first degree felony and the court shall sentence the defendant to life in prison without parole.

(3) Notwithstanding Subsection (2), the court may sentence the defendant to an indeterminate prison term of not less than 20 years and that may be for life if the court finds that the interests of justice would best be served and states the specific circumstances justifying the disposition on the record.

(4) Subsection (2) does not apply if the prisoner is younger than 18 years old at the time the offense listed in Subsection (5) is committed and is sentenced on or after May 10, 2016.

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

(a) aggravated assault by a prisoner, Section 76-5-103.5;
(b) mayhem, Section 76-5-105;
(c) attempted murder, Section 76-5-203;
(d) kidnapping, Section 76-5-301;
(e) child kidnapping, Section 76-5-301.1;
(f) aggravated kidnapping, Section 76-5-302;
(g) rape, Section 76-5-402;
(h) rape of a child, Section 76-5-402.1;
(i) object rape, Section 76-5-402.2;
(j) object rape of a child, Section 76-5-402.3;
(k) forcible sodomy, Section 76-5-403;
(l) sodomy on a child, Section 76-5-403.1;
(m) aggravated sexual abuse of a child, Section 76-5-404.3;
(n) aggravated sexual assault, Section 76-5-405;
(o) aggravated arson, Section 76-6-103;
(p) aggravated burglary, Section 76-6-203; and
(q) aggravated robbery, Section 76-6-302.

(6) The sentencing enhancement described in this section does not apply if:

(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping, Section 76-5-301.1; or
(iii) aggravated kidnapping, Section 76-5-302; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 181, 2022 General Session

76-3-203.7 Increase of sentence for violent felony if body armor used.

(1) As used in this section:

(a) "Body armor" means any material designed or intended to provide bullet penetration resistance or protection from bodily injury caused by a dangerous weapon.
(b) "Dangerous weapon" means the same as that term is defined in Section 76-1-101.5.
(c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

(2) A person convicted of a violent felony may be sentenced to imprisonment for an indeterminate term, as provided in Section 76-3-203, but if the trier of fact finds beyond a reasonable doubt that the defendant used, carried, or possessed a dangerous weapon and also used or wore body armor, with the intent to facilitate the commission of the violent felony, and the violent felony is:

(a) a first degree felony, the court shall sentence the person convicted for a term of not less than six years, and which may be for life;
(b) a second degree felony, the court shall sentence the person convicted for a term of not less than two years nor more than 15 years, and the court may sentence the person convicted for a term of not less than two years nor more than 20 years; and
(c) a third degree felony, the court shall sentence the person convicted for a term of not less than one year nor more than five years, and the court may sentence the person convicted for a term of not less than one year nor more than 10 years.

(3) The sentencing enhancement described in this section does not apply if:
(a) the offense for which the person is being sentenced is:
(i) a grievous sexual offense;
(ii) child kidnapping, Section 76-5-301.1;
(iii) aggravated kidnapping, Section 76-5-302; or
(iv) forcible sexual abuse, Section 76-5-404; and
(b) applying the sentencing enhancement provided for in this section would result in a lower maximum penalty than the penalty provided for under the section that describes the offense for which the person is being sentenced.

Amended by Chapter 181, 2022 General Session

76-3-203.8 Increase of sentence if dangerous weapon used.

(1) As used in this section, "dangerous weapon" means the same as that term is defined in Section 76-1-101.5.
(2) If the trier of fact finds beyond a reasonable doubt that a dangerous weapon was used in the commission or furtherance of a felony, the court:
(a)
(i) shall increase by one year the minimum term of the sentence applicable by law; and
(ii) if the minimum term applicable by law is zero, shall set the minimum term as one year; and
(b) may increase by five years the maximum sentence applicable by law in the case of a felony of the second or third degree.
(3) A defendant who is a party to a felony offense shall be sentenced to the increases in punishment provided in Subsection (2) if the trier of fact finds beyond a reasonable doubt that:
(a) a dangerous weapon was used in the commission or furtherance of the felony; and
(b) the defendant knew that the dangerous weapon was present.
(4) If the trier of fact finds beyond a reasonable doubt that a person has been sentenced to a term of imprisonment for a felony in which a dangerous weapon was used in the commission of or furtherance of the felony and that person is subsequently convicted of another felony in which a dangerous weapon was used in the commission of or furtherance of the felony, the court shall, in addition to any other sentence imposed including those in Subsection (2), impose an indeterminate prison term to be not less than five nor more than 10 years to run consecutively and not concurrently.

Amended by Chapter 181, 2022 General Session

76-3-203.9 Violent offense committed in presence of a child -- Aggravating factor.

(1) As used in this section:
(a) "In the presence of a child" means:
(i) in the physical presence of a child younger than 14 years of age; or

(ii) having knowledge that a child younger than 14 years of age is present and may see or hear a violent criminal offense.

(b) "Violent criminal offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt to commit a criminal offense involving violence or physical harm.

(2) The sentencing judge or the Board of Pardons and Parole shall consider as an aggravating factor in their deliberations that the defendant committed the violent criminal offense in the presence of a child.

(3) The sentencing judge or the Board of Pardons and Parole shall also consider whether the penalty for the offense is already increased by other existing provisions of law.

(4) 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 Utah or by the Constitution or laws of the United States.

(5) This section does not affect or restrict the exercise of judicial discretion under any other provision of Utah law.

Enacted by Chapter 347, 2007 General Session

76-3-203.10 Violent offense committed in presence of a child -- Penalties.

(1) As used in this section:

(a) "In the presence of a child" means:

(i) in the physical presence of a child younger than 14 years old; and

(ii) having knowledge that the child is present and may see or hear the commission of a violent criminal offense.

(b) "Violent criminal offense" means any criminal offense involving violence or physical harm or threat of violence or physical harm, or any attempt to commit a criminal offense involving violence or physical harm that is not a domestic violence offense as defined in Section 77-36-1.

(2) A person commits a violent criminal offense in the presence of a child if the person:

(a) commits or attempts to commit criminal homicide, as defined in Section 76-5-201, against a third party in the presence of a child;

(b) intentionally causes or attempts to cause serious bodily injury to a third party or uses a dangerous weapon, as defined in Section 76-1-101.5, or other means or force likely to produce death or serious bodily injury, against a third party in the presence of a child; or

(c) under circumstances not amounting to a violation of Subsection (2)(a) or (b), commits a violent criminal offense in the presence of a child.

(3) A person who violates Subsection (2) is guilty of a class B misdemeanor.

Amended by Chapter 181, 2022 General Session

76-3-203.11 Reporting an overdose -- Mitigating factor.

(1) As used in this section, "good faith" does not include seeking medical assistance under this section during the course of a law enforcement agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.

(2) It is a mitigating factor in sentencing for an offense under Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances, that the person or bystander:

(a) reasonably believes that the person or another person is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
(b) reports, or assists a person who reports, in good faith the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the person is the subject of a report made under this section;
(c) provides in the report under Subsection (2)(b) a functional description of the location of the actual overdose event that facilitates responding to the person experiencing the overdose event;
(d) remains at the location of the person experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the person experiencing an overdose event is located until a responding law enforcement officer arrives;
(e) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the person experiencing the overdose event and any substances the person may have injected, inhaled, or otherwise introduced into the person's body; and
(f) committed the offense in the same course of events from which the reported overdose arose.

Amended by Chapter 362, 2026 General Session

Superseded 1/1/2027

76-3-203.12 Enhanced penalty for sexual offenses committed by a person with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C.

(1) As used in this section:
(a) "Sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.
(b) "Sexual offense" does not include:
(i) enticing a minor, as described in Section 76-5-417;
(ii) sexual battery, as described in Section 76-5-418;
(iii) lewdness, as described in Section 76-5-419; or
(iv) lewdness involving a child, as described in Section 76-5-420.
(2) A person convicted of a sexual offense is subject to an enhanced penalty if at the time of the sexual offense the person was infected with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C and the person knew of the infection.
(3)
(a) Except as provided in Subsection (3)(b), the enhancement of a penalty described in Subsection (2) shall be an enhancement of one classification higher than the root offense for which the person was convicted.
(b) A felony of the first degree is not enhanced under this section.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-3-203.12 Enhanced penalty for sexual offenses committed by a person with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C.

(1) As used in this section:
(a) "Sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.

(b) "Sexual offense" does not include:
(i) lewdness, as described in Section 76-5-419; or
(ii) lewdness involving a child, as described in Section 76-5-420.
(2) A person convicted of a sexual offense is subject to an enhanced penalty if at the time of the sexual offense the person was infected with human immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C and the person knew of the infection.
(3)
(a) Except as provided in Subsection (3)(b), the enhancement of a penalty described in Subsection (2) shall be an enhancement of one classification higher than the root offense for which the person was convicted.
(b) A felony of the first degree is not enhanced under this section.

Amended by Chapter 445, 2026 General Session

76-3-203.13 Enhanced penalty for unlawful sexual contact with a student.
(1) An actor convicted of a sexual offense described in Section 76-5-401.1 or 76-5-401.2 may be subject to an enhanced penalty if, at the time of the commission of the sexual offense, the actor:
(a) was 18 years old or older;
(b) held a position of special trust as a teacher, employee, or volunteer at a school, as that position is defined in Subsection 76-5-404.1(1)(a)(v)(S); and
(c) committed the offense against an individual who at the time of the offense was enrolled as a student at the school where the actor was employed or was acting as a volunteer.
(2) The enhancement of a penalty described in Subsection (1) shall be an enhancement of one classification higher than the offense of which the actor was convicted.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-3-203.14 Victim targeting penalty enhancement -- Penalties.
(1) As used in this section "personal attribute" means:
(a) age;
(b) ancestry;
(c) disability;
(d) ethnicity;
(e) familial status;
(f) gender identity;
(g) homelessness;
(h) marital status;
(i) matriculation;
(j) national origin;
(k) political expression;
(l) race;
(m) religion;
(n) sex;
(o) sexual orientation;
(p) service in the U.S. Armed Forces;
(q) status as an emergency responder, as defined in Section 53-2b-102; or

(r) status as a law enforcement officer, correctional officer, special function officer, or any other peace officer, as defined in Title 53, Chapter 13, Peace Officer Classifications.

(2) A defendant is subject to enhanced penalties under Subsection (3) if the defendant intentionally selects:

(a) the victim of the criminal offense because of the defendant's belief or perception regarding the victim's personal attribute or a personal attribute of another individual or group of individuals with whom the victim has a relationship; or

(b) the property damaged or otherwise affected by the criminal offense because of the defendant's belief or perception regarding the property owner's, possessor's, or occupant's personal attribute or a personal attribute of another individual or group of individuals with whom the property owner, possessor, or occupant has a relationship.

(3)

(a) If the trier of fact finds beyond a reasonable doubt that a defendant committed a criminal offense and selected the victim or property damaged or otherwise affected by the criminal offense in the manner described in Subsection (2), the defendant is subject to an enhanced penalty for the criminal offense as follows:

(i) a class C misdemeanor is a class B misdemeanor;

(ii) a class B misdemeanor is a class A misdemeanor;

(iii) a class A misdemeanor is a third degree felony;

(iv) a third degree felony is a third degree felony punishable by an indeterminate term of imprisonment for not less than one year nor more than five years; and

(v) a second degree felony is a second degree felony punishable by an indeterminate term of imprisonment for not less than two years nor more than 15 years.

(b) If the trier of fact finds beyond a reasonable doubt that a defendant committed a criminal offense that is a first degree felony and selected the victim or property damaged or otherwise affected by the criminal offense in the manner described in Subsection (2), the sentencing judge or the Board of Pardons and Parole shall consider the defendant's selection of the victim or property as an aggravating factor.

(4) This section does not:

(a) apply if:

(i) the penalty for the criminal offense is increased or enhanced under another provision of state law; or

(ii) the personal attribute of the victim or property owner, possessor, or occupant is an element of a criminal offense under another provision of state law;

(b) prevent the court from imposing alternative sanctions as the court finds appropriate;

(c) affect or limit any individual's constitutional right to the lawful expression of free speech or other recognized rights secured by the Utah Constitution or the laws of the state, or by the United States Constitution or the laws of the United States; or

(d) create a special or protected class for any purpose other than a criminal penalty enhancement under this section.

(5)

(a) If a final decision of a court of competent jurisdiction holds invalid any provision of this section or the application of any provision of this section to any person or circumstance, the remaining provisions of this section remain effective without the invalidated provision or application.

(b) The provisions of this section are severable.

Enacted by Chapter 504, 2019 General Session

76-3-203.15 Offenses committed against timber, mining, or agricultural industries -- Enhanced penalties.

(1) An actor who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries is subject to an enhanced penalty for the offense as provided below.

(2) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the complaint in misdemeanor cases or the information or indictment in felony cases notice that the defendant is subject to the enhanced penalties provided under this section.

(3) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful management, cultivation, or harvesting of trees or timber, or the management or operations of agricultural or mining industries, the penalties are enhanced as provided in this Subsection (3):

(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;

(b) a class B misdemeanor is a Class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;

(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;

(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and

(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

(4) This section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq.

Renumbered and Amended by Chapter 111, 2023 General Session

76-3-203.16 Offenses committed against animal enterprises -- Definitions -- Enhanced penalties.

(1) As used in this section:

(a) "Animal enterprise" means a commercial or academic enterprise that:

(i) uses animals for food or fiber production;

(ii) is an agricultural operation, including a facility for the production of crops or livestock, or livestock products;

(iii) operates a zoo, aquarium, circus, rodeo, or lawful competitive animal event; or

(iv) any fair or similar event intended to advance agricultural arts and sciences.

(b) "Livestock" means cattle, sheep, goats, swine, horses, mules, poultry, domesticated elk as defined in Section 4-39-102, or any other domestic animal or domestic furbearer raised or kept for profit.

(c) "Property" includes any buildings, vehicles, animals, data, records, stables, livestock handling facilities, livestock watering troughs or other watering facilities, and fencing or other forms of enclosure.

(2) A person who commits any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any

property owned by, used by, or in the possession of a lawful animal enterprise, is subject to an enhanced penalty under Subsection (4).

(3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be subscribed upon the information or indictment notice that the defendant is subject to the enhanced penalties provided under this section.

(4) If the trier of fact finds beyond a reasonable doubt that the defendant committed any criminal offense with the intent to halt, impede, obstruct, or interfere with the lawful operation of an animal enterprise or to damage, take, or cause the loss of any property owned by, used by, or in the possession of a lawful animal enterprise, the penalties are enhanced as provided in this Subsection (4):

(a) a class C misdemeanor is a class B misdemeanor, with a mandatory fine of not less than $1,000, which is in addition to any term of imprisonment the court may impose;

(b) a class B misdemeanor is a class A misdemeanor, with a fine of not less than $2,500, which is in addition to any term of imprisonment the court may impose;

(c) a class A misdemeanor is a third degree felony, with a fine of not less than $5,000, which is in addition to any term of imprisonment the court may impose;

(d) a third degree felony is a second degree felony, with a fine of not less than $7,500, which is in addition to any term of imprisonment the court may impose; and

(e) a second degree felony is subject to a fine of not less than $10,000, which is in addition to any term of imprisonment the court may impose.

(5) This section does not apply to action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq.

Renumbered and Amended by Chapter 111, 2023 General Session

76-3-203.17 Enhancement of an offense for road rage.

(1) As used in this section:

(a) "Roadway" means the same as that term is defined in Section 41-1a-1101.

(b) "Operator" means the same as that term is defined in Section 41-6a-102.

(c) "Vehicle" means the same as that term is defined in Section 41-1a-102.

(2) If the trier of fact finds that an actor was an operator or passenger of a vehicle and the actor committed an offense in response to an incident that occurred or escalated upon a roadway and with the intent to endanger or intimidate an individual in another vehicle, the actor is guilty of:

(a) a class A misdemeanor if the actor is charged with an offense that is designated by law as a class B misdemeanor;

(b) a third degree felony if the actor is charged with an offense that is designated by law as a class A misdemeanor;

(c) a third degree felony if the actor is charged with an offense that is designated by law as a third degree felony; or

(d) a second degree felony if the actor is charged with an offense that is designated by law as a second degree felony.

(3)

(a) If an actor is guilty of a class A misdemeanor as described in Subsection (2)(a), the court shall impose a mandatory fine of no less than $750 in addition to any other penalty the court may impose for a class A misdemeanor.

(b) If an actor is guilty of a third degree felony as described in Subsection (2)(b), the court shall impose a mandatory fine of no less than $1,000 in addition to any other penalty the court may impose for a third degree felony.
(c) If an actor is guilty of a third degree felony as described in Subsection (2)(c), the court shall impose:
(i) a mandatory fine of no less than $1,000; and
(ii) an indeterminate term of imprisonment for no less than one year and no more than five years in addition to any other penalty the court may impose for a third degree felony.
(d) If an actor is guilty of a second degree felony as described in Subsection (2)(d), the court shall impose:
(i) a mandatory fine of no less than $1,000; and
(ii) an indeterminate term of imprisonment for no less than two years and no more than 15 years in addition to any other penalty the court may impose for a second degree felony.
(4) Except as otherwise provided by another provision of the Utah Code, the court may suspend the execution of an indeterminate term of imprisonment described in Subsection (3)(c)(ii) or (3)(d)(ii) in accordance with Section 77-18-105.
(5) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under this section.
(6)
(a) If an actor is convicted of an offense and the offense is enhanced under this section, the court may order the suspension of the actor's driver license for a period of no longer than one year, except that the court may not order a suspension of an actor's driver license if the actor's driver license is required to be revoked under Subsection 53-3-220(1).
(b) If the court orders the suspension of the actor's driver license, the court shall:
(i) specify the length of the suspension in the order as described in Section 53-3-225; and
(ii) forward the order of suspension to the Driver License Division.
(7) If an offense is enhanced under this section, the court shall forward a record of conviction for the offense to the Driver License Division.
(8) This section does not affect or limit any individual's constitutional right to lawful expression of free speech or other recognized rights secured by the laws or Constitution of Utah or by the laws or Constitution of the United States.

Enacted by Chapter 319, 2024 General Session

76-3-203.18 Use of artificial intelligence -- Aggravating factor.
(1) As used in this section:
(a) "Artificial intelligence" means the same as that term is defined in Section 20A-11-1104.
(b) "Material assistance" means providing significant or essential support, information, tools, or other means that facilitate planning, commission, or concealment of a criminal offense.
(2) The sentencing judge or the Board of Pardons and Parole may consider as an aggravating factor in their deliberations that the defendant committed or facilitated the criminal offense with the intentional or knowing use and material assistance of an artificial intelligence system.
(3) This section does not affect or restrict the exercise of judicial sentencing discretion under any other provision of Utah law.

Enacted by Chapter 172, 2024 General Session

76-3-203.19 Aggravating factor for an offense committed against a child or minor as part of a ritual.

(1) As used in this section:

(a) "Offense against a child or minor" means an offense that is:

(i) child abuse as described in Section 76-5-109;

(ii) child torture, as described in Section 76-5-109.4;

(iii) aggravated child abuse as described in Section 76-5-109.2;

(iv) abuse or neglect of a child with a disability as described in Section 76-5-110;

(v) child abuse homicide as described in Section 76-5-208;

(vi) kidnapping as described in Section 76-5-301, if committed against an individual under 18 years old;

(vii) child kidnapping as described in Section 76-5-301.1;

(viii) aggravated kidnapping as described in Section 76-5-302, if committed against an individual under 18 years old;

(ix) human trafficking of a child for labor as described in Section 76-5-308.5;

(x) human trafficking of a child for commercial sexual exploitation as described in Section 76-5-308.6;

(xi) unlawful sexual activity with a minor as described in Section 76-5-401;

(xii) sexual abuse of a minor as described in Section 76-5-401.1;

(xiii) rape as described in Section 76-5-402, if committed against an individual under 18 years old;

(xiv) rape of a child as described in Section 76-5-402.1;

(xv) object rape as described in Section 76-5-404.2, if committed against an individual under 18 years old;

(xvi) object rape of a child as described in Section 76-5-402.3;

(xvii) forcible sodomy as described in Section 76-5-403, if committed against an individual under 18 years old;

(xviii) sodomy on a child as described in Section 76-5-403.1;

(xix) forcible sexual abuse as described in Section 76-5-404, if committed against an individual under 18 years old;

(xx) sexual abuse of a child as described in Section 76-5-404.1;

(xxi) aggravated sexual abuse of a child as described in Section 76-5-404.3;

(xxii) aggravated sexual assault as described in Section 76-5-405, if committed against an individual under 18 years old;

(xxiii) unlawful kissing of a child as described in Section 76-5-416.2; or

(xxiv) unlawful kissing of a minor as described in Section 76-5-416.4.

(b) "Ritual" means an event or act, or a series of events or acts:

(i) marked by specific actions, specific gestures, ceremonial objects, ceremonial clothing, religious texts, or specific words; and

(ii) designed to commemorate, celebrate, or solemnize a particular occasion or significance in a religious, cultural, social, institutional, or other context.

(2) For a defendant convicted of an offense against a child or minor, it is an aggravating factor if the sentencing court finds that the defendant committed the offense as part of, or to facilitate, a ritual or a training or practice to perform a ritual.

(3) When sentencing a defendant convicted of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the sentencing court shall consider the aggravating factor and include the aggravating factor in the judgment of commitment.

(4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

Amended by Chapter 247, 2026 General Session

76-3-203.20 Aggravating factor if actor traveled to commit a child sexual offense.

(1) As used in this section:
(a) "Child sexual offense" means one of the following offenses:
(i) human trafficking of a child for commercial sexual exploitation as described in Section 76-5-308.6;
(ii) unlawful sexual activity with a minor as described in Section 76-5-401;
(iii) sexual abuse of a minor as described in Section 76-5-401.1;
(iv) unlawful sexual conduct with a 16- or 17-year-old as described in Section 76-5-401.2;
(v) rape of a child as described in Section 76-5-402.1;
(vi) object rape of a child as described in Section 76-5-402.3;
(vii) sodomy on a child as described in Section 76-5-403.1;
(viii) sexual abuse of a child as described in Section 76-5-404.1;
(ix) aggravated sexual abuse of a child as described in Section 76-5-404.3;
(x) unlawful kissing of a child as described in Section 76-5-416.2; or
(xi) unlawful kissing of a minor as described in Section 76-5-416.4.
(b) "Principal place of residence" means the single location where an individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning, as evidenced by:
(i) the intent expressed by the individual; and
(ii) acts of the individual that are consistent or inconsistent with the intent expressed by the individual.
(2) For a defendant convicted of a child sexual offense, it is an aggravating factor if the sentencing court finds that the defendant:
(a) traveled more than 45 miles from the defendant's principal place of residence for the purpose of the defendant committing, or attempting to commit, the child sexual offense; or
(b) paid for, or otherwise facilitated, the victim to travel more than 45 miles from the victim's principal place of residence, for the purpose of the defendant committing, or attempting to commit, the child sexual offense.
(3) When sentencing a defendant convicted of a child sexual offense subject to the aggravating factor described in Subsection (2), the sentencing court shall consider the aggravating factor and include the aggravating factor in the judgment of commitment.
(4) In determining the length of imprisonment for a defendant imprisoned for a conviction of an offense against a child or minor subject to the aggravating factor described in Subsection (2), the Board of Pardons and Parole shall consider the aggravating factor.

Amended by Chapter 247, 2026 General Session

76-3-203.21 Transnational repression enhancement.

(1) As used in this section:
(a) "Agent of a foreign government" means an individual who acts at the direction of, under the control of, or as a proxy for, a foreign government.

(b) "Agent of a foreign terrorist organization" means an individual who acts at the direction of, under the control of, or as a proxy for, a foreign terrorist organization designated by the federal government in accordance with 8 U.S.C. Sec. 1189.

(2) An actor who commits any criminal offense is subject to an enhanced penalty for the offense as provided in Subsection (3) if the trier of fact finds beyond a reasonable doubt that the actor:

(a)

(i) is an agent of a foreign government or an agent of a foreign terrorist organization; or

(ii) acted at the direction, request, command, or otherwise under the influence of, a foreign government or foreign terrorist organization; and

(b) committed the criminal offense with the intent to:

(i)

(A) cause an individual to act on behalf of a foreign government or foreign terrorist organization;

(B) cause an individual to leave the United States or cause another individual to leave the United States; or

(C) compel the victim to do any other act against the victim's will; or

(ii) compel the victim to refrain from doing any act against the victim's will.

(3) For an offense described in Subsection (2), the actor may be charged as follows:

(a) for a class C misdemeanor, as a class B misdemeanor;

(b) for a class B misdemeanor, as a class A misdemeanor;

(c) for a class A misdemeanor, as a third degree felony;

(d) for a third degree felony, as a second degree felony; and

(e) for a second degree felony, as a first degree felony.

Enacted by Chapter 211, 2026 General Session

76-3-204 Misdemeanor conviction -- Term of imprisonment.

A person who has been convicted of a misdemeanor may be sentenced to imprisonment as follows:

(1)

(a) Except as provided in Subsection (1)(b), in the case of a class A misdemeanor, for a term not exceeding 364 days.

(b)

(i) Except as provided in Subsection (1)(b)(ii), in the case of a class A misdemeanor under Title 76, Chapter 5, Offenses Against the Individual, for a term not exceeding one year.

(ii) For a class A misdemeanor for one of following offenses, for a term not exceeding 364 days:

(A) Section 76-5-102.9, propelling a bodily substance or material as described in Section 76-5-102.9;

(B) Section 76-5-107.5, prohibition of "hazing";

(C) Section 76-5-113, surreptitious administration of certain substances; or

(D) Section 76-5-303, custodial interference.

(2) In the case of a class B misdemeanor, for a term not exceeding six months.

(3) In the case of a class C misdemeanor, for a term not exceeding 90 days.

Amended by Chapter 227, 2025 General Session

76-3-205 Infraction conviction -- Fine, forfeiture, and disqualification.

(1) A person convicted of an infraction may not be imprisoned but may be subject to:

(a) a fine, which may include compensatory service as a method to satisfy the fine;
(b) forfeiture;
(c) disqualification; or
(d) any combination of the above.
(2) Compensatory service shall be considered in accordance with Section 76-3-301.7.
(3) Whenever a person is convicted of an infraction and no punishment is specified, the person may be fined as for a class C misdemeanor.

Amended by Chapter 214, 2018 General Session

76-3-206 Capital felony -- Penalties.
(1) An individual who has pled guilty to or been convicted of a capital felony shall be sentenced in accordance with this section and Section 76-3-207.
(2)
(a) If the individual described in Subsection (1) was 18 years old or older at the time the offense was committed, the sentence shall be:
(i) death;
(ii) an indeterminate prison term of not less than 25 years and that may be for life; or
(iii) on or after April 27, 1992, life in prison without parole.
(b) Subsections (2)(a)(i) and (2)(a)(iii) do not apply if the individual was under 18 years old at the time the offense was committed and was sentenced on or after May 10, 2016.

Amended by Chapter 345, 2026 General Session

76-3-207 Capital felony -- Sentencing proceeding -- Appeals.
(1)
(a) When a defendant has pled guilty to or been found guilty of a capital felony, a further proceeding shall be conducted on the issue of the defendant's sentence for the capital felony.
(b) When a defendant has pled guilty to a capital felony, the sentencing proceeding described in Subsection (1)(a) is conducted before:
(i) a jury; or
(ii) upon request of the defendant and with the approval of the court and the consent of the prosecution, the court that accepted the plea.
(c)
(i) When a defendant has been found guilty of a capital felony, the sentencing proceeding described in Subsection (1)(a) is conducted before:
(A) the jury that found the defendant guilty; or
(B) the court upon a waiver by the defendant of the sentencing proceeding being conducted before a jury, with approval of the court and the consent of the prosecution.
(ii) If circumstances make it impossible or impractical to continue with the same jury for the sentencing proceeding, the court may dismiss that jury and convene a new jury for the proceeding.
(d) If a retrial of the sentencing proceeding is necessary as a consequence of a remand from an appellate court, the sentencing authority is determined in accordance with Subsection (13).
(2)
(a) In a sentencing proceeding described in Subsection (1)(a), evidence may be presented on:
(i) the nature and circumstances of the crime;
(ii) the defendant's character, background, history, and mental and physical condition;

(iii) the victim and the impact of the crime on the victim's family and community without comparison to other persons or victims; and
(iv) any other facts in aggravation or mitigation of the penalty that are relevant to the sentence.
(b)
(i) Any evidence the court considers to have probative force may be received regardless of the evidence's admissibility under the rules of evidence.
(ii) The prosecuting attorney and the defendant shall be permitted to present argument for or against the sentence of death.
(3) Aggravating circumstances include those outlined in Section 76-5-202.
(4)
(a) As used in this Subsection (4), "mental condition" does not include an abnormality manifested primarily by repeated criminal conduct.
(b) Mitigating circumstances include:
(i) the defendant has no significant history of prior criminal activity;
(ii) the homicide was committed while the defendant was under the influence of mental or emotional disturbance;
(iii) the defendant acted under duress or under the domination of another person;
(iv) at the time of the homicide, the capacity of the defendant to appreciate the wrongfulness of the defendant's conduct or to conform the defendant's conduct to the requirement of law was impaired as a result of a mental condition, intoxication, or influence of drugs;
(v) the youth of the defendant at the time of the crime;
(vi) the defendant was an accomplice in the homicide committed by another individual and the defendant's participation was relatively minor; and
(vii) any other fact in mitigation of the penalty.
(5) The court or jury, as the case may be, shall retire to consider the defendant's sentence.
(6)
(a) Except as provided in Subsections 76-3-206(2)(b) and 76-3-207.5(2), the court shall instruct a jury in a sentencing proceeding for a capital felony on the punishment to be imposed in accordance with this Subsection (6).
(b) The sentence of death shall only be imposed if, after considering the totality of the aggravating and mitigating circumstances, the jury is persuaded beyond a reasonable doubt that:
(i) total aggravation outweighs total mitigation; and
(ii) the imposition of the sentence of death is justified and appropriate in the circumstances.
(c) If the jury reports a unanimous decision to impose the sentence of death, the court shall:
(i) discharge the jury; and
(ii) impose the sentence of death.
(d) If the jury is unable to reach a unanimous decision imposing the sentence of death, the jury shall determine whether the penalty of life in prison without parole shall be imposed, except as provided in Subsection 76-3-207.5(2).
(e) The penalty of life in prison without parole shall only be imposed if the jury determines that the sentence of life in prison without parole is appropriate.
(f) If the jury reports agreement by 10 jurors or more to impose the sentence of life in prison without parole, the court shall:
(i) discharge the jury; and
(ii) impose the sentence of life in prison without parole.
(g) If 10 jurors or more do not agree upon a sentence of life in prison without parole, the court shall:

(i) discharge the jury; and
(ii) impose an indeterminate prison term of not less than 25 years and which may be for life.

(7) If the sentencing proceeding described in Subsection (1)(a) is conducted before the court as described in Subsection (1)(b) or (c), the court shall determine the appropriate penalty according to the standards of Subsection (6).

(8) If the defendant is sentenced to more than one term of life in prison with or without the possibility of parole, or in addition to a sentence of life in prison with or without the possibility of parole the defendant is sentenced for other offenses that result in terms of imprisonment, the court shall determine whether the terms of imprisonment shall be imposed as concurrent or consecutive sentences in accordance with Section 76-3-401.

(9)

(a) If a defendant is sentenced to death, the court shall:
(i) advise the defendant, at the sentencing proceeding, of the defendant's right to a direct appeal and of the provisions for postconviction relief in Title 78B, Chapter 9, Part 1, General Provisions; and
(ii) appoint appellate counsel for the defendant in accordance with the requirements for a capital case under Rule 8 of the Utah Rules of Criminal Procedure and Title 78B, Chapter 22, Indigent Defense Act.

(b) Subsection (9)(a)(ii) does not prevent the defendant from obtaining private counsel or waiving the appointment of appellate counsel.

(10)

(a) If a defendant is convicted and sentenced to death for a capital felony and the defendant waives the defendant's right to an appeal or fails to file a timely notice of appeal:
(i) the judgment is subject to automatic review by the Supreme Court as to whether there was manifest injustice; and
(ii) the sentencing court shall promptly certify the entire record of the defendant's case to the Supreme Court.

(b) The Supreme Court shall conduct the automatic review of a defendant's case within 120 days after the day on which the sentencing court certifies the entire record of the defendant's case.

(c) Except as provided in Subsection (10)(d), an automatic review is conducted without briefing from any party.

(d) If the Supreme Court determines that the conviction should be modified, or the conviction or sentence should be vacated, upon an automatic review:
(i) the Supreme Court shall request that the attorney general submit briefing to address the error for which the Supreme Court determined that the conviction should be modified or the conviction or sentence should be vacated; and
(ii) the Supreme Court may appoint an amicus curae to submit briefing in place of the defendant.

(e) Upon any briefing described in Subsection (10)(d), the Supreme Court may modify the conviction, or affirm or vacate the conviction or sentence, of the defendant.

(11)

(a) A reversible error in a sentencing proceeding for a capital felony does not result in the reversal of the conviction for the capital felony.

(b) If the Supreme Court remands a capital felony case for a new sentencing proceeding, all exhibits and a transcript of all testimony and other evidence that was properly admitted in the prior trial and sentencing proceeding are admissible in the new sentencing proceeding.

(12)

(a) An automatic review described in Subsection (10) has priority over all other cases before the Supreme Court.
(b) An appeal or petition for extraordinary relief in a capital felony case has priority over all noncapital felony cases before the Supreme Court and should be expedited.
(c) A petition for postconviction relief in a capital case has priority over all other cases in the district court, except for a trial of a capital felony case, and should be expedited.
(13) On a remand for a new sentencing proceeding, the new sentencing proceeding is conducted before:
(a) except as provided in Subsection (13)(b) or (c), a new jury if:
(i) the prior sentencing proceeding was conducted before a jury; or
(ii) the prior sentencing proceeding was conducted before the court and the original trial judge is unable or unavailable to conduct the new sentencing proceeding;
(b) the original trial judge if:
(i) the defendant waives the new sentencing proceeding being conducted before a jury, with the approval of the court and the consent of the prosecution; and
(ii) the prior sentencing proceeding was conducted before the court; or
(c) a new trial judge if:
(i) the defendant waives the new sentencing proceeding being conducted before a jury, with the approval of the court and the consent of the prosecution; and
(ii) the original trial judge is unable or unavailable to conduct the new sentencing proceeding.
(14) If the sentence of death is held to be unconstitutional by the Utah Supreme Court or the United States Supreme Court, the court having jurisdiction over a defendant previously sentenced to death for a capital felony shall:
(a) cause the defendant to be brought before the court; and
(b) sentence the defendant to life in prison without parole.
(15)
(a) If the appellate court's final decision regarding any appeal of a sentence of death precludes the imposition of the sentence of death due to an intellectual disability as described in Section 77-15a-101.5, the court having jurisdiction over a defendant previously sentenced to death for a capital felony shall:
(i) cause the defendant to be brought before the court; and
(ii) sentence the defendant to life in prison without parole.
(b) If the appellate court precludes the imposition of the sentence of death under Subsection (15)(a), but the appellate court finds that sentencing the defendant to life in prison without parole is likely to result in a manifest injustice, the appellate court may remand the case to the sentencing court for a sentencing proceeding to determine if the defendant should serve a sentence of life in prison without parole or an indeterminate prison term of not less than 25 years and which may be for life.

Amended by Chapter 345, 2026 General Session

76-3-207.5 Applicability -- Effect on sentencing -- Options of offenders.
(1)
(a) The sentencing option of life without parole provided in Sections 76-3-201 and 76-3-207 applies only to those capital felonies for which the offender is sentenced on or after April 27, 1992.
(b) The sentencing option of life without parole provided in Sections 76-3-201 and 76-3-207 has no effect on sentences imposed in capital cases prior to April 27, 1992.

(2) An offender, who commits a capital felony prior to April 27, 1992, but is sentenced on or after April 27, 1992, shall be given the option, prior to a sentencing hearing pursuant to Section 76-3-207, to proceed either under the law which was in effect at the time the offense was committed or under the additional sentencing option of life in prison without parole provided in Sections 76-3-201 and 76-3-207.
(3) The sentencing option of life without parole has no effect on sentences imposed on an offender who was younger than 18 years of age at the time the offense was committed and was sentenced on or after May 10, 2016.

Amended by Chapter 277, 2016 General Session

76-3-207.7 First degree felony aggravated murder -- Noncapital felony -- Penalties -- Sentenced by court.

(1) A person who has pled guilty to or been convicted of first degree felony aggravated murder under Section 76-5-202 shall be sentenced by the court.
(2)
  (a) The sentence under this section shall be:
    (i) life in prison without parole; or
    (ii) an indeterminate prison term of not less than 25 years and that may be for life.
  (b) Subsection (2)(a)(i) does not apply if the person was younger than 18 years of age at the time the offense was committed and was sentenced on or after May 10, 2016.

Amended by Chapter 277, 2016 General Session

76-3-208 Imprisonment -- Custodial authorities.

(1) Persons sentenced to imprisonment shall be committed to the following custodial authorities:
  (a) felony commitments shall be to the Utah State Prison;
  (b)
    (i) class A misdemeanor commitments shall be to the jail, or other facility designated by the town, city, or county where the defendant was convicted, unless the defendant is also serving a felony commitment at the Utah State Prison at the commencement of the class A misdemeanor conviction, in which case, the class A misdemeanor commitment shall be to the Utah State Prison for an indeterminate term not to exceed one year with a credit for one day, unless the offense is an offense described in Subsection 76-3-204(1)(b)(i), in which case there is no credit for one day; and
    (ii) the court may not order the imprisonment of a defendant to the Utah State Prison for a fixed term or other term that is inconsistent with this section and Section 77-18-111; and
  (c) all other misdemeanor commitments shall be to the jail or other facility designated by the town, city or county where the defendant was convicted.
(2) A custodial authority may place a prisoner in a facility other than the one to which the prisoner was committed when:
  (a) the custodial authority does not have space to accommodate the prisoner; or
  (b) the security of the institution or prisoner requires the prisoner to be placed in a facility other than the one to which the prisoner was committed.

Amended by Chapter 227, 2025 General Session

Superseded 1/1/2027

76-3-209 Limitation on sentencing for crimes committed by juveniles.

(1) As used in this section:
  (a) "Qualifying sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.
  (b) "Qualifying sexual offense" does not include enticing a minor as described in Section 76-5-417.
(2)
  (a) This Subsection (2) only applies prospectively to an individual sentenced on or after May 10, 2016.
  (b) Notwithstanding any provision of law, an individual may not be sentenced to life without parole if:
    (i) the individual is convicted of a crime punishable by life without parole; and
    (ii) at the time the individual committed the crime, the individual was under 18 years old.
  (c) The maximum punishment that may be imposed on an individual described in Subsection (2)(b) is an indeterminate prison term of not less than 25 years and that may be for life.
(3) Except as provided in Subsection (4), if an individual is convicted in district court of a qualifying sexual offense and, at the time of the offense, the individual was at least 14 years old, but under 18 years old:
  (a) the district court shall impose a sentence consistent with the disposition that would have been made in juvenile court; and
  (b) the district court may not impose incarceration unless the court enters specific written findings that incarceration is warranted based on a totality of the circumstances, taking into account:
    (i) the time that elapsed after the individual committed the offense;
    (ii) the age of the individual at the time of the offense;
    (iii) the age of the victim at the time of the offense;
    (iv) the criminal history of the individual after the individual committed the offense;
    (v) any treatment assessments or validated risk tools; and
    (vi) public safety concerns.
(4) Subsection (3) does not apply if:
  (a) before the individual described in Subsection (3) is convicted of the qualifying sexual offense, the individual is convicted of a qualifying sexual offense that the individual committed when the individual was 18 years old or older;
  (b) the individual is convicted in district court, before the victim is 18 years old, of a violation of Section 76-5-405, aggravated sexual assault; or
  (c) the conviction occurred in district court after the individual was:
    (i) charged by criminal information in the juvenile court for the qualifying sexual offense in accordance with Section 80-6-503; and
    (ii) bound over to the district court for the qualifying sexual offense in accordance with Section 80-6-504.
(5) If the district court imposes incarceration under Subsection (3)(b), the term of incarceration may not exceed:
  (a) seven years for a violation of Section 76-5-405, aggravated sexual assault;
  (b) except as provided in Subsection (5)(a), four years for a felony violation of Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-419, or 76-5-420; or
  (c) the maximum sentence described in Section 76-3-204 for a misdemeanor violation of Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-3-209 Limitation on sentencing for crimes committed by juveniles.

(1) As used in this section,"qualifying sexual offense" means an offense described in Chapter 5, Part 4, Sexual Offenses.

(2)

(a) This Subsection (2) only applies prospectively to an individual sentenced on or after May 10, 2016.

(b) Notwithstanding any provision of law, an individual may not be sentenced to life without parole if:

(i) the individual is convicted of a crime punishable by life without parole; and

(ii) at the time the individual committed the crime, the individual was under 18 years old.

(c) The maximum punishment that may be imposed on an individual described in Subsection (2)(b) is an indeterminate prison term of not less than 25 years and that may be for life.

(3) Except as provided in Subsection (4), if an individual is convicted in district court of a qualifying sexual offense and, at the time of the offense, the individual was at least 14 years old, but under 18 years old:

(a) the district court shall impose a sentence consistent with the disposition that would have been made in juvenile court; and

(b) the district court may not impose incarceration unless the court enters specific written findings that incarceration is warranted based on a totality of the circumstances, taking into account:

(i) the time that elapsed after the individual committed the offense;

(ii) the age of the individual at the time of the offense;

(iii) the age of the victim at the time of the offense;

(iv) the criminal history of the individual after the individual committed the offense;

(v) any treatment assessments or validated risk tools; and

(vi) public safety concerns.

(4) Subsection (3) does not apply if:

(a) before the individual described in Subsection (3) is convicted of the qualifying sexual offense, the individual is convicted of a qualifying sexual offense that the individual committed when the individual was 18 years old or older;

(b) the individual is convicted in district court, before the victim is 18 years old, of a violation of Section 76-5-405, aggravated sexual assault; or

(c) the conviction occurred in district court after the individual was:

(i) charged by criminal information in the juvenile court for the qualifying sexual offense in accordance with Section 80-6-503; and

(ii) bound over to the district court for the qualifying sexual offense in accordance with Section 80-6-504.

(5) If the district court imposes incarceration under Subsection (3)(b), the term of incarceration may not exceed:

(a) seven years for a violation of Section 76-5-405, aggravated sexual assault;

(b) except as provided in Subsection (5)(a), four years for a felony violation of Chapter 5, Part 4, Sexual Offenses; or

(c) the maximum sentence described in Section 76-3-204 for a misdemeanor violation of Chapter 5, Part 4, Sexual Offenses.

Amended by Chapter 445, 2026 General Session

Part 3
Fines and Special Sanctions

76-3-301 Fines of individuals.

(1) An individual convicted of an offense may be sentenced to pay a fine, not exceeding:
  (a) $10,000 for a felony conviction of the first degree or second degree;
  (b) $5,000 for a felony conviction of the third degree;
  (c) $2,500 for a class A misdemeanor conviction;
  (d) $1,000 for a class B misdemeanor conviction;
  (e) $750 for a class C misdemeanor conviction or infraction conviction; and
  (f) any greater amounts specifically authorized by statute.

(2)
  (a) An individual convicted of a misdemeanor or infraction and sentenced to pay a fine may not be charged by a court:
    (i) notwithstanding Section 15-1-4, interest on the judgment that in the aggregate is more than 25% of the initial fine; or
    (ii) that issues an order to show cause under Section 78B-6-317 for failure to pay the fine, interest that is more than 25% of the initial fine.
  (b) An individual convicted only of an infraction and sentenced to pay a fine may not be charged:
    (i) by the Office of State Debt Collection, late fees and interest that in the aggregate are more than 25% of the initial fine; or
    (ii) by a third-party debt contractor of the Office of State Debt Collection, additional fees.

(3) Subsection (2) does not apply to a case that includes:
  (a) victim restitution; or
  (b) a felony conviction, even if that felony conviction is later reduced.

(4) This section does not apply to a corporation, association, partnership, government, or governmental instrumentality.

Amended by Chapter 113, 2023 General Session

76-3-301.5 Uniform fine schedule -- Judicial Council.

(1)
  (a) The Judicial Council shall establish a uniform recommended fine schedule for each offense under Subsection 76-3-301(1).
  (b) The fine for each offense shall proportionally reflect the seriousness of the offense and other factors as determined in writing by the Judicial Council.
  (c) The Judicial Council shall annually review the schedule.
  (d) The fines shall be collected as part of a criminal accounts receivable, as defined in Section 77-32b-102, that is established under Section 77-32b-103.

(2) The schedule shall incorporate:
  (a) criteria for determining aggravating and mitigating circumstances; and
  (b) guidelines for enhancement or reduction of the fine, based on aggravating or mitigating circumstances.

(3) Presentence investigation reports shall include documentation of aggravating and mitigating circumstances as determined under the criteria, and a recommended fine under the schedule.

(4) This section does not prohibit the court from, at the court's discretion, imposing no fine, or a fine in any amount up to and including the maximum fine, for the offense.

Amended by Chapter 284, 2026 General Session

76-3-301.7 Compensatory service -- Credit for cost of court-ordered treatment or course.

(1) As used in this section:
(a) "Compensatory service" means service or unpaid work performed by a person, in lieu of the payment of a criminal fine, for:
(i) a state or local government agency;
(ii) an entity that is approved as a nonprofit organization under Section 501(c) of the Internal Revenue Code; or
(iii) any other entity or organization if prior approval is obtained from the court.
(b) "Eligible offense" means a criminal conviction, including a traffic offense.
(2) When a defendant is sentenced to pay a fine for an eligible offense, the court shall inform the defendant of the opportunity to perform compensatory service instead of paying the fine or account receivable, exclusive of any victim restitution imposed.
(3) When a defendant chooses to voluntarily pay the recommended fine amount without a personal appearance under Section 77-7-21, the court shall ensure before the defendant voluntarily makes the payment that the defendant is informed of the opportunity to perform compensatory service instead of the voluntary payment and the process for pursuing that opportunity.
(4) The court shall credit timely completed compensatory service reported in accordance with Subsection (5) against the amount owed at the rate of $12 per hour and shall allow the defendant a reasonable amount of time to complete the service.
(5)
(a) The court shall provide the defendant with instructions that inform the organization:
(i) about the requirements in Subsection (5)(b); and
(ii) that making a written false statement to the court about the defendant's compensatory service is punishable as a class B misdemeanor under Section 76-8-504.
(b) The defendant shall report compensatory service hours to the court in a letter that:
(i) is on the organization's official letterhead and includes contact information for the organization's representative;
(ii) specifies the number of hours for which the defendant provided service;
(iii) contains a brief description of what the service involved; and
(iv)
(A) is signed by an authorized representative of the organization; or
(B) is in a form otherwise acceptable to the court.
(6) The court may refuse to accept compensatory service:
(a) completed before the date of sentencing;
(b) that has been submitted to another court for credit; or
(c) completed at an agency or organization or is a type of service that is specifically prohibited by the court.
(7) In addition to any other provision of this section, a court may order that the unpaid amount of the criminal accounts receivable, that is not the principal or interest amount owed for restitution, be reduced in the amount of the cost of any treatment or course if:
(a) the treatment or course was ordered by the court as part of the case;
(b) the defendant has completed the court's requirements related to the treatment or course;

(c) the defendant provides proof that the defendant completed the court's requirements and paid the cost of the treatment or course; and
(d) the court finds that payment of an unpaid amount of a criminal accounts receivable will impose manifest hardship on the defendant or the defendant's family.

Amended by Chapter 284, 2026 General Session

76-3-302 Fines of corporations, associations, partnerships, or government instrumentalities.

A corporation, association, partnership, or governmental instrumentality shall pay a fine for an offense defined in this code for which no special corporate fine is specified. The fine shall not exceed:
(1) $20,000 for a felony conviction;
(2) $10,000 for a class A misdemeanor conviction;
(3) $5,000 for a class B misdemeanor conviction; and
(4) $1,000 for a class C misdemeanor conviction or for an infraction conviction.

Amended by Chapter 291, 1995 General Session

76-3-303 Additional sanctions against corporation or association -- Advertising of conviction -- Disqualification of officer.

(1) When a corporation or association is convicted of an offense, the court may, in addition to or in lieu of imposing other authorized sanctions, require the corporation or association to give appropriate publicity of the conviction by notice to the class or classes of persons or section of the public interested in or affected by the conviction, by advertising in designated areas, or by designated media or otherwise.
(2) When an executive or high managerial officer of a corporation or association is convicted of an offense committed in furtherance of the affairs of the corporation or association, the court may include in the sentence an order disqualifying the executive or high managerial officer from exercising similar functions in the same or other corporations or associations for a period of not exceeding five years if the court finds the scope or willfulness of the illegal actions make it dangerous or inadvisable for such functions to be entrusted to the executive or high managerial officer.

Amended by Chapter 302, 2025 General Session

Part 4
Limitations and Special Provisions on Sentences

76-3-401 Concurrent or consecutive sentences -- Limitations -- Definition.

(1) A court shall determine, if a defendant has been adjudged guilty of more than one felony offense, whether to impose concurrent or consecutive sentences for the offenses. The court shall state on the record and shall indicate in the order of judgment and commitment:
(a) if the sentences imposed are to run concurrently or consecutively to each other; and
(b) if the sentences before the court are to run concurrently or consecutively with any other sentences the defendant is already serving.

(2) In determining whether state offenses are to run concurrently or consecutively, the court shall consider the gravity and circumstances of the offenses, the number of victims, and the history, character, and rehabilitative needs of the defendant.
(3) The court shall order that sentences for state offenses run consecutively if the later offense is committed while the defendant is imprisoned or on parole, unless the court finds and states on the record that consecutive sentencing would be inappropriate.
(4) If a written order of commitment does not clearly state whether the sentences are to run consecutively or concurrently, the Board of Pardons and Parole shall request clarification from the court. Upon receipt of the request, the court shall enter a clarified order of commitment stating whether the sentences are to run consecutively or concurrently.
(5) A court may impose consecutive sentences for offenses arising out of a single criminal episode as defined in Section 76-1-401.
(6)
(a) If a court imposes consecutive sentences, the aggregate maximum of all sentences imposed may not exceed 30 years imprisonment, except as provided under Subsection (6)(b).
(b) The limitation under Subsection (6)(a) does not apply if:
(i) an offense for which the defendant is sentenced authorizes the death penalty or a maximum sentence of life imprisonment; or
(ii) the defendant is convicted of an additional offense based on conduct which occurs after his initial sentence or sentences are imposed.
(7) The limitation in Subsection (6)(a) applies if a defendant:
(a) is sentenced at the same time for more than one offense;
(b) is sentenced at different times for one or more offenses, all of which were committed prior to imposition of the defendant's initial sentence; or
(c) has already been sentenced by a court of this state other than the present sentencing court or by a court of another state or federal jurisdiction, and the conduct giving rise to the present offense did not occur after his initial sentencing by any other court.
(8) When the limitation of Subsection (6)(a) applies, determining the effect of consecutive sentences and the manner in which they shall be served, the Board of Pardons and Parole shall treat the defendant as though he has been committed for a single term that consists of the aggregate of the validly imposed prison terms as follows:
(a) if the aggregate maximum term exceeds the 30-year limitation, the maximum sentence is considered to be 30 years; and
(b) when indeterminate sentences run consecutively, the minimum term, if any, constitutes the aggregate of the validly imposed minimum terms.
(9) When a sentence is imposed or sentences are imposed to run concurrently with the other or with a sentence presently being served, the term that provides the longer remaining imprisonment constitutes the time to be served.
(10) This section may not be construed to restrict the number or length of individual consecutive sentences that may be imposed or to affect the validity of any sentence so imposed, but only to limit the length of sentences actually served under the commitments.
(11) This section may not be construed to limit the authority of a court to impose consecutive sentences in misdemeanor cases.
(12) As used in this section, "imprisoned" means sentenced and committed to a secure correctional facility as defined in Section 64-13-1, the sentence has not been terminated or voided, and the person is not on parole, regardless of where the person is located.

Amended by Chapter 129, 2002 General Session

76-3-401.5 Concurrent or consecutive sentence with a juvenile disposition.

(1) As used in this section:
(a) "Authority" means the Youth Parole Authority created in Section 80-5-701.
(b) "Board" means the Board of Pardons and Parole created in Section 77-27-2.
(c) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
(d)
(i) "Juvenile disposition" means an order for commitment to the custody of the division under Subsection 80-6-703(2).
(ii) "Juvenile disposition" includes an order for secure care under Subsection 80-6-705(1).
(e) "Secure correctional facility" means the same as that term is defined in Section 64-13-1.
(f) "Secure care" means the same as that term is defined in Section 80-1-102.
(2) If a defendant who is 18 years old or older is serving a juvenile disposition, a court may not terminate the juvenile disposition for the defendant when:
(a) the defendant is convicted of an offense; and
(b) the court imposes a sentence under Section 76-3-201 for the offense.
(3)
(a) If a defendant who is 18 years old or older is convicted and sentenced for an offense and the defendant is serving a juvenile disposition at the time of sentencing, the court shall determine whether the sentence is to run concurrently or consecutively to the juvenile disposition.
(b) The court shall state on the record and in the order of judgment and commitment whether the sentence imposed is to run concurrently or consecutively with the juvenile disposition.
(c) In determining whether a sentence is to run concurrently or consecutively with a juvenile disposition, the court shall consider:
(i) the gravity and circumstances of the offense for which the defendant is convicted;
(ii) the number of victims; and
(iii) the history, character, and rehabilitative needs of the defendant.
(d) If an order of judgment and commitment does not clearly state whether the sentence is to run consecutively or concurrently with the juvenile disposition, the division shall request clarification from the court.
(e) Upon receipt of the request under Subsection (3)(d), the court shall enter a clarified order of judgment and commitment stating whether the sentence is to run concurrently or consecutively to the juvenile disposition.
(4) If a court orders a sentence for imprisonment to run concurrently with a juvenile disposition for secure care, the defendant shall serve the sentence in secure care until the juvenile disposition is terminated by the authority in accordance with Section 80-6-804.
(5) If a court orders a sentence for imprisonment in a county jail to run concurrently with a juvenile disposition for secure care and the disposition is terminated before the defendant's sentence for imprisonment in the county jail is terminated, the division shall:
(a) notify the county jail at least 14 days before the day on which the defendant's disposition is terminated or the defendant is released from secure care; and
(b) facilitate the transfer or release of the defendant in accordance with the order of judgment and commitment imposed by the court.
(6)
(a) If a court orders a sentence for imprisonment in a secure correctional facility to run concurrently with a juvenile disposition for secure care:

(i) the board has authority over the defendant for purposes of ordering parole, pardon, commutation, termination of sentence, remission of fines or forfeitures, restitution, and any other authority granted by law; and
(ii) the court and the division shall immediately notify the board that the defendant will remain in secure care as described in Subsection (4) for the board to schedule a hearing for the defendant in accordance with board procedures.
(b) If a court orders a sentence for imprisonment in a secure correctional facility to run concurrently with a juvenile disposition for secure care and the juvenile disposition is terminated before the defendant's sentence is terminated, the division shall:
(i) notify the board and the Department of Corrections at least 14 days before the day on which the defendant's disposition is terminated or the defendant is released from the secure care; and
(ii) facilitate a release or transfer of the defendant in accordance with the order of judgment and commitment imposed by the court.

Amended by Chapter 240, 2024 General Session

76-3-402 Conviction of lower degree of offense -- Procedure and limitations.

(1) As used in this section:
(a) "Lower degree of offense" includes an offense for which:
(i) a statutory enhancement is charged in the information or indictment that would increase either the maximum or the minimum sentence; and
(ii) the court removes the statutory enhancement in accordance with this section.
(b) "Minor regulatory offense" means the same as that term is defined in Section 77-40a-101.
(c)
(i) "Rehabilitation program" means a program designed to reduce criminogenic and recidivism risks.
(ii) "Rehabilitation program" includes:
(A) a domestic violence treatment program, as that term is defined in Section 26B-2-101;
(B) a residential vocational or life skills program, as that term is defined in Section 13-53-102;
(C) a substance abuse treatment program, as that term is defined in Section 26B-2-101;
(D) a substance use disorder treatment program, as that term is defined in Section 26B-2-101;
(E) a youth program, as that term is defined in Section 26B-2-101;
(F) a program that meets the standards established by the Department of Corrections under Section 64-13-25;
(G) a drug court, a veterans court, or a mental health court certified by the Judicial Council; or
(H) a program that is substantially similar to a program described in Subsections (1)(c)(ii)(A) through (G).
(d) "Serious offense" means a felony or misdemeanor offense that is not a minor regulatory offense or a traffic offense.
(e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.
(f)
(i) "Violent felony" means, except as provided in Subsection (1)(f)(ii), the same as that term is defined in Section 76-3-203.5.
(ii) "Violent felony" does not include an offense, or any attempt, solicitation, or conspiracy to commit an offense, for:

(A) the purchase or possession of a dangerous weapon or firearm by a restricted person under Section 76-11-305 or 76-11-306;
(B) unlawful conduct involving an explosive, chemical, or incendiary device under Subsection 76-15-210(2)(a); or
(C) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211.

(2) The court may enter a judgment of conviction for a lower degree of offense than established by statute and impose a sentence at the time of sentencing for the lower degree of offense if the court:
(a) takes into account:
(i) the nature and circumstances of the offense of which the defendant was found guilty; and
(ii) the history and character of the defendant;
(b) gives any victim present at the sentencing and the prosecuting attorney an opportunity to be heard; and
(c) concludes that the degree of offense established by statute would be unduly harsh to record as a conviction on the record for the defendant.

(3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute:
(a) after the defendant is successfully discharged from probation or parole for the conviction; and
(b) if the court finds, in accordance with Subsection (8), that entering a judgment of conviction for a lower degree of offense is in the interest of justice.

(4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:
(a) the defendant's probation or parole for the conviction did not result in a successful discharge but the defendant is successfully discharged from probation or parole for a subsequent conviction of an offense;
(b)
(i) at least five years have passed after the day on which the defendant is sentenced for the subsequent conviction; or
(ii) at least three years have passed after the day on which the defendant is sentenced for the subsequent conviction and the prosecuting attorney consents to the reduction;
(c) the defendant is not convicted of a serious offense during the time period described in Subsection (4)(b);
(d) there are no criminal proceedings pending against the defendant;
(e) the defendant is not on probation, on parole, or currently incarcerated for any other offense;
(f) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and
(g) the court finds, in accordance with Subsection (8), that entering a judgment of conviction for a lower degree of offense is in the interest of justice.

(5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:
(a) the defendant's probation or parole for the conviction did not result in a successful discharge but the defendant is successfully discharged from a rehabilitation program;
(b) at least three years have passed after the day on which the defendant is successfully discharged from the rehabilitation program;
(c) the defendant is not convicted of a serious offense during the time period described in Subsection (5)(b);
(d) there are no criminal proceedings pending against the defendant;

(e) the defendant is not on probation, on parole, or currently incarcerated for any other offense;
(f) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and
(g) the court finds, in accordance with Subsection (8), that entering a judgment of conviction for a lower degree of offense is in the interest of justice.

(6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:
(a) at least five years have passed after the day on which the defendant's probation or parole for the conviction did not result in a successful discharge;
(b) the defendant is not convicted of a serious offense during the time period described in Subsection (6)(a);
(c) there are no criminal proceedings pending against the defendant;
(d) the defendant is not on probation, on parole, or currently incarcerated for any other offense;
(e) if the offense for which the reduction is sought is a violent felony, the prosecuting attorney consents to the reduction; and
(f) the court finds, in accordance with Subsection (8), that entering a judgment of conviction for a lower degree of offense is in the interest of justice.

(7)
(a) Upon a joint motion from the prosecuting attorney and the defendant, the court may enter a judgment of conviction for a lower degree of offense than established by statute if:
(i) the defendant, within one year after sentencing, provides substantial assistance in the criminal investigation, arrest, or prosecution of another individual; and
(ii) the court finds, in accordance with Subsection (8), that entering a judgment of conviction for a lower degree of offense is in the interest of justice and public safety.
(b) In determining whether the defendant has provided substantial assistance under Subsection (7)(a)(i), the court shall consider:
(i) the significance and usefulness of the defendant's assistance, taking into account the prosecuting attorney's evaluation of the assistance rendered;
(ii) the truthfulness, completeness, and reliability of information or testimony provided by the defendant;
(iii) the nature and extent of the defendant's assistance;
(iv) any injury suffered or any danger or risk of injury to the defendant or the defendant's family resulting from the defendant's assistance;
(v) the timeliness of the defendant's assistance; and
(vi) any other factor the court considers relevant.

(8) In determining whether entering a judgment of a conviction for a lower degree of offense is in the interest of justice under Subsection (3), (4), (5), (6), or (7):
(a) the court shall consider:
(i) the nature, circumstances, and severity of the offense for which a reduction is sought;
(ii) the physical, emotional, or other harm that the defendant caused any victim of the offense for which the reduction is sought; and
(iii) any input from a victim of the offense; and
(b) the court may consider:
(i) any special characteristics or circumstances of the defendant, including the defendant's criminogenic risks and needs;
(ii) the defendant's criminal history;
(iii) the defendant's employment and community service history;

(iv) whether the defendant participated in a rehabilitative program and successfully completed the program;
(v) any effect that a reduction would have on the defendant's ability to obtain or reapply for a professional license from the Department of Commerce;
(vi) whether the level of the offense has been reduced by law after the defendant's conviction;
(vii) any potential impact that the reduction would have on public safety; or
(viii) any other circumstances that are reasonably related to the defendant or the offense for which the reduction is sought.

(9)
(a) A court may only enter a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), (6), or (7) after:
(i) notice is provided to the other party;
(ii) reasonable efforts have been made by the prosecuting attorney to provide notice to any victims; and
(iii) a hearing is held if a hearing is requested by either party.
(b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), (6), or (7).
(c) In a motion under Subsection (3), (4), (5), (6), or (7) and at a requested hearing on the motion, the moving party has the burden to provide evidence sufficient to demonstrate that the requirements under Subsection (3), (4), (5), (6), or (7) are met.
(d) If a defendant files a motion under this section, the prosecuting attorney shall respond to the motion within 35 days after the day on which the motion is filed with the court.

(10) A court has jurisdiction to consider and enter a judgment of conviction for a lower degree of offense under Subsection (3), (4), (5), (6), or (7) regardless of whether the defendant is committed to jail as a condition of probation or is sentenced to prison.

(11)
(a) An offense may be reduced only one degree under this section, unless the prosecuting attorney specifically agrees in writing or on the court record that the offense may be reduced two degrees.
(b) An offense may not be reduced under this section by more than two degrees.

(12) This section does not preclude an individual from obtaining or being granted an expungement of the individual's record in accordance with Title 77, Chapter 40a, Expungement of Criminal Records.

(13) The court may not enter a judgment for a conviction for a lower degree of offense under this section if:
(a) the reduction is specifically precluded by law; or
(b) any unpaid balance remains on court-ordered restitution for the offense for which the reduction is sought.

(14) When the court enters a judgment for a lower degree of offense under this section, the actual title of the offense for which the reduction is made may not be altered.

(15)
(a) An individual may not obtain a reduction under this section of a conviction that requires the individual to register as a sex offender, kidnap offender, or child abuse offender under Section 53-29-202 until the registration requirements under Title 53, Chapter 29, Sex, Kidnap, and Child Abuse Offender Registry, have expired.
(b) An individual required to register as a sex offender, kidnap offender, or child abuse offender under Section 53-29-202 and required to register for the individual's lifetime as described in Subsection 53-29-203(1)(b), may not be granted a reduction of the conviction for the offense

or offenses that require the individual to register as a sex offender, kidnap offender, or child abuse offender.

Amended by Chapter 354, 2026 General Session

76-3-403 Credit for good behavior against jail sentence for misdemeanors and certain felonies.

In any commitment for incarceration in a county jail or detention facility, other than the Utah State Prison, the custodial authority may in its discretion and upon good behavior of the inmate allow up to 10 days credit against the sentence to be served for every 30 days served or up to two days credit for every 10 days served when the period to be served is less than 30 days if:

(1) the incarceration is for a misdemeanor offense, and the sentencing judge has not entered an order to the contrary; or

(2) the incarceration is part of a probation agreement for a felony offense, and the sentencing district judge has not entered an order to the contrary.

Amended by Chapter 91, 1998 General Session

76-3-403.5 Work or school release from county jail or facility -- Conditions.

When an inmate is incarcerated in a county jail or in a detention facility, the custodial authority may, in accordance with the release policy of the facility, allow the inmate to work outside of the jail or facility as part of a jail or facility supervised work detail, to seek or work at employment, or to attend an educational institution, if the inmate's incarceration:

(1) is not for an offense for which release is prohibited under state law; and

(2)

(a) is for a misdemeanor offense, and the sentencing judge has not entered an order prohibiting release under this section; or

(b) is part of a probation agreement for a felony offense, and the sentencing district judge has not entered an order prohibiting release under this section.

Amended by Chapter 148, 2007 General Session

76-3-405 Limitation on sentence where conviction or prior sentence set aside.

(1) Where a conviction or sentence has been set aside on direct review or on collateral attack, the court shall not impose a new sentence for the same offense or for a different offense based on the same conduct which is more severe than the prior sentence less the portion of the prior sentence previously satisfied.

(2) This section does not apply when:

(a) the increased sentence is based on facts which were not known to the court at the time of the original sentence, and the court affirmatively places on the record the facts which provide the basis for the increased sentence; or

(b) a defendant enters into a plea agreement with the prosecution and later successfully moves to invalidate the defendant's conviction, in which case the defendant and the prosecution stand in the same position as though the plea bargain, conviction, and sentence had never occurred.

Amended by Chapter 302, 2025 General Session

76-3-406 Crimes for which probation, suspension of sentence, lower category of offense, or hospitalization may not be granted.

(1) As used in this section, "attempted child sexual offense" means an attempt to commit a felony that is:
  (a) rape of a child as described in Section 76-5-402.1;
  (b) object rape of a child as described in Section 76-5-402.3;
  (c) sodomy on a child as described in Section 76-5-403.1; or
  (d) aggravated sexual abuse of a child as described in Section 76-5-404.3.

(2) Except as provided in Subsection (3), a court may not grant probation, suspend the execution or imposition of a sentence, enter a judgment for a lower category of offense, or order hospitalization, if the effect of which would in any way shorten the prison sentence for:
  (a) an actor who commits a capital felony or a first degree felony, or attempts to commit a capital felony or a first degree felony, that is:
    (i) aggravated child abuse as described in Section 76-5-109.2;
    (ii) child torture as described in Section 76-5-109.4;
    (iii) aggravated murder as described in Section 76-5-202;
    (iv) murder as described in Section 76-5-203;
    (v) child kidnapping as described in Section 76-5-301.1;
    (vi) aggravated kidnapping as described in Subsection 76-5-302(3)(b);
    (vii) rape as described in Subsection 76-5-402(3)(b), (3)(c), (3)(d), or (4);
    (viii) rape of a child as described in Section 76-5-402.1;
    (ix) object rape as described in Subsection 76-5-402.2(3)(b), (3)(c), (3)(d), or (4);
    (x) object rape of a child as described in Section 76-5-402.3;
    (xi) forcible sodomy as described in Subsection 76-5-403(3)(b), (3)(c), (3)(d), or (4);
    (xii) sodomy on a child as described in Section 76-5-403.1;
    (xiii) forcible sexual abuse as described in Subsection 76-5-404(3)(b)(i) or (ii);
    (xiv) aggravated sexual abuse of a child as described in Section 76-5-404.3; or
    (xv) aggravated sexual assault as described in Section 76-5-405; or
  (b) an offense for which the penalty has been increased under Section 76-3-407, Repeat and habitual sex offenders.

(3)
  (a) Except as provided in Subsection (3)(b), a court may suspend the execution or imposition of a prison sentence for an actor who is convicted of an attempt to commit a felony described in Subsection (2)(a) if the court:
    (i) makes a finding on the record that:
      (A) details why it is in the interests of justice not to execute or impose the prison sentence; and
      (B) the actor does not pose a significant safety risk to the victim of the attempted crime or the general public; and
    (ii) orders the actor to complete the terms and conditions of probation that is supervised by the Department of Corrections.
  (b) If a court suspends a sentence for an attempted child sexual offense the court shall follow the provisions described in Section 76-5-406.5.

(4) Except for an offense before the district court in accordance with Section 80-6-502 or 80-6-504, the provisions of this section do not apply if the sentencing court finds that the actor:
  (a) was under 18 years old at the time of the offense; and
  (b) could have been adjudicated in the juvenile court but for the delayed reporting or delayed filing of the information.

(5) Except as provided in Subsection 77-16a-103(6) or (7), a court may not grant probation, suspend the execution or imposition of a sentence, enter a judgment for a lower category of offense under Section 76-3-402, or order hospitalization under Section 76-3-201 or 77-18-105 or Title 77, Chapter 16a, Commitment and Treatment of Individuals with a Mental Condition, if the court is prohibited from doing so by this section.

Repealed and Re-enacted by Chapter 193, 2025 General Session

76-3-406.5 Aggravating factors in imprisonment for certain criminal homicide cases.

(1) As used in this section:
  (a) "Cohabitant" has the same definition as in Section 78B-7-102.
  (b) "Position of trust" includes the position of a spouse, parent, or cohabitant.
(2) It is an aggravating factor that the actor occupied a position of trust in relation to the victim.
(3) The Board of Pardons and Parole shall consider the aggravating factor in Subsection (2) in determining the length of imprisonment for an actor convicted of:
  (a) aggravated murder under Section 76-5-202;
  (b) murder under Section 76-5-203;
  (c) manslaughter under Section 76-5-205; or
  (d) aiding or encouraging suicide under Section 76-5-211.
(4) The sentencing court shall consider the aggravating factor in Subsection (2) in sentencing an actor convicted of:
  (a) manslaughter under Section 76-5-205; or
  (b) aiding or encouraging suicide under Section 76-5-211.

Amended by Chapter 330, 2026 General Session

76-3-407 Repeat and habitual sex offenders -- Additional prison term for prior felony convictions. -- Mandatory imprisonment for entire term of imprisonment.

(1) As used in this section:
  (a)
    (i) "Prior sexual offense" means:
      (A) a felony offense described in Chapter 5, Part 4, Sexual Offenses;
      (B) sexual exploitation of a minor, Section 76-5b-201;
      (C) aggravated sexual exploitation of a minor, Section 76-5b-201.1;
      (D) possession of apparent child sexual abuse material, Section 76-5b-207;
      (E) distribution of apparent child sexual abuse material, Section 76-5b-208;
      (F) unlawful activity regarding obscene material depicting the sexual abuse of a minor, Section 76-5b-209;
      (G) a felony attempt to commit an offense described in Subsections (1)(a)(i)(A) through (F); or
      (H) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(a)(i)(A) through (G).
    (ii) "Prior sexual offense" does not include:
      (A) lewdness, as described in Section 76-5-419; or
      (B) lewdness involving a child, as described in Section 76-5-420.
  (b)
    (i) "Sexual offense" means:
      (A) an offense that is a second or third degree felony, or an attempted offense, which attempt is a second or third degree felony, described in Chapter 5, Part 4, Sexual Offenses;

(B) sexual exploitation of a minor, Section 76-5b-201;
(C) aggravated sexual exploitation of a minor, Section 76-5b-201.1;
(D) possession of apparent child sexual abuse material, Section 76-5b-207;
(E) distribution of apparent child sexual abuse material, Section 76-5b-208;
(F) unlawful activity regarding obscene material depicting the sexual abuse of a minor, Section 76-5b-209;
(G) a felony attempt to commit an offense described in Subsections (1)(b)(i)(B) through (F); or
(H) an offense in another state, territory, or district of the United States that, if committed in Utah, would constitute an offense described in Subsections (1)(b)(i)(A) through (G).

(ii) "Sexual offense" does not include:
(A) lewdness, as described in Section 76-5-419; or
(B) lewdness involving a child, as described in Section 76-5-420.

(2) Notwithstanding any other provision of law, the minimum and maximum penalty for a sexual offense is increased by five years for each conviction of the defendant for a prior sexual offense that arose from a separate criminal episode, if the trier of fact finds that:
(a) the defendant was convicted of a prior sexual offense; and
(b) the defendant was convicted of the prior sexual offense described in Subsection (2)(a) before the defendant committed the sexual offense for which the defendant is being sentenced.

(3) The increased term described in Subsection (2) shall be in addition to, and consecutive to, any other prison term served by the defendant.

(4) If a defendant's conviction is increased under this section, the defendant's entire sentence for the conviction is subject to mandatory imprisonment under Section 76-3-406.

Amended by Chapter 358, 2026 General Session

76-3-409 Child abuse or sex offense against child -- Treatment of offender or victim -- Payment of costs.

(1) Any person convicted in the district court of child abuse, or a sexual offense if the victim is under 18 years old, may be ordered to participate in treatment or therapy under the supervision of the Division of Adult Probation and Parole created in Section 64-14-202, in cooperation with the division of children, youth, and families until the court is satisfied that such treatment or therapy has been successful or that no further benefit to the convicted offender would result if such treatment or therapy were continued. The court may also order treatment of the victim if it believes the same would be beneficial under the circumstances. Nothing in this section shall preclude the court from imposing any additional sentence as provided by law.

(2) The convicted offender shall be ordered to pay, to the extent that the convicted offender is able, the costs of the convicted offender's treatment, together with treatment costs incurred by the victim and any administrative costs incurred by the appropriate state agency in the supervision of such treatment. If the convicted offender is unable to pay all or part of the costs of treatment, the court may order the appropriate state agency to pay such costs to the extent funding is provided by the Legislature for such purpose and shall order the convicted offender to perform public service work as compensation for the cost of treatment.

Amended by Chapter 214, 2025 General Session
Amended by Chapter 302, 2025 General Session

76-3-410 Compensatory service -- Graffiti penalties.

(1) If an actor uses graffiti and is convicted under Section 76-6-106, 76-6-106.1, 76-6-107, or 76-6-206 for the use of graffiti, the court may, as a condition of probation under Subsection 77-18-105(6), order the actor to clean up graffiti of the actor and any other at a time and place within the jurisdiction of the court.
  (a) For a first conviction or adjudication, the court may require the actor to clean up graffiti for not less than eight hours.
  (b) For a second conviction or adjudication, the court may require the actor to clean up graffiti for not less than 16 hours.
  (c) For a third conviction or adjudication, the court may require the actor to clean up graffiti for not less than 24 hours.
(2) The actor convicted under Section 76-6-106, 76-6-106.1, 76-6-206, or 76-6-107 shall be responsible for removal costs as determined under Section 76-6-107, unless waived by the court for good cause.
(3) The court may also require the actor to perform other alternative forms of restitution or repair to the damaged property in accordance with Subsection 77-18-105(6).

Renumbered and Amended by Chapter 111, 2023 General Session

Chapter 4
Inchoate Offenses

Part 1
Attempt

76-4-101 Attempt -- Elements of offense.
(1) For purposes of this part, a person is guilty of an attempt to commit a crime if he:
  (a) engages in conduct constituting a substantial step toward commission of the crime; and
  (b)
    (i) intends to commit the crime; or
    (ii) when causing a particular result is an element of the crime, he acts with an awareness that his conduct is reasonably certain to cause that result.
(2) For purposes of this part, conduct constitutes a substantial step if it strongly corroborates the actor's mental state as defined in Subsection (1)(b).
(3) A defense to the offense of attempt does not arise:
  (a) because the offense attempted was actually committed; or
  (b) due to factual or legal impossibility if the offense could have been committed if the attendant circumstances had been as the actor believed them to be.

Amended by Chapter 154, 2004 General Session

Superseded 1/1/2027
76-4-102 Attempt -- Classification of offenses.
(1) A violation of Section 76-4-101 where the actor attempts to commit:
  (a)

(i) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;
(ii) except as provided in Subsection (2), aggravated murder under Section 76-5-202, which results in serious bodily injury, is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life;
(b) except as provided in Subsection (1)(c), (d), or (e), a first degree felony is a second degree felony;
(c) murder under Subsection 76-5-203(2)(a) is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than five years and which may be for life;
(d) one of the the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:
(i) child kidnapping under Section 76-5-301.1; or
(ii) except as provided in Subsection (1)(e), a felony described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, that is a first degree felony;
(e) except as provided in Subsection (3), one of the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life:
(i) rape of a child under Section 76-5-402.1;
(ii) object rape of a child under Section 76-5-402.3; or
(iii) sodomy on a child under Section 76-5-403.1;
(f) a second degree felony is a third degree felony;
(g) a third degree felony is a class A misdemeanor;
(h) a class A misdemeanor is a class B misdemeanor;
(i) a class B misdemeanor is a class C misdemeanor; and
(j) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.
(2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser term than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) 10 years and which may be for life; or
(b) six years and which may be for life.
(3) If, when imposing a sentence under Subsection (1)(e), a court finds that a lesser term than the term described in Subsection (1)(e) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) 10 years and which may be for life;
(b) six years and which may be for life; or
(c) three years and which may be for life.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 204, 2025 General Session

Effective 1/1/2027
76-4-102 Attempt -- Classification of offenses.
(1) A violation of Section 76-4-101 where the actor attempts to commit:
(a)
(i) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;

(ii) except as provided in Subsection (2), aggravated murder under Section 76-5-202, which results in serious bodily injury, is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life;

(b) except as provided in Subsection (1)(c), (d), or (e), a first degree felony is a second degree felony;

(c) murder under Subsection 76-5-203(2)(a) is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than five years and which may be for life;

(d) one of the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:

(i) child kidnapping under Section 76-5-301.1; or

(ii) except as provided in Subsection (1)(e), a felony described in Title 76, Chapter 5, Part 4, Sexual Offenses, that is a first degree felony;

(e) except as provided in Subsection (3), one of the following offenses is a first degree felony that is punishable by imprisonment for an indeterminate term of not fewer than 15 years and which may be for life:

(i) rape of a child under Section 76-5-402.1;

(ii) object rape of a child under Section 76-5-402.3; or

(iii) sodomy on a child under Section 76-5-403.1;

(f) a second degree felony is a third degree felony;

(g) a third degree felony is a class A misdemeanor;

(h) a class A misdemeanor is a class B misdemeanor;

(i) a class B misdemeanor is a class C misdemeanor; and

(j) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

(2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser term than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life; or

(b) six years and which may be for life.

(3) If, when imposing a sentence under Subsection (1)(e), a court finds that a lesser term than the term described in Subsection (1)(e) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(a) 10 years and which may be for life;

(b) six years and which may be for life; or

(c) three years and which may be for life.

Amended by Chapter 445, 2026 General Session

Part 2
Conspiracy, Solicitation, and Contributing to Delinquency

76-4-201 Conspiracy -- Elements of offense.

For purposes of this part a person is guilty of conspiracy when he, intending that conduct constituting a crime be performed, agrees with one or more persons to engage in or cause the performance of the conduct and any one of them commits an overt act in pursuance of the

conspiracy, except where the offense is a capital felony, a felony against the person, arson, burglary, or robbery, the overt act is not required for the commission of conspiracy.

Amended by Chapter 209, 2001 General Session

Superseded 1/1/2027

76-4-202 Conspiracy -- Classification of offenses.

Conspiracy to commit:

(1) a capital felony is a first degree felony;

(2) a first degree felony is a second degree felony, except that conspiracy to commit child kidnaping, in violation of Section 76-5-301.1 or to commit any of those felonies described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, which are first degree felonies, is a first degree felony punishable by imprisonment for an indeterminate term of not less than three years and which may be for life;

(3) a second degree felony is a third degree felony;

(4) a third degree felony is a class A misdemeanor;

(5) a class A misdemeanor is a class B misdemeanor;

(6) a class B misdemeanor is a class C misdemeanor;

(7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-4-202 Conspiracy -- Classification of offenses.

Conspiracy to commit:

(1) a capital felony is a first degree felony;

(2) a first degree felony is a second degree felony, except that conspiracy to commit child kidnaping, in violation of Section 76-5-301.1 or to commit any of those felonies described in Title 76, Chapter 5, Part 4, Sexual Offenses, which are first degree felonies, is a first degree felony punishable by imprisonment for an indeterminate term of not less than three years and which may be for life;

(3) a second degree felony is a third degree felony;

(4) a third degree felony is a class A misdemeanor;

(5) a class A misdemeanor is a class B misdemeanor;

(6) a class B misdemeanor is a class C misdemeanor; or

(7) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty for a class C misdemeanor.

Amended by Chapter 445, 2026 General Session

Superseded 1/1/2027

76-4-203 Criminal solicitation of an adult.

(1)

(a) As used in this section:

(i) "Adult" means an individual who is 18 years old or older.

(ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits criminal solicitation of an adult if, with the intent that a felony offense be committed, the actor solicits an adult to engage in specific conduct that, under the circumstances as the actor believes the circumstances to be, would be a felony offense or would cause the adult to be a party to the commission of a felony offense.
(3) A violation of Subsection (2) where the actor solicits the adult to commit:
(a) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;
(b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second degree felony;
(c) any of the following felony offenses is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:
(i) murder, as described in Subsection 76-5-203(2)(a);
(ii) child kidnapping, as described in Section 76-5-301.1; or
(iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, that is a first degree felony;
(d) except as provided in Subsection (4), any of the following felony offenses is a first degree felony punishable by a term of imprisonment of not less than 15 years and which may be for life:
(i) rape of a child, Section 76-5-402.1;
(ii) object rape of a child, Section 76-5-402.3; or
(iii) sodomy on a child, Section 76-5-403.1;
(e) a second degree felony is a third degree felony; and
(f) a third degree felony is a class A misdemeanor.
(4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) 10 years and which may be for life;
(b) six years and which may be for life; or
(c) three years and which may be for life.
(5) An actor may be convicted under this section only if the solicitation is made under circumstances strongly corroborative of the actor's intent that the offense be committed.
(6) It is not a defense to a violation of this section that:
(a) the adult solicited by the actor:
(i) does not agree to act upon the solicitation;
(ii) does not commit an overt act;
(iii) does not engage in conduct constituting a substantial step toward the commission of any offense;
(iv) is not criminally responsible for the felony offense solicited;
(v) was acquitted, was not prosecuted or convicted, or was convicted of a different offense or of a different type or degree of offense; or
(vi) is immune from prosecution; or
(b) the actor:
(i) belongs to a class of persons that by definition is legally incapable of committing the offense in an individual capacity; or
(ii) fails to communicate with the adult that the actor solicits to commit an offense if the intent of the actor's conduct was to effect the communication.
(7) Nothing in this section prevents an actor who otherwise solicits an adult to engage, or intentionally aids an adult in engaging, in conduct that constitutes an offense from being

prosecuted and convicted as a party to the offense under Section 76-2-202 if the adult actually commits the offense.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-4-203 Criminal solicitation of an adult.

(1)
(a) As used in this section:
(i) "Adult" means an individual who is 18 years old or older.
(ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal solicitation of an adult if, with the intent that a felony offense be committed, the actor solicits an adult to engage in specific conduct that, under the circumstances as the actor believes the circumstances to be, would be a felony offense or would cause the adult to be a party to the commission of a felony offense.
(3) A violation of Subsection (2) where the actor solicits the adult to commit:
(a) a capital felony, or a felony punishable by imprisonment for life without parole, is a first degree felony;
(b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second degree felony;
(c) any of the following felony offenses is a first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life:
(i) murder, as described in Subsection 76-5-203(2)(a);
(ii) child kidnapping, as described in Section 76-5-301.1; or
(iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses, that is a first degree felony;
(d) except as provided in Subsection (4), any of the following felony offenses is a first degree felony punishable by a term of imprisonment of not less than 15 years and which may be for life:
(i) rape of a child, Section 76-5-402.1;
(ii) object rape of a child, Section 76-5-402.3; or
(iii) sodomy on a child, Section 76-5-403.1;
(e) a second degree felony is a third degree felony; and
(f) a third degree felony is a class A misdemeanor.
(4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) 10 years and which may be for life;
(b) six years and which may be for life; or
(c) three years and which may be for life.
(5) An actor may be convicted under this section only if the solicitation is made under circumstances strongly corroborative of the actor's intent that the offense be committed.
(6) It is not a defense to a violation of this section that:
(a) the adult solicited by the actor:
(i) does not agree to act upon the solicitation;
(ii) does not commit an overt act;
(iii) does not engage in conduct constituting a substantial step toward the commission of any offense;

(iv) is not criminally responsible for the felony offense solicited;
(v) was acquitted, was not prosecuted or convicted, or was convicted of a different offense or of a different type or degree of offense; or
(vi) is immune from prosecution; or
(b) the actor:
(i) belongs to a class of persons that by definition is legally incapable of committing the offense in an individual capacity; or
(ii) fails to communicate with the adult that the actor solicits to commit an offense if the intent of the actor's conduct was to effect the communication.
(7) Nothing in this section prevents an actor who otherwise solicits an adult to engage, or intentionally aids an adult in engaging, in conduct that constitutes an offense from being prosecuted and convicted as a party to the offense under Section 76-2-202 if the adult actually commits the offense.

Amended by Chapter 445, 2026 General Session

76-4-205 Criminal solicitation of a minor.
(1)
(a) As used in this section:
(i) "Minor" means an individual who is younger than 18 years old.
(ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal solicitation of a minor if, with the intent that a felony or class A misdemeanor offense be committed, the actor solicits a minor to engage in specific conduct that, under the circumstances as the actor believes the circumstances to be, would be a felony or class A misdemeanor offense or would cause the minor to be a party to the commission of a felony or class A misdemeanor offense.
(3) A violation of Subsection (2) is:
(a) a first degree felony if the actor solicits conduct that is a first degree felony;
(b) a second degree felony if the actor solicits conduct that is a second degree felony;
(c) a third degree felony if the actor solicits conduct that is a third degree felony; and
(d) a class A misdemeanor if the actor solicits conduct that is a class A misdemeanor.
(4) An actor may be convicted under this section only if the solicitation is made under circumstances strongly corroborative of the actor's intent that the offense be committed.
(5) It is not a defense to a violation of this section that:
(a) the minor:
(i) does not agree to act upon the solicitation;
(ii) does not commit an overt act;
(iii) does not engage in conduct constituting a substantial step toward the commission of any offense;
(iv) is not criminally responsible for the offense solicited;
(v) was acquitted or the allegations about the minor in a delinquency petition were found to not be true;
(vi) was not prosecuted, adjudicated, or convicted, or was convicted or adjudicated of a different offense or of a different type or degree of offense; or
(vii) is immune from prosecution; or
(b) the actor:

(i) belongs to a class of persons that by definition is legally incapable of committing the offense in an individual capacity; or
(ii) fails to communicate with the minor that the actor solicits to commit an offense if the intent of the actor's conduct was to effect the communication.
(6) Nothing in this section prevents an actor who otherwise solicits a minor to engage, or intentionally aids in a minor in engaging, in conduct that constitutes an offense from being prosecuted and convicted as a party to the offense under Section 76-2-202 if the minor actually commits the offense.

Enacted by Chapter 301, 2024 General Session

76-4-206 Contributing to the delinquency of a minor.
(1)
(a) As used in this section:
(i) "Adult" means an individual who is 18 years old or older.
(ii) "Minor" means an individual who is younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits contributing to the delinquency of a minor if the actor:
(a) is an adult; and
(b) commits any act or engages in any conduct that the actor knows or should know would have the effect of causing or encouraging a minor to commit an act that would be a class B misdemeanor, a class C misdemeanor, or an infraction under a federal or state statute or a county or municipal ordinance.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) A violation of Subsection (2) does not require that the minor be found to be delinquent or to have committed a delinquent act.
(5) An offense committed under Subsection (2) is in addition to any completed or inchoate offense which the actor may have committed personally or as a party.

Renumbered and Amended by Chapter 301, 2024 General Session

Part 3
Exemptions and Restrictions

76-4-301 Specific attempt or conspiracy offense prevails.
Whenever any offense specifically designates or defines an attempt or conspiracy and provides a penalty for the attempt or conspiracy other than provided in this chapter, the specific offense shall prevail over the provisions of this chapter.

Amended by Chapter 20, 1995 General Session

76-4-302 Conviction of inchoate and principal offense or attempt and conspiracy to commit offense prohibited.
No person shall be convicted of both an inchoate and principal offense or of both an attempt to commit an offense and a conspiracy to commit the same offense.

Amended by Chapter 32, 1974 General Session

Chapter 5
Offenses Against the Individual

Part 1
Assault and Related Offenses

76-5-101 Definitions.

Unless otherwise provided, as used in this part:

(1) "Detained individual" means an individual detained under Section 77-7-15.

(2) "Prisoner" means an individual who is in custody of a peace officer pursuant to a lawful arrest or who is confined in a jail or other penal institution or a facility used for confinement of delinquent juveniles operated by the Division of Juvenile Justice and Youth Services regardless of whether the confinement is legal.

Amended by Chapter 240, 2024 General Session

76-5-102 Assault.

(1)

(a) As used in this section, "chokehold" means a restraining hold in which one individual encircles the neck of another individual in a viselike grip using an arm.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits assault if the actor:

(a) attempts, with unlawful force or violence, to inflict bodily injury on an individual; or

(b) commits an act, with unlawful force or violence, that:

(i) causes bodily injury to an individual; or

(ii) creates a substantial risk of bodily injury to an individual.

(3)

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

(b) A violation of Subsection (2) is a class A misdemeanor if:

(i) the actor causes substantial bodily injury to an individual; or

(ii) the individual is pregnant and the actor has knowledge of the pregnancy.

(4) The fact that the actor caused serious bodily injury to an individual is not a defense to a violation of this section.

(5) This section does not apply to an actor's use of a chokehold on another individual if:

(a) the chokehold is done as part of training for, or participating in, a practice or sport in which a chokehold is a known and acceptable practice, including martial arts, wrestling, or mixed martial arts; and

(b) the other individual is also training for, or participating in, the same practice or sport in which a chokehold is a known and acceptable practice.

Amended by Chapter 251, 2026 General Session

76-5-102.1 Negligently operating a vehicle resulting in injury.

(1)

(a) As used in this section:

(i) "Controlled substance" means the same as that term is defined in Section 58-37-101.

(ii) "Drug" means the same as that term is defined in Section 76-5-207.

(iii) "Negligent" or "negligence" means the same as that term is defined in Section 76-5-207.

(iv) "Vehicle" means the same as that term is defined in Section 41-6a-501.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits negligently operating a vehicle resulting in injury if the actor:

(a)

(i) operates a vehicle in a negligent manner causing bodily injury to another; and

(ii)

(A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;

(B) is under the influence of alcohol, a drug, or the combined influence of alcohol and a drug to a degree that renders the actor incapable of safely operating a vehicle; or

(C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or

(b)

(i) operates a vehicle in a criminally negligent manner causing bodily injury to another; and

(ii) has in the actor's body any measurable amount of a controlled substance.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is:

(a)

(i) a class A misdemeanor;

(ii) a third degree felony if the actor has two or more driving under the influence related convictions under Subsection 41-6a-501(2)(a), each of which is within 10 years of:

(A) the current conviction; or

(B) the commission of the offense upon which the current conviction is based;

(iii) a third degree felony, if the current conviction is at any time after the conviction of:

(A) a conviction, as the term conviction is defined in Subsection 41-6a-501(2), that is a felony; or

(B) any conviction described in Subsection (3)(a)(iii)(A) for which judgment of conviction is reduced under Section 76-3-402; or

(iv) a third degree felony if the bodily injury is serious bodily injury; and

(b) a separate offense for each victim suffering bodily injury as a result of the actor's violation of this section, regardless of whether the injuries arise from the same episode of driving.

(4) An actor is not guilty of negligently operating a vehicle resulting in injury under Subsection (2)(b) if:

(a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;

(b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or

(c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-109 if:

(i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113; and

(ii) the substance was administered to the actor by the medical researcher.

(5)

(a) A judge imposing a sentence under this section may consider:
(i) the adult sentencing and supervision length guidelines, as defined in Section 75E-4-101;
(ii) the defendant's history;
(iii) the facts of the case;
(iv) aggravating and mitigating factors; or
(v) any other relevant fact.
(b) The judge may not impose a lesser sentence than would be required for a conviction based on the defendant's history under Section 41-6a-505.
(c) The standards for chemical breath analysis under Section 41-6a-515 and the provisions for the admissibility of chemical test results under Section 41-6a-516 apply to determination and proof of blood alcohol content under this section.
(d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).
(e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.
(f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except if prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
(g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.
(6)
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time.
(b) If a court designates a person as an interdicted person as described in Subsection (6)(a), the court shall:
(i) require the person to surrender the person's Utah identification card or Utah driver license;
(ii) notify the Driver License Division that the person is an interdicted person; and
(iii) provide the person's identification card or driver license to the Driver License Division.
(7) If a minor who is under 18 years old is found by a court to have violated Subsection (2)(b), the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (7)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (7)(b).

Amended by Chapter 291, 2026 General Session

76-5-102.3 Assault or threat of violence against a school employee.
(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Employee" includes a volunteer.
(iii) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits assault or threat of violence against a school employee if:

(a) the actor commits assault or a threat of violence against an employee of a public or private school;
(b) the actor has knowledge that the individual is an employee; and
(c) the employee is acting within the scope of the employee's authority as an employee.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 181, 2022 General Session

76-5-102.4 Assault or threat of violence against a peace officer or a family member of a peace officer.
(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.
(ii) "Family member" means an individual's spouse, surviving spouse, parent, grandparent, sibling, child, or any other individual related to the individual by consanguinity or affinity to the second degree.
(iii) "Peace officer" means:
(A) a law enforcement officer certified under Section 53-13-103;
(B) a correctional officer under Section 53-13-104;
(C) a special function officer under Section 53-13-105; or
(D) a federal officer under Section 53-13-106.
(iv) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits assault or threat of violence against a peace officer or a family member of a peace officer if:
(a) the actor commits an assault or threat of violence against a peace officer or a family member of a peace officer;
(b) the actor knows that the individual described in Subsection (2)(a) is a peace officer or a family member of a peace officer; and
(c) the assault or threat of violence described in Subsection (2)(a) is intentionally committed:
(i) against a peace officer at the time the officer is acting within the scope of the peace officer's authority as a peace officer;
(ii) against a peace officer because of the peace officer's status as a peace officer; or
(iii) against a family member of a peace officer because of the peace officer's status as a peace officer.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class A misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor:
(i) has been previously convicted of a class A misdemeanor or a felony violation of:
(A) this section; or
(B) assault or threat of violence against a military service member as described in Section 76-5-102.10; or
(ii) causes substantial bodily injury.
(c) A violation of Subsection (2) is a second degree felony if the actor uses:
(i) a dangerous weapon; or
(ii) other means or force likely to produce death or serious bodily injury.

(4) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech, the right of assembly, or any other recognized rights secured by the Utah Constitution or state law, or by the United States Constitution or federal law.
(5) An actor who violates this section shall serve, in jail or another correctional facility, a minimum of:
(a) 90 consecutive days for a second offense; and
(b) 180 consecutive days for each subsequent offense.
(6) The court may suspend the imposition or execution of the sentence required under Subsection (5) if the court finds that the interests of justice would be best served by the suspension and the court makes specific findings concerning the disposition on the record.

Amended by Chapter 246, 2026 General Session

76-5-102.5 Assault by prisoner.
(1)
(a) As used in this section, "assault" means an offense under Section 76-5-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits assault by prisoner if the actor:
(a) is a prisoner; and
(b) intending to cause bodily injury, commits an assault.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 181, 2022 General Session

76-5-102.6 Propelling object or substance at a correctional or peace officer -- Penalties.
(1)
(a) As used in this section, "infectious agent" means the same as that term is defined in Section 26B-7-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits the offense of propelling an object or substance at a correctional or peace officer if the actor:
(a) is a prisoner or a detained individual; and
(b) throws or otherwise propels an object or substance at a peace officer, a correctional officer, or an employee or volunteer, including a health care provider.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if:
(i) the object or substance causes substantial bodily injury to the peace officer, the correctional officer, or the employee or volunteer, including a health care provider; or
(ii)
(A) the object or substance is:
(I) blood, urine, semen, or fecal material;
(II) an infectious agent or a material that carries an infectious agent;
(III) vomit or a material that carries vomit; or
(IV) the actor's saliva, and the actor knows the actor is infected with HIV, hepatitis B, or hepatitis C; and
(B) the object or substance comes into contact with any portion of the officer's, employee's, volunteer's, or health care provider's face, including the eyes or mouth, or comes into

contact with any open wound on the officer's, employee's, volunteer's, or health care provider's body.

(4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 330, 2023 General Session

76-5-102.7 Assault or threat of violence against health care provider, emergency medical service worker, or health facility employee, owner, or contractor -- Penalty.

(1)

(a) As used in this section:

(i) "Assault" means an offense under Section 76-5-102.

(ii) "Emergency medical service worker" means an individual licensed under Section 53-2d-402.

(iii) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(iv) "Health facility" means:

(A) a health care facility as defined in Section 26B-2-201; and

(B) the office of a private health care provider, whether for individual or group practice.

(v) "Health facility employee" means an employee, owner, or contractor of a health facility.

(vi) "Threat of violence" means an offense under Section 76-5-107.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits assault or threat of violence against a health care provider or emergency medical service worker if:

(i) the actor is not a prisoner or a detained individual;

(ii) the actor commits an assault or threat of violence;

(iii) the actor knew that the victim was a health care provider or emergency medical service worker; and

(iv) the health care provider or emergency medical service worker was performing emergency or lifesaving duties within the scope of his or her authority at the time of the assault or threat of violence.

(b) An actor commits assault or threat of violence against a health facility employee if:

(i) the actor is not a prisoner or a detained individual;

(ii) the actor commits an assault or threat of violence;

(iii) the actor knew that the victim was a health facility employee; and

(iv) the health facility employee was acting within the scope of the health facility employee's duties for the health facility.

(3)

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

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:

(i) causes substantial bodily injury; and

(ii) acts intentionally or knowingly.

Amended by Chapter 310, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-5-102.8 Disarming a peace officer -- Penalties.

(1)
(a) As used in this section:
(i) "Conductive energy device" means a weapon that uses electrical current to disrupt voluntary control of muscles.
(ii) "Firearm" means the same as that term is defined in Section 76-11-101.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disarming a peace officer if the actor intentionally takes or removes, or attempts to take or remove a firearm or a conductive energy device from an individual or immediate presence of an individual who the actor knows is a peace officer:
(a) without the consent of the peace officer; and
(b) while the peace officer is acting within the scope of the peace officer's authority as a peace officer.
(3)
(a) A violation of Subsection (2) regarding a firearm is a first degree felony.
(b) A violation of Subsection (2) regarding a conductive energy device is a third degree felony.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-5-102.9 Propelling a bodily substance or material -- Penalties.
(1)
(a) As used in this section:
(i) "Bodily substance or material" means:
(A) saliva, blood, urine, semen, or fecal material;
(B) an infectious agent or a material that carries an infectious agent; or
(C) vomit or a material that carries vomit.
(ii) "Infectious agent" means the same as that term is defined in Section 26B-7-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits propelling a bodily substance or material if the actor knowingly or intentionally throws or otherwise propels a bodily substance or material at another individual.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if:
(i) the bodily substance or material is the actor's saliva and the actor knows the actor is infected with HIV, hepatitis B, or hepatitis C; or
(ii) the bodily substance or material comes into contact with any portion of the other individual's face, including the eyes or mouth, or comes into contact with any open wound on the other individual's body.
(4) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law than under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 330, 2023 General Session

76-5-102.10 Assault or threat of violence against a military service member or a family member of a military service member.
(1)
(a) As used in this section:

(i) "Assault" means an offense under Section 76-5-102.
(ii) "Military service member" means:
(A) a member of any branch of the United States armed forces; or
(B) a member of the National Guard or State Defense Force.
(iii) "Threat of violence" means an offense under Section 76-5-107.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits assault or threat of violence against a military service member if:
(a) the actor commits an assault or threat of violence against a military service member or a family member of a military service member;
(b) the actor knows that the individual described in Subsection (2)(a) is a military service member or a family member of a military service member; and
(c) the assault or threat of violence described in Subsection (2)(a) is intentionally committed:
(i) against a military service member at the time the military service member is acting within the scope of the military service member's authority as a military service member;
(ii) against a military service member because of the military service member's status as a military service member; or
(iii) against a family member of a military service member because of the military service member's status as a military service member.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class A misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor:
(i) has been previously convicted of a class A misdemeanor or a felony violation of:
(A) this section; or
(B) assault or threat of violence against a peace officer as described in Section 76-5-102.4; or
(ii) causes substantial bodily injury.
(c) A violation of Subsection (2) is a second degree felony if the actor uses:
(i) a dangerous weapon; or
(ii) other means or force likely to produce death or serious bodily injury.
(4) This section does not affect or limit any individual's constitutional right to the lawful expression of free speech, the right of assembly, or any other recognized rights secured by the Utah Constitution or state law, or by the United States Constitution or federal law.
(5) An actor who violates this section shall serve, in jail or another correctional facility, a minimum of:
(a) 90 consecutive days for a second offense; and
(b) 180 consecutive days for each subsequent offense.
(6) The court may suspend the imposition or execution of the sentence required under Subsection (5) if the court finds that the interests of justice would be best served by the suspension and the court makes specific findings concerning the disposition on the record.

Enacted by Chapter 246, 2026 General Session

76-5-103 Aggravated assault.
(1)
(a) As used in this section:
(i) "Chokehold" means the same as that term is defined in Section 76-5-102.

(ii) "Targeting a law enforcement officer" means the same as that term is defined in Section 76-5-202.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated assault if:
(a)
(i) the actor attempts, with unlawful force or violence, to do bodily injury to another;
(ii) the actor makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to another; or
(iii) the actor commits an act, committed with unlawful force or violence, that causes bodily injury to another or creates a substantial risk of bodily injury to another; and
(b) the actor's conduct described in Subsection (2)(a) includes:
(i) the use of:
(A) a dangerous weapon; or
(B) a motor vehicle;
(ii) any act that intentionally or knowingly impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence by:
(A) applying pressure to the neck or throat of an individual; or
(B) obstructing the nose, mouth, or airway of an individual; or
(iii) other means or force likely to produce death or serious bodily injury.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a third degree felony.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a second degree felony if:
(i) the act results in serious bodily injury; or
(ii) an act under Subsection (2)(b)(ii) produces a loss of consciousness.
(c) A violation of Subsection (2) is a first degree felony if the conduct constitutes targeting a law enforcement officer and results in serious bodily injury.
(4) This section does not apply to an actor's use of a chokehold on another individual if:
(a) the chokehold is done as part of training for, or participating in, a practice or sport in which a chokehold is a known and acceptable practice, including martial arts, wrestling, or mixed martial arts; and
(b) the other individual is also training for, or participating in, the same practice or sport in which a chokehold is a known and acceptable practice.

Amended by Chapter 251, 2026 General Session

76-5-103.5 Aggravated assault by prisoner.
(1)
(a) As used in this section, "aggravated assault" means an offense under Section 76-5-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated assault by prisoner if the actor:
(a) is a prisoner; and
(b) commits aggravated assault.
(3)
(a) A violation of Subsection (2) is a second degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a first degree felony if serious bodily injury was intentionally caused.

Amended by Chapter 181, 2022 General Session

76-5-104 Consensual altercation.

(1) As used in this section, "ultimate fighting match" means the same as that term is defined in Section 76-9-112.

(2) In any prosecution for criminal homicide under Part 2, Criminal Homicide, or assault as that offense is described in Section 76-5-102, it is no defense to the prosecution that the defendant was a party to any duel, mutual combat, or other consensual altercation if during the course of the duel, combat, or altercation:

(a) any dangerous weapon was used; or

(b) the defendant was engaged in an ultimate fighting match.

Amended by Chapter 173, 2025 General Session

76-5-105 Mayhem.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits mayhem if the actor unlawfully and intentionally:

(a) deprives an individual of a member of the individual's body;

(b) disables or renders useless a member of an individual's body;

(c) cuts out or disables an individual's tongue;

(d) puts out an individual's eye; or

(e) slits an individual's nose, ear, or lip.

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

Amended by Chapter 181, 2022 General Session

76-5-106 Harassment.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits harassment if, with intent to frighten or harass another, the actor communicates a written or recorded threat to commit a violent felony.

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

Amended by Chapter 181, 2022 General Session

76-5-106.5 Stalking -- Definitions -- Injunction -- Penalties -- Duties of law enforcement officer.

(1)

(a) As used in this section:

(i) "Course of conduct" means two or more acts directed at or toward a specific individual, including:

(A) acts in which the actor follows, monitors, observes, photographs, surveils, threatens, or communicates to or about an individual, or interferes with an individual's property:

(I) directly, indirectly, or through any third party; and

(II) by any action, method, device, or means; or

(B) when the actor engages in any of the following acts or causes someone else to engage in any of these acts:

(I) approaches or confronts an individual;

(II) appears at the individual's workplace or contacts the individual's employer or coworker;
(III) appears at an individual's residence or contacts an individual's neighbor, or enters property owned, leased, or occupied by an individual;
(IV) sends material by any means to the individual or for the purpose of obtaining or disseminating information about or communicating with the individual to a member of the individual's family or household, employer, coworker, friend, or associate of the individual;
(V) places an object on or delivers an object to property owned, leased, or occupied by an individual, or to the individual's place of employment with the intent that the object be delivered to the individual; or
(VI) uses a computer, the Internet, text messaging, or any other electronic means to commit an act that is a part of the course of conduct.

(ii)
(A) "Emotional distress" means significant mental or psychological suffering, whether or not medical or other professional treatment or counseling is required.
(B) "Emotional distress" includes significant mental or psychological suffering resulting from harm to an animal.

(iii) "Immediate family" means a spouse, parent, child, sibling, or any other individual who regularly resides in the household or who regularly resided in the household within the prior six months.

(iv) "Private investigator" means the same as that term is defined in Section 76-12-305.

(v) "Reasonable person" means a reasonable person in the victim's circumstances.

(vi) "Stalking" means an offense as described in Subsection (2).

(vii) "Text messaging" means a communication in the form of electronic text or one or more electronic images sent by the actor from a telephone or computer to another individual's telephone or computer by addressing the communication to the recipient's telephone number.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits stalking if the actor intentionally or knowingly:

(a) engages in a course of conduct directed at a specific individual and knows or is reckless as to whether the course of conduct would cause a reasonable person:
(i) to fear for the individual's own safety or the safety of a third individual; or
(ii) to suffer other emotional distress; or

(b) violates:
(i) a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions; or
(ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor:
(i) upon the actor's first violation of Subsection (2); or
(ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony if the actor:
(i) has been previously convicted of an offense of stalking;
(ii) has been previously convicted in another jurisdiction of an offense that is substantially similar to the offense of stalking;

(iii) has been previously convicted of any felony offense in Utah or of any crime in another jurisdiction which if committed in Utah would be a felony, in which the victim of the stalking offense or a member of the victim's immediate family was also a victim of the previous felony offense;
(iv) violated a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions; or
(v) has been or is at the time of the offense a cohabitant, as defined in Section 78B-7-102, of the victim.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second degree felony if the actor:
(i) used a dangerous weapon or used other means or force likely to produce death or serious bodily injury, in the commission of the crime of stalking;
(ii) has been previously convicted two or more times of the offense of stalking;
(iii) has been convicted two or more times in another jurisdiction or jurisdictions of offenses that are substantially similar to the offense of stalking;
(iv) has been convicted two or more times, in any combination, of offenses under Subsection (3)(b)(i), (ii), or (iii);
(v) has been previously convicted two or more times of felony offenses in Utah or of crimes in another jurisdiction or jurisdictions which, if committed in Utah, would be felonies, in which the victim of the stalking was also a victim of the previous felony offenses; or
(vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).
(4) In a prosecution under this section, it is not a defense that the actor:
(a) was not given actual notice that the course of conduct was unwanted; or
(b) did not intend to cause the victim fear or other emotional distress.
(5) An offense of stalking may be prosecuted under this section in any jurisdiction where one or more of the acts that is part of the course of conduct was initiated or caused an effect on the victim.
(6)
(a) Except as provided in Subsection (6)(b), an actor does not violate this section if:
(i) the actor is acting:
(A) in the actor's official capacity as a law enforcement officer, governmental investigator, or private investigator; and
(B) for a legitimate official or business purpose; or
(ii)
(A) the actor is the owner of a business;
(B) the actor engages in a course of conduct that is reasonable and necessary to protect the actor's ownership interest in the business;
(C) the conduct is not directed at a cohabitant, as that term is defined in Section 78B-7-102; and
(D) the actor's conduct does not violate any other provision of this code.
(b) A private investigator is not exempt from this section if the private investigator engages in conduct that would constitute a ground for the denial of a license under Section 58-92-401.
(7)
(a) A permanent criminal stalking injunction limiting the contact between the actor and victim may be filed in accordance with Section 78B-7-902.
(b) This section does not preclude the filing of criminal information for stalking based on the same act which is the basis for the violation of the stalking injunction issued under Title 78B,

Chapter 7, Part 7, Civil Stalking Injunctions, or a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal Stalking Injunctions.

(8)

(a) A law enforcement officer who responds to an allegation of stalking shall use all reasonable means to protect the victim and prevent further violence, including:

(i) taking action that, in the officer's discretion, is reasonably necessary to provide for the safety of the victim and any family or household member;

(ii) confiscating the weapon or weapons involved in the alleged stalking;

(iii) making arrangements for the victim and any child to obtain emergency housing or shelter;

(iv) providing protection while the victim removes essential personal effects;

(v) arranging, facilitating, or providing for the victim and any child to obtain medical treatment; and

(vi) arranging, facilitating, or providing the victim with immediate and adequate notice of the rights of victims and of the remedies and services available to victims of stalking, in accordance with Subsection (8)(b).

(b)

(i) A law enforcement officer shall give written notice to the victim in simple language, describing the rights and remedies available under this section and Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions.

(ii) The written notice shall also include:

(A) a statement that the forms needed in order to obtain a stalking injunction are available from the court clerk's office in the judicial district where the victim resides or is temporarily domiciled; and

(B) a list of shelters, services, and resources available in the appropriate community, together with telephone numbers, to assist the victim in accessing any needed assistance.

(c) If a weapon is confiscated under this Subsection (8), the law enforcement agency shall return the weapon to the individual from whom the weapon is confiscated if a stalking injunction is not issued or once the stalking injunction is terminated.

Amended by Chapter 44, 2026 General Session

Superseded 1/1/2027

76-5-107 Threat of violence.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits a threat of violence if the actor:

(a)

(i) threatens to commit an offense:

(A) under Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; or

(B) involving bodily injury, death, or substantial property damage; and

(ii) acts with intent to place an individual in fear:

(A) that the actor will imminently commit an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, against the individual; or

(B) of imminent serious bodily injury, substantial bodily injury, or death; or

(b) makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to an individual.

(3)

(a) A violation of Subsection (2) is a class B misdemeanor.
(b) An actor who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.
(4) It is not a defense under this section that the actor did not attempt to or was incapable of carrying out the threat.
(5) A threat under Subsection (2) may be express or implied.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027
76-5-107 Threat of violence.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits a threat of violence if the actor:
(a)
(i) threatens to commit an offense:
(A) under Title 76, Chapter 5, Part 4, Sexual Offenses; or
(B) involving bodily injury, death, or substantial property damage; and
(ii) acts with intent to place an individual in fear:
(A) that the actor will imminently commit an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, against the individual; or
(B) of imminent serious bodily injury, substantial bodily injury, or death; or
(b) makes a threat, accompanied by a show of immediate force or violence, to do bodily injury to an individual.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) An actor who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of the threatened act.
(4) It is not a defense under this section that the actor did not attempt to or was incapable of carrying out the threat.
(5) A threat under Subsection (2) may be express or implied.

Amended by Chapter 445, 2026 General Session

76-5-107.1 Threats against schools.
(1)
(a) As used in this section:
(i) "Hoax weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(ii) "School" means a preschool or a public or private elementary or secondary school.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor is guilty of making a threat against a school if the actor threatens, with real intent or as an intentional hoax, to commit an offense involving bodily injury, death, or substantial property damage and the actor:
(a) threatens the use of a firearm or weapon or hoax weapon of mass destruction;
(b) acts with intent to:
(i) disrupt the regular schedule of the school or influence or affect the conduct of students, employees, or the general public at the school;

(ii) prevent or interrupt the occupancy of the school or a portion of the school, or a facility or vehicle used by the school; or
(iii) intimidate or coerce students or employees of the school; or
(c) causes an official or volunteer agency organized to deal with emergencies to take action due to the risk to the school or general public.
(3)
(a)
(i) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a third degree felony.
(ii) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.
(iii) A violation of Subsection (2)(c) is a class B misdemeanor.
(b)
(i) In addition to another penalty authorized by law, a court shall order an actor convicted under this section to pay restitution to a federal, state, or local unit of government, or a private business, organization, individual, or entity for expenses and losses incurred in responding to the threat, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(ii) Restitution ordered in the case of a minor adjudicated for a violation of this section shall be determined in accordance with Section 80-6-710.
(4) It is not a defense to this section that the actor did not attempt to carry out the threat or was incapable of carrying out the threat.
(5) A violation of this section shall be reported to the local law enforcement agency.
(6) Counseling for a minor alleged to have violated this section and the minor's family may be made available through state and local health department programs.

Amended by Chapter 173, 2025 General Session

76-5-107.3 Terrorism.
(1)
(a) As used in this section:
(i) "Hoax weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(ii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits terrorism if the actor commits, or threatens to commit, an offense involving bodily injury, death, or substantial property damage and the actor:
(a)
(i) threatens the use of a weapon of mass destruction; or
(ii) threatens the use of a hoax weapon of mass destruction; or
(b) acts with intent to:
(i) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;
(ii) prevent or interrupt the occupation of a building or a portion of the building, a place to which the public has access, or a facility or vehicle of public transportation operated by a common carrier; or
(iii) cause an official or volunteer agency organized to deal with emergencies to take action due to the actor's conduct posing a serious and substantial risk to the general public.
(3)

(a) A violation of Subsection (2)(a) or (2)(b)(i) is a second degree felony.
(b) A violation of Subsection (2)(b)(ii) is a third degree felony.
(c) A violation of Subsection (2)(b)(iii) is a class B misdemeanor.
(4)
(a) An actor who commits an offense under this section is subject to punishment for that offense, in addition to any other offense committed, including the carrying out of any threatened offense.
(b) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(5) It is not a defense under this section that the actor did not attempt to carry out or was incapable of carrying out the threat.
(6) A threat under this section may be express or implied.

Amended by Chapter 368, 2026 General Session

76-5-107.5 Prohibition of "hazing" -- Definitions -- Penalties.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits hazing if the actor intentionally, knowingly, or recklessly commits an act or causes another to commit an act that:
(a)
(i) endangers the mental or physical health or safety of an individual;
(ii) involves any brutality of a physical nature such as whipping, beating, branding, calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or exposure to the elements;
(iii) involves consumption of any food, alcoholic product, drug, or other substance or any other physical activity that endangers the mental or physical health and safety of an individual; or
(iv) involves any activity that would subject the individual to extreme mental stress, such as sleep deprivation, extended isolation from social contact, or conduct that subjects another to extreme embarrassment, shame, or humiliation; and
(b)
(i) is for the purpose of initiation, admission into, affiliation with, holding office in, or as a condition for continued membership in any organization; or
(ii) if the actor knew that the individual is a member of or candidate for membership with a school team or school organization to which the actor belongs or did belong within the preceding two years.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if the act involves:
(i) the operation or other use of a motor vehicle;
(ii) the consumption of an alcoholic product as defined in Section 32B-1-102; or
(iii) the consumption of a drug or a substance as defined in Section 76-5-113.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a third degree felony if the act involves the use of a dangerous weapon.

(d) Notwithstanding Subsection (3)(a), (b), or (c), a violation of Subsection (2) is a third degree felony if the hazing results in serious bodily injury to an individual.
(e) Notwithstanding Subsection (3)(a), (b), (c), or (d), a violation of Subsection (2) is a second degree felony if hazing under Subsection (3)(d) involves the use of a dangerous weapon .
(4)
(a) A person who in good faith reports or participates in reporting of an alleged hazing is not subject to any civil or criminal liability regarding the reporting.
(b) It is not a defense to prosecution of hazing that an individual under 21 years old, against whom the hazing was directed, consented to or acquiesced in the hazing activity.
(5)
(a) This section does not apply to military training or other official military activities.
(b) Military conduct is governed by Title 39A, Chapter 5, Utah Code of Military Justice.
(6)
(a) A prosecution under this section does not bar a prosecution of the actor for:
(i) any other offense for which the actor may be liable as a party for conduct committed by the individual hazed; or
(ii) any offense, caused in the course of the hazing, that the actor commits against the individual hazed.
(b) Under Subsection (6)(a)(i) an actor may be separately punished, both for the hazing offense and the conduct committed by the individual hazed.
(c) Under Subsection (6)(a)(ii) an actor may not be punished both for hazing and for the other offense, but shall be punished for the offense carrying the greater maximum penalty.

Amended by Chapter 181, 2022 General Session

76-5-108 Violation of protective order.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits violation of protective order if the actor:
(a) is the respondent or defendant subject to a protective order, child protective order, ex parte protective order, ex parte child protective order, or foreign protection order issued under, or for the purposes of Subsection (2)(a)(i), enforceable under:
(i) Title 78B, Chapter 7, Part 3, Uniform Interstate Enforcement of Domestic Violence Protection Orders Act;
(ii) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders;
(iii) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; or
(iv) Title 80, Utah Juvenile Code; and
(b) intentionally or knowingly violates that order after having been properly served or having been present, in person or through court video conferencing, when the order was issued.
(3) A violation of Subsection (2) is a class A misdemeanor, except as a greater penalty may be provided in Title 77, Chapter 36, Cohabitant Abuse Procedures Act.
(4) Violation of an order described in Subsection (2) is a domestic violence offense under Section 77-36-1 and subject to increased penalties in accordance with Section 77-36-1.1.

Amended by Chapter 181, 2022 General Session

76-5-109 Child abuse.
(1)
(a) As used in this section:

(i) "Child" means an individual who is younger than 18 years old.
(ii) "Injury" means a physical or psychological injury to or condition of a child which impairs the physical or psychological condition of the child, including:
(A) a bruise or other contusion of the skin;
(B) a minor laceration or abrasion;
(C) failure to thrive or malnutrition; or
(D) any other condition that imperils the child's physical or psychological health or welfare and that is not a serious injury.
(iii) "Psychological injury" means an identifiable mental or emotional harm, damage, impairment, or dysfunction.
(iv)
(A) "Serious injury" means an injury or set of injuries that:
(I) seriously impairs the child's health, which includes the child's physical or mental well-being or development;
(II) causes serious emotional harm to the child; or
(III) involves a substantial risk of death to the child.
(B) "Serious injury" includes:
(I) fracture of any bone or bones;
(II) intracranial bleeding, swelling or contusion of the brain, whether caused by blows, shaking, or causing the child's head to impact with an object or surface;
(III) any burn, including burns inflicted by hot water, or those caused by placing a hot object upon the skin or body of the child;
(IV) any injury caused by use of a dangerous weapon;
(V) any combination of two or more injuries inflicted by the same individual, either at the same time or on different occasions;
(VI) any damage to internal organs of the body;
(VII) any conduct toward a child that results in severe emotional harm, severe developmental delay or intellectual disability, or severe impairment of the child's ability to function;
(VIII) any injury that creates a permanent disfigurement or protracted loss or impairment of the function of a bodily member, limb, or organ;
(IX) any impediment of the breathing or the circulation of blood by application of pressure to the neck, throat, or chest, or by the obstruction of the nose or mouth, that is likely to produce a loss of consciousness;
(X) any conduct involving unreasonable forcible restriction of a child's movements, including restraining or confining the child with restraints or in an enclosed space or forcing the child to remain in a stress position;
(XI) any conduct involving forcing or coercing a child to injure the child's self, an individual known to the child, or an animal known to the child;
(XII) any conduct involving a threat to harm or kill the child, an individual known to the child, or an animal known to the child;
(XIII) any conduct involving unreasonably subjecting a child to excessive heat, cold, darkness, solitary confinement, or sleep deprivation;
(XIV) any conduct that results in starvation, dehydration, failure to thrive, or malnutrition, that jeopardizes the child's life or seriously injures the child's physical or mental well-being or development; or
(XV) unconsciousness caused by the unlawful infliction of a brain injury or unlawfully causing any deprivation of oxygen to the brain.

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits child abuse if the actor:
(a) inflicts upon a child an injury; or
(b) having the care or custody of a child, causes or permits another to inflict an injury upon the child.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor if done intentionally or knowingly.
(b) A violation of Subsection (2) is a class B misdemeanor if done recklessly.
(c) A violation of Subsection (2) is a class C misdemeanor if done with criminal negligence.
(4)
(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.
(b) A parent or guardian of a child does not violate this section by selecting a treatment option for a medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.
(c) An actor is not guilty of an offense under this section for conduct that constitutes:
(i) reasonable discipline or management of a child, including withholding privileges;
(ii) conduct described in Section 76-2-401; or
(iii) the use of reasonable and necessary physical restraint or force on a child:
(A) in self-defense;
(B) in defense of others;
(C) to protect the child; or
(D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (4)(c)(iii)(A) through (C).

Amended by Chapter 284, 2025 General Session

76-5-109.2 Aggravated child abuse.
(1)
(a) As used in this section:
(i) "Child" means the same as that term is defined in Section 76-5-109.
(ii) "Serious injury" means the same as that term is defined in Section 76-5-109.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Under circumstances not amounting to a violation of Section 76-5-109.4, Child torture, an actor commits aggravated child abuse if the actor:
(a) inflicts upon a child a serious injury; or
(b) having the care or custody of a child, causes or permits another to inflict a serious injury upon the child.
(3)
(a) A violation of Subsection (2) is a first degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a third degree felony if done recklessly.
(c) A violation of Subsection (2) is a class A misdemeanor if done with criminal negligence.
(4)
(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of

an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.

(b) A parent or guardian of a child does not violate this section by selecting a treatment option for the medical condition of the child, if the treatment option is one that a reasonable parent or guardian would believe to be in the best interest of the child.

(c) An actor is not guilty of an offense under this section for conduct that constitutes:

(i) conduct described in Section 76-2-401; or

(ii) the use of reasonable and necessary physical restraint or force on a child:

(A) in self-defense;

(B) in defense of others;

(C) to protect the child; or

(D) to remove a weapon in the possession of a child for any of the reasons described in Subsections (4)(c)(ii)(A) through (C).

Amended by Chapter 193, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-109.3 Child abandonment.

(1)

(a) As used in this section:

(i) "Child" means the same as that term is defined in Section 76-5-109.

(ii) "Enterprise" means the same as that term is defined in Section 76-17-401.

(iii) "Serious injury" means the same as that term is defined in Section 76-5-109.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) Except as provided in Subsection (4), an actor commits child abandonment if the actor:

(i) is a parent or legal guardian of a child, and:

(A) intentionally ceases to maintain physical custody of the child;

(B) intentionally fails to make reasonable arrangements for the safety, care, and physical custody of the child; and

(C)

(I) intentionally fails to provide the child with food, shelter, or clothing;

(II) manifests an intent to permanently not resume physical custody of the child; or

(III) for a period of at least 30 days, intentionally fails to resume physical custody of the child and fails to manifest a genuine intent to resume physical custody of the child; or

(ii) encourages or causes the parent or legal guardian of a child to violate Subsection (2)(a)(i).

(b) Except as provided in Subsection (4), an enterprise commits child abandonment if the enterprise encourages, commands, induces by misrepresentation, or causes another to violate Subsection (2)(a).

(3)

(a)

(i) A violation of Subsection (2) is a third degree felony.

(ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2) is a second degree felony if, as a result of the child abandonment:

(A) the child suffers a serious injury; or

(B) the actor or enterprise receives, directly or indirectly, any benefit.

(b)

(i) In addition to the penalty described in Subsection (3)(a)(ii), the court may order the actor or enterprise described in Subsection (3)(a)(ii)(B) to pay the costs of investigating and prosecuting the offense and the costs of securing any forfeiture provided for under Subsection (3)(b)(ii).

(ii) Any tangible or pecuniary benefit received under Subsection (3)(a)(ii)(B) is subject to criminal or civil forfeiture pursuant to Title 77, Chapter 11b, Forfeiture of Seized Property.

(4)

(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to have committed an offense under this section.

(b) An actor is not guilty of an offense under this section for conduct that constitutes:

(i) the safe relinquishment of a child pursuant to the provisions of Section 80-4-502;

(ii) giving legal consent to a court order for termination of parental rights:

(A) in a legal adoption proceeding; or

(B) in a case in which a petition for the termination of parental rights, or the termination of a guardianship, has been filed;

(iii) reasonable discipline or management of a child, including withholding privileges; or

(iv) conduct described in Section 76-2-401.

(c) It is a defense to prosecution under Subsection (2)(a)(i) that the actor committed child abandonment due to:

(i) intimidation;

(ii) isolation;

(iii) harassment;

(iv) coercion;

(v) the actor's reasonable fear of bodily harm; or

(vi) the reasonable actions of the actor to protect the safety and welfare of the actor or another individual.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-109.4 Child torture.

(1)

(a) As used in this section:

(i) "Child" means the same as that term is defined in Section 76-5-109.

(ii) "Course of conduct" means a pattern of conduct composed of two or more acts that evidence a continuity of purpose.

(iii) "Serious injury" means the same as that term is defined in Section 76-5-109.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits child torture if the actor intentionally or knowingly inflicts upon a child, or having the care or custody of a child, intentionally or knowingly causes or permits another to inflict upon the child:

(a) a serious injury that is inflicted in an exceptionally cruel or exceptionally depraved manner that causes the child to experience extreme physical or psychological pain or anguish; or

(b) a serious injury, or more than one serious injury, as part of a course of conduct or over a prolonged period of time.

(3)
(a) Except as provided under Subsection (3)(b), a violation of Subsection (2) is a first degree felony subject to a sentence of imprisonment of at least 10 years and which may be for life.
(b) If, when imposing a sentence of imprisonment, a court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) seven years and which may be for life; or
(ii) four years and which may be for life.
(4) Imprisonment under Subsection (3) is mandatory in accordance with Section 76-3-406.
(5) An actor's conduct is not subject to punishment under Subsection (2)(b) if the serious injury that forms the basis for the offense is based solely on the commission of two or more injuries by the same individual as described under Subsection 76-5-109(1)(a)(iii)(B)(V).

Enacted by Chapter 284, 2025 General Session

76-5-110 Abuse or neglect of a child with a disability.
(1)
(a) As used in this section:
(i) "Abuse" means:
(A) inflicting injury;
(B) having the care or custody of a child with a disability, causing or permitting another to inflict injury; or
(C) unreasonable confinement.
(ii) "Caretaker" means:
(A) any parent, legal guardian, or other person having under that person's care and custody a child with a disability; or
(B) any person, corporation, or public institution that has assumed by contract or court order the responsibility to provide food, shelter, clothing, medical, and other necessities to a child with a disability.
(iii) "Child with a disability" means an individual under 18 years old who is impaired because of mental illness, mental deficiency, physical illness or disability, or other cause, to the extent that the individual is unable to care for the individual's own personal safety or to provide necessities such as food, shelter, clothing, and medical care.
(iv) "Injury" means the same as that term is defined in Section 76-5-109.
(v) "Neglect" means failure by a caretaker to provide care, nutrition, clothing, shelter, supervision, or medical care.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits abuse or neglect of a child with a disability if the actor is a caretaker and intentionally, knowingly, or recklessly abuses or neglects a child with a disability.
(3) A violation of Subsection (2) is a third degree felony.
(4)
(a) A parent or legal guardian who provides a child with treatment by spiritual means alone through prayer, in lieu of medical treatment, in accordance with the tenets and practices of an established church or religious denomination of which the parent or legal guardian is a member or adherent may not, for that reason alone, be considered to be in violation under this section.
(b) Subject to Section 80-3-109, the exception under Subsection (4)(a) does not preclude a court from ordering medical services from a physician licensed to engage in the practice

of medicine to be provided to the child where there is substantial risk of harm to the child's health or welfare if the treatment is not provided.

(c) A caretaker of a child with a disability does not violate this section by selecting a treatment option for a medical condition of a child with a disability, if the treatment option is one that a reasonable caretaker would believe to be in the best interest of the child with a disability.

Amended by Chapter 284, 2025 General Session

76-5-111 Abuse of a vulnerable adult -- Penalties.

(1)

(a) As used in this section:

(i) "Abandonment" means a knowing or intentional action or inaction, including desertion, by a person acting as a caretaker for a vulnerable adult that leaves the vulnerable adult without the means or ability to obtain necessary food, clothing, shelter, or medical or other health care.

(ii) "Abuse" means:

(A) attempting to cause harm, intentionally or knowingly causing harm, or intentionally or knowingly placing another in fear of imminent harm;

(B) causing physical injury by knowing or intentional acts or omissions;

(C) unreasonable or inappropriate use of physical restraint, medication, or isolation that causes or is likely to cause harm to a vulnerable adult that is in conflict with a physician's or physician assistant's orders or used as an unauthorized substitute for treatment, unless that conduct furthers the health and safety of the vulnerable adult; or

(D) deprivation of life-sustaining treatment, except:

(I) as provided in Title 75A, Chapter 3, Health Care Decisions; or

(II) when informed consent, as defined in this section, has been obtained.

(iii) "Caretaker" means a person or public institution that is entrusted with or assumes the responsibility to provide a vulnerable adult with care, food, shelter, clothing, supervision, medical or other health care, or other necessities for pecuniary gain, by contract, or as a result of friendship, or in a position of trust and confidence with a vulnerable adult, including a relative, a household member, an attorney-in-fact, a neighbor, a person who is employed or who provides volunteer work, a court-appointed or voluntary guardian, or a person who contracts or is under court order to provide care.

(iv)

(A) "Dependent adult" means an individual 18 years old or older, who has a physical or mental impairment that restricts the individual's ability to carry out normal activities or to protect the individual's rights.

(B) "Dependent adult" includes an individual who has physical or developmental disabilities or whose physical or mental capacity has substantially diminished because of age.

(v) "Elder adult" means an individual 65 years old or older.

(vi) "Exploitation" means an offense described in Section 76-5-111.3, 76-5-111.4, or 76-5b-202.

(vii) "Harm" means pain, mental anguish, emotional distress, hurt, physical or psychological damage, physical injury, suffering, or distress inflicted knowingly or intentionally.

(viii) "Informed consent" means:

(A) a written expression by the individual or authorized by the individual, stating that the individual fully understands the potential risks and benefits of the withdrawal of food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, and that the individual desires that the

services be withdrawn, except that a written expression is valid only if the individual is of sound mind when the consent is given, and the consent is witnessed by at least two individuals who do not benefit from the withdrawal of services; or

(B) consent to withdraw food, water, medication, medical services, shelter, cooling, heating, or other services necessary to maintain minimum physical or mental health, as permitted by court order.

(ix)

(A) "Isolation" means knowingly or intentionally preventing a vulnerable adult from having contact with another person, unless the restriction of personal rights is authorized by court order, by:

(I) preventing the vulnerable adult from communicating, visiting, interacting, or initiating interaction with others, including receiving or inviting visitors, mail, or telephone calls, contrary to the express wishes of the vulnerable adult, or communicating to a visitor that the vulnerable adult is not present or does not want to meet with or talk to the visitor, knowing that communication to be false;

(II) physically restraining the vulnerable adult in order to prevent the vulnerable adult from meeting with a visitor; or

(III) making false or misleading statements to the vulnerable adult in order to induce the vulnerable adult to refuse to receive communication from visitors or other family members.

(B) "Isolation" does not include an act:

(I) intended in good faith to protect the physical or mental welfare of the vulnerable adult; or

(II) performed pursuant to the treatment plan or instructions of a physician, physician assistant, or other professional advisor of the vulnerable adult.

(x) "Neglect" means:

(A) failure of a caretaker to provide nutrition, clothing, shelter, supervision, personal care, or dental or other health care, or failure to provide protection from health and safety hazards or maltreatment;

(B) failure of a caretaker to provide care to a vulnerable adult in a timely manner and with the degree of care that a reasonable person in a like position would exercise;

(C) a pattern of conduct by a caretaker, without the vulnerable adult's informed consent, resulting in deprivation of food, water, medication, health care, shelter, cooling, heating, or other services necessary to maintain the vulnerable adult's well being;

(D) intentional failure by a caretaker to carry out a prescribed treatment plan that results or could result in physical injury or physical harm; or

(E) abandonment by a caretaker.

(xi)

(A) "Physical injury" includes damage to any bodily tissue caused by nontherapeutic conduct, to the extent that the tissue must undergo a healing process in order to be restored to a sound and healthy condition, or damage to any bodily tissue to the extent that the tissue cannot be restored to a sound and healthy condition.

(B) "Physical injury" includes skin bruising, a dislocation, physical pain, illness, impairment of physical function, a pressure sore, bleeding, malnutrition, dehydration, a burn, a bone fracture, a subdural hematoma, soft tissue swelling, injury to any internal organ, or any other physical condition that imperils the health or welfare of the vulnerable adult and is not a serious physical injury as defined in this section.

(xii) "Position of trust and confidence" means the position of a person who:

(A) is a parent, spouse, adult child, or other relative of a vulnerable adult;

(B) is a joint tenant or tenant in common with a vulnerable adult;
(C) has a legal or fiduciary relationship with a vulnerable adult, including a court-appointed or voluntary guardian, trustee, attorney, attorney-in-fact, or conservator; or
(D) is a caretaker of a vulnerable adult.
(xiii) "Serious physical injury" means any physical injury or set of physical injuries that:
(A) seriously impairs a vulnerable adult's health;
(B) was caused by use of a dangerous weapon;
(C) involves physical torture or causes serious emotional harm to a vulnerable adult; or
(D) creates a reasonable risk of death.
(xiv) "Vulnerable adult" means an elder adult, or a dependent adult who has a mental or physical impairment which substantially affects that individual's ability to:
(A) provide personal protection;
(B) provide necessities such as food, shelter, clothing, or medical or other health care;
(C) obtain services necessary for health, safety, or welfare;
(D) carry out the activities of daily living;
(E) manage the adult's own resources; or
(F) comprehend the nature and consequences of remaining in a situation of abuse, neglect, or exploitation.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor, including a caretaker, commits abuse of a vulnerable adult if the actor, under circumstances other than those likely to produce death or serious physical injury:
(a) causes a vulnerable adult to suffer harm, abuse, or neglect;
(b) having the care or custody of a vulnerable adult, causes or permits that vulnerable adult's person or health to be injured, abused, or neglected; or
(c) causes or permits a vulnerable adult to be placed in a situation in which the vulnerable adult's person or health is endangered.
(3)
(a) A violation of Subsection (2):
(i) is a class A misdemeanor if done intentionally or knowingly;
(ii) is a class B misdemeanor if done recklessly; or
(iii) is a class C misdemeanor if done with criminal negligence.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) that is based on isolation of a vulnerable adult is a third degree felony.
(4)
(a) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.
(b) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.
(5) If an actor, including a caretaker, violates this section by willfully isolating a vulnerable adult, in addition to the penalties under Subsection (3), the court may require that the actor:
(a) undergo appropriate counseling as a condition of the sentence; and
(b) pay for the costs of the ordered counseling.

Amended by Chapter 364, 2024 General Session

76-5-111.2 Aggravated abuse of a vulnerable adult -- Penalties.
(1)

(a) As used in this section, "abuse," "caretaker," "isolation," "neglect," "serious physical injury," and "vulnerable adult" all mean the same as those terms are defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor, including a caretaker, commits aggravated abuse of a vulnerable adult if the actor, under a circumstance likely to produce death or serious physical injury:
(a) causes a vulnerable adult to suffer serious physical injury;
(b) having the care or custody of a vulnerable adult, causes or permits the vulnerable adult's person or health to be injured; or
(c) causes or permits a vulnerable adult to be placed in a situation in which the vulnerable adult's person or health is endangered.
(3)
(a) A violation of Subsection (2) is a second degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a third degree felony if done recklessly.
(c) A violation of Subsection (2) is a class A misdemeanor if done with criminal negligence.
(4)
(a) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.
(b) An adult is not considered abused, neglected, or a vulnerable adult for the reason that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of medical care.
(5) If an actor, including a caretaker, violates this section by willfully isolating a vulnerable adult, in addition to the penalties under Subsection (3), the court may require that the actor:
(a) undergo appropriate counseling as a condition of the sentence; and
(b) pay for the costs of the ordered counseling.

Enacted by Chapter 181, 2022 General Session

76-5-111.3 Personal dignity exploitation of a vulnerable adult -- Penalties.
(1)
(a) As used in this section, "abuse," "caretaker," "exploitation," "neglect," and "vulnerable adult" all mean the same as those terms are defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Except as provided in Subsection (4), an actor commits personal dignity exploitation of a vulnerable adult if the actor is a caretaker of a vulnerable adult and intentionally, knowingly, or recklessly:
(a) creates, transmits, or displays a photographic or electronic image or recording of the vulnerable adult:
(i) to which creation, transmission, or display a reasonable person would not consent; and
(ii)
(A) that shows the vulnerable adult's unclothed breasts, buttocks, anus, genitals, or pubic area;
(B) that displays the clothed area of only the vulnerable adult's breasts, buttocks, anus, genitals, or pubic area; or
(C) that shows the vulnerable adult engaged in conduct that is harmful to the mental or physical health or safety of the vulnerable adult; or
(b) causes the vulnerable adult to participate in an act that is highly offensive or demeaning to the vulnerable adult:
(i) in which a reasonable person would not participate; or

(ii) that is harmful to the mental or physical health or safety of the vulnerable adult.

(3)

(a)

(i) A violation of Subsection (2) is a class A misdemeanor if done intentionally or knowingly.

(ii) A violation of Subsection (2) is a class B misdemeanor if done recklessly.

(b)

(i) It is a separate offense under Subsection (2)(a) for each vulnerable adult included in a photographic or electronic image or recording created, transmitted, or displayed in violation of Subsection (2)(a).

(ii) It is a separate offense under Subsection (2)(b) for each vulnerable adult caused to participate in an act in violation of Subsection (2)(b).

(4)

(a) A caretaker does not violate Subsection (2)(a) if the caretaker creates, transmits, or displays the photographic or electronic image or recording:

(i) with the consent of the vulnerable adult, if the vulnerable adult:

(A) is mentally and physically able to give voluntary consent to the creation, transmission, or display; and

(B) gives voluntary consent for the creation, transmission, or display;

(ii) for a legitimate purpose relating to monitoring or providing care, treatment, or diagnosis; or

(iii) for a legitimate purpose relating to investigating abuse, neglect, or exploitation.

(b) A caretaker does not violate Subsection (2)(b) if:

(i) the vulnerable adult:

(A) is mentally and physically able to give voluntary consent to participate in the act; and

(B) gives voluntary consent to participate in the act; or

(ii) the caretaker causes the vulnerable adult to participate in the act for a legitimate purpose relating to:

(A) monitoring or providing care, treatment, or diagnosis; or

(B) investigating abuse, neglect, or exploitation.

(5)

(a) It is not a defense that the vulnerable adult was unaware of:

(i) the creation, transmission, or display prohibited under Subsection (2)(a); or

(ii) participation in the act, or the nature of participation in the act, under Subsection (2)(b).

(b) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.

Enacted by Chapter 181, 2022 General Session

76-5-111.4 Financial exploitation of a vulnerable adult -- Penalties.

(1)

(a) As used in this section:

(i) "Abuse" means the same as that term is defined in Section 76-5-111.

(ii) "Business relationship" means a relationship between two or more individuals or entities where there exists an oral or written agreement for the exchange of goods or services.

(iii) "Deception" means:

(A) a misrepresentation or concealment:

(I) of a material fact relating to services rendered, disposition of property, or use of property intended to benefit a vulnerable adult;

(II) of the terms of a contract or agreement entered into with a vulnerable adult; or

(III) relating to the existing or preexisting condition of any property involved in a contract or agreement entered into with a vulnerable adult; or

(B) the use or employment of any misrepresentation, false pretense, or false promise in order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement.

(iv) "Endeavor" means to attempt or try.

(v) "Intimidation" means communication conveyed through verbal or nonverbal conduct that threatens deprivation of money, food, clothing, medicine, shelter, social interaction, supervision, health care, or companionship, or that threatens isolation or harm.

(vi) "Isolation" means the same as that term is defined in Section 76-5-111.

(vii) "Lacks capacity to consent" means an impairment by reason of mental illness, developmental disability, organic brain disorder, physical illness or disability, chronic use of drugs, chronic intoxication, short-term memory loss, or other cause to the extent that a vulnerable adult lacks sufficient understanding of the nature or consequences of decisions concerning the vulnerable adult's person or property.

(viii) "Neglect" means the same as that term is defined in Section 76-5-111.

(ix) "Undue influence" occurs when a person:

(A) uses influence to take advantage of a vulnerable adult's mental or physical impairment; or

(B) uses the person's role, relationship, or power:

(I) to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or fear of a vulnerable adult; or

(II) to gain control deceptively over the decision making of the vulnerable adult.

(x) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits the offense of financial exploitation of a vulnerable adult if the actor:

(a) is in a position of trust and confidence, or has a business relationship, with the vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds, credit, assets, or other property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the vulnerable adult's property, for the benefit of someone other than the vulnerable adult;

(b) knows or should know that the vulnerable adult lacks the capacity to consent, and obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the vulnerable adult's property for the benefit of someone other than the vulnerable adult;

(c) unjustly or improperly uses or manages the resources of a vulnerable adult for the profit or advantage of someone other than the vulnerable adult;

(d) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship for the profit or advantage of someone other than the vulnerable adult; or

(e) involves a vulnerable adult who lacks the capacity to consent in the facilitation or furtherance of any criminal activity.

(3)

(a) A violation of Subsection (2) is a second degree felony if done intentionally or knowingly and the aggregate value of the resources used or the profit made is or exceeds $5,000.

(b) A violation of Subsection (2) is a third degree felony if done intentionally or knowingly and the aggregate value of the resources used or the profit made is less than $5,000 or cannot be determined.

(c) A violation of Subsection (2) is a class A misdemeanor if done recklessly.

(d) A violation of Subsection (2) is a class B misdemeanor if done with criminal negligence.
(4) It does not constitute a defense to a prosecution for a violation of this section that the actor did not know the age of the vulnerable adult.

Enacted by Chapter 181, 2022 General Session

76-5-112 Reckless endangerment -- Penalty.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits reckless endangerment if, under circumstances not amounting to a felony offense, the actor recklessly engages in conduct that creates a substantial risk of death or serious bodily injury to another individual.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 181, 2022 General Session

76-5-112.5 Endangerment of a child or vulnerable adult.
(1)
(a) As used in this section:
(i)
(A) "Chemical substance" means:
(I) a substance intended to be used as a precursor in the manufacture of a controlled substance;
(II) a substance intended to be used in the manufacture of a controlled substance; or
(III) any fumes or by-product resulting from the manufacture of a controlled substance.
(B) Intent under this Subsection (1)(a)(i) may be demonstrated by:
(I) the use, quantity, or manner of storage of the substance; or
(II) the proximity of the substance to other precursors or to manufacturing equipment.
(ii) "Child" means an individual who is under 18 years old.
(iii) "Controlled substance" means the same as that term is defined in Section 58-37-101.
(iv) "Drug paraphernalia" means the same as that term is defined in Section 76-18-301.
(v) "Exposed to" means that the child or vulnerable adult:
(A) is able to access an unlawfully possessed:
(I) controlled substance; or
(II) chemical substance;
(B) has the reasonable capacity to access drug paraphernalia; or
(C) is able to smell an odor produced during, or as a result of, the manufacture or production of a controlled substance.
(vi) "Prescription" means the same as that term is defined in Section 58-37-101.
(vii) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits endangerment of a child or vulnerable adult if the actor knowingly or intentionally causes or permits a child or a vulnerable adult to be exposed to, inhale, ingest, or have contact with a controlled substance, chemical substance, or drug paraphernalia.
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if:
(i) the actor engages in the conduct described in Subsection (2); and

(ii) as a result of the conduct described in Subsection (2), the child or the vulnerable adult suffers bodily injury, substantial bodily injury, or serious bodily injury.

(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a first degree felony if:

(i) the actor engages in the conduct described in Subsection (2); and

(ii) as a result of the conduct described in Subsection (2), the child or the vulnerable adult dies.

(4)

(a) Notwithstanding Subsection (3), a child may not be subjected to delinquency proceedings for a violation of Subsection (2) unless:

(i) the child is 15 years old or older; and

(ii) the other child who is exposed to or inhales, ingests, or has contact with the controlled substance, chemical substance, or drug paraphernalia, is under 12 years old.

(b) It is an affirmative defense to a violation of this section that the controlled substance:

(i) was obtained by lawful prescription or in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; and

(ii) is used or possessed by the individual to whom the controlled substance was lawfully prescribed or recommended to under Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis.

(5) The penalties described in this section are separate from, and in addition to, the penalties and enhancements described in Title 58, Occupations and Professions.

(6) If an offense committed under this section amounts to an offense subject to a greater penalty under another provision of state law, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 362, 2026 General Session

76-5-113 Surreptitious administration of certain substances -- Definitions -- Penalties -- Defenses.

(1)

(a) As used in this section:

(i) "Administer" means the introduction of a substance into the body by injection, inhalation, ingestion, or by any other means.

(ii) "Alcoholic beverage" means the same as that term is defined in Section 32B-1-102.

(iii) "Controlled substance" means the same as that term is defined in Section 58-37-101.

(iv) "Deleterious substance" means a substance which, if administered, would likely cause bodily injury.

(v) "Health care provider" means the same as that term is defined in Section 78B-3-403.

(vi) "Poisonous" means a substance which, if administered, would likely cause serious bodily injury or death.

(vii) "Prescription drug" means the same as that term is defined in Section 58-17b-102.

(viii) "Serious bodily injury" means the same as that term is defined in Section 19-2-115.

(ix) "Substance" means a controlled substance, poisonous substance, or deleterious substance.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits surreptitious administration of a certain substance if the actor, surreptitiously or by means of fraud, deception, or misrepresentation, causes an individual to unknowingly consume or receive the administration of:

(a) any poisonous, deleterious, or controlled substance; or

(b) any alcoholic beverage.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the substance is a poisonous substance, regardless of whether the substance is a controlled substance or a prescription drug;
(b) a third degree felony if the substance is not within the scope of Subsection (3)(a), and is a controlled substance or a prescription drug; or
(c) a class A misdemeanor if the substance is a deleterious substance or an alcoholic beverage.
(4)
(a) It is an affirmative defense to a prosecution under Subsection (2) that the actor:
(i) provided the appropriate administration of a prescription drug; and
(ii) acted on the reasonable belief that the actor's conduct was in the best interest of the well-being of the individual to whom the prescription drug was administered.
(b)
(i) The defendant shall file and serve on the prosecuting attorney a notice in writing of the defendant's intention to claim a defense under Subsection (4)(a) not fewer than 20 days before the trial.
(ii) The notice shall specifically identify the factual basis for the defense and the names and addresses of the witnesses the defendant proposes to examine to establish the defense.
(c)
(i) The prosecuting attorney shall file and serve the defendant with a notice containing the names and addresses of the witnesses the prosecutor proposes to examine in order to contradict or rebut the defendant's claim of an affirmative defense under Subsection (4)(a).
(ii) This notice shall be filed or served not more than 10 days after receipt of the defendant's notice under Subsection (4)(b), or at another time as the court may direct.
(d)
(i) Failure of a party to comply with the requirements of Subsection (4)(b) or (4)(c) entitles the opposing party to a continuance to allow for preparation.
(ii) If the court finds that a party's failure to comply is the result of bad faith, it may impose appropriate sanctions.
(5)
(a) This section does not diminish the scope of authorized health care by a health care provider.
(b) Conduct in violation of Subsection (2) may also constitute a separate offense.

Amended by Chapter 362, 2026 General Session

76-5-114 Commission of domestic violence in the presence of a child.
(1)
(a) As used in this section:
(i) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
(ii) "Criminal homicide offense" means an offense listed in Subsection 76-5-201(2).
(iii) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(iv) "In the presence of a child" means:
(A) in the physical presence of a child; or
(B) having knowledge that a child is present and may see or hear an act of domestic violence.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits domestic violence in the presence of a child if the actor:
(a) commits or attempts to commit a criminal homicide offense against a cohabitant in the presence of a child;

(b) intentionally causes serious bodily injury to a cohabitant or uses a dangerous weapon or other means or force likely to produce death or serious bodily injury against a cohabitant, in the presence of a child;
(c) intentionally or knowingly impedes the breathing or the circulation of blood of another individual by the actor's use of unlawful force or violence by applying pressure to the neck or throat of an individual or obstructing the nose, mouth, or airway of an individual, in the presence of a child; or
(d) under circumstances not amounting to a violation of Subsection (2)(a), (2)(b), or (2)(c), commits an act of domestic violence in the presence of a child.
(3)
(a) A violation of Subsection (2)(a), (2)(b), or (2)(c) is a third degree felony.
(b) A violation of Subsection (2)(d) is a class B misdemeanor.
(4)
(a) A charge under this section is separate and distinct from, and is in addition to, a charge of domestic violence in which the victim is the cohabitant.
(b) Either or both charges may be filed by the prosecutor.
(5) An actor who commits a violation of this section when more than one child is present is guilty of one offense of domestic violence in the presence of a child regarding each child present when the violation occurred.

Amended by Chapter 243, 2025 General Session

76-5-115 Leaving a child unattended in a motor vehicle.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than nine years old.
(ii) "Enclosed compartment" means any enclosed area of a motor vehicle, including the passenger compartment, regardless of whether a door, window, or hatch is left open.
(iii) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other self-propelled vehicle.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits leaving a child unattended in a motor vehicle if:
(a) the actor intentionally, knowingly, recklessly, or with criminal negligence leaves a child in an enclosed compartment of a motor vehicle;
(b) the motor vehicle is on:
(i) public property; or
(ii) private property that is open to the general public;
(c) the child is not supervised by an individual who is at least nine years old; and
(d) the conditions present a risk to the child of:
(i) hyperthermia;
(ii) hypothermia; or
(iii) dehydration.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) This section does not apply if the actor's conduct that constitutes a violation of this section is subject to a greater penalty under another provision of state law.
(5) This section preempts enforcement of a local law or ordinance that makes it an infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor under this section.

(6) Notwithstanding any provision of state law to the contrary, a conviction under this section may not be used by a state or local government entity as grounds for revoking, refusing to grant, or refusing to renew, a license or permit, including a license or permit relating to the provision of day care or child care.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2
Criminal Homicide

76-5-201 Criminal homicide -- Designations of offenses -- Exceptions -- Application of consensual altercation defense.

(1)
(a) As used in this section:
(i) "Abortion" means the same as that term is defined in Section 76-7-301.
(ii) "Criminal homicide" means an act causing the death of another human being, including an unborn child at any stage of the unborn child's development.
(b) The terms defined in Section 76-1-101.5 apply to this section.
(2) The following are criminal homicide:
(a) aggravated murder;
(b) murder;
(c) manslaughter;
(d) child abuse homicide;
(e) homicide by assault;
(f) negligent homicide; and
(g) automobile homicide.
(3) Notwithstanding Subsection (2), an actor is not guilty of criminal homicide if:
(a) the death of an unborn child is caused by an abortion;
(b) the sole reason for the death of an unborn child is that the actor:
(i) refused to consent to:
(A) medical treatment; or
(B) a cesarean section; or
(ii) failed to follow medical advice; or
(c) a woman causes the death of her own unborn child, and the death:
(i) is caused by a criminally negligent act or reckless act of the woman; and
(ii) is not caused by an intentional or knowing act of the woman.
(4) The provisions governing a defense of a consensual altercation as described in Section 76-5-104 apply to this part.

Amended by Chapter 153, 2024 General Session

76-5-202 Aggravated murder -- Penalties -- Affirmative defense and special mitigation -- Separate offense.

(1)
(a) As used in this section:
(i) "Correctional officer" means the same as that term is defined in Section 53-13-104.

(ii) "Emergency responder" means the same as that term is defined in Section 53-2b-102.
(iii) "Federal officer" means the same as that term is defined in Section 53-13-106.
(iv) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(v) "Peace officer" means:
(A) a correctional officer, federal officer, law enforcement officer, or special function officer; or
(B) any other person who may exercise peace officer authority in accordance with Title 53, Chapter 13, Peace Officer Classifications.
(vi) "Special function officer" means the same as that term is defined in Section 53-13-105.
(vii) "Target a law enforcement officer" means an act:
(A) involving the unlawful use of force and violence against a law enforcement officer;
(B) that causes serious bodily injury or death; and
(C) that is in furtherance of political or social objectives in order to intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government.
(viii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits aggravated murder if the actor intentionally or knowingly causes the death of another individual under any of the following circumstances:
(i) the actor committed homicide while confined in a jail or other correctional institution;
(ii)
(A) the actor committed homicide incident to one act, scheme, course of conduct, or criminal episode during which two or more individuals other than the actor were killed; or
(B) the actor, during commission of the homicide, attempted to kill one or more other individuals in addition to the deceased individual;
(iii) the actor knowingly created a great risk of death to another individual other than the deceased individual and the actor;
(iv) the actor committed homicide incident to an act, scheme, course of conduct, or criminal episode during which the actor committed or attempted to commit aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse of a child, aggravated sexual abuse of a child, aggravated child abuse as described in Subsection 76-5-109.2(3)(a), child torture, or aggravated sexual assault, aggravated arson, arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or child kidnapping;
(v) the actor committed homicide incident to one act, scheme, course of conduct, or criminal episode during which the actor committed the crime of abuse or desecration of a dead human body as described in Subsection 76-5-802(2)(d);
(vi) the actor committed homicide for the purpose of avoiding or preventing an arrest of the actor or another individual by a peace officer acting under color of legal authority or for the purpose of effecting the actor's or another individual's escape from lawful custody;
(vii) the actor committed homicide for pecuniary gain;
(viii) the actor committed, engaged, or employed another person to commit the homicide subject to an agreement or contract for remuneration or the promise of remuneration for commission of the homicide;
(ix) the actor previously committed or was convicted of:
(A) aggravated murder under this section;
(B) attempted aggravated murder under this section;

(C) murder, under Section 76-5-203;
(D) attempted murder, under Section 76-5-203; or
(E) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (2)(a)(ix);
(x) the actor was previously convicted of:
(A) aggravated assault, under Section 76-5-103;
(B) mayhem, under Section 76-5-105;
(C) kidnapping, under Section 76-5-301;
(D) child kidnapping, under Section 76-5-301.1;
(E) aggravated kidnapping, under Section 76-5-302;
(F) rape, under Section 76-5-402;
(G) rape of a child, under Section 76-5-402.1;
(H) object rape, under Section 76-5-402.2;
(I) object rape of a child, under Section 76-5-402.3;
(J) forcible sodomy, under Section 76-5-403;
(K) sodomy on a child, under Section 76-5-403.1;
(L) aggravated sexual abuse of a child, under Section 76-5-404.3;
(M) aggravated sexual assault, under Section 76-5-405;
(N) aggravated arson, under Section 76-6-103;
(O) aggravated burglary, under Section 76-6-203;
(P) aggravated robbery, under Section 76-6-302;
(Q) felony discharge of a firearm, under Section 76-11-210; or
(R) an offense committed in another jurisdiction which if committed in this state would be a violation of a crime listed in this Subsection (2)(a)(x);
(xi) the actor committed homicide for the purpose of:
(A) preventing a witness from testifying;
(B) preventing a person from providing evidence or participating in any legal proceedings or official investigation;
(C) retaliating against a person for testifying, providing evidence, or participating in any legal proceedings or official investigation; or
(D) disrupting or hindering any lawful governmental function or enforcement of laws;
(xii) the deceased individual was a local, state, or federal public official, or a candidate for public office, and the homicide is based on, is caused by, or is related to that official position, act, capacity, or candidacy;
(xiii) the deceased individual was on duty in a verified position or the homicide is based on, is caused by, or is related to the deceased individual's position, and the actor knew, or reasonably should have known, that the deceased individual holds or has held the position of:
(A) a peace officer;
(B) an executive officer, prosecuting officer, jailer, or prison official;
(C) a firefighter, search and rescue personnel, emergency medical personnel, ambulance personnel, or any other emergency responder;
(D) a judge or other court official, juror, probation officer, or parole officer; or
(E) a security officer contracted to secure, guard, or otherwise protect tangible personal property, real property, or the life and well-being of human or animal life in the area of the offense;
(xiv) the actor committed homicide:

(A) by means of a destructive device, bomb, explosive, incendiary device, or similar device which was planted, hidden, or concealed in any place, area, dwelling, building, or structure, or was mailed or delivered;
(B) by means of any weapon of mass destruction; or
(C) to target a law enforcement officer;
(xv) the actor committed homicide during the act of unlawfully assuming control of an aircraft, train, or other public conveyance by use of threats or force with intent to:
(A) obtain any valuable consideration for the release of the public conveyance or any passenger, crew member, or any other person aboard;
(B) direct the route or movement of the public conveyance; or
(C) otherwise exert control over the public conveyance;
(xvi) the actor committed homicide by means of the administration of a poison or of any lethal substance or of any substance administered in a lethal amount, dosage, or quantity;
(xvii) the deceased individual was held or otherwise detained as a shield, hostage, or for ransom;
(xviii) the actor committed homicide in an especially heinous, atrocious, cruel, or exceptionally depraved manner, any of which must be demonstrated by physical torture, serious physical abuse, or serious bodily injury of the deceased individual before death;
(xix) the actor dismembers, mutilates, or disfigures the deceased individual's body, whether before or after death, in a manner demonstrating the actor's depravity of mind; or
(xx) the deceased individual, at the time of the death of the deceased individual:
(A) was younger than 14 years old; and
(B) was not an unborn child.
(b) An actor commits aggravated murder if the actor, with reckless indifference to human life, causes the death of another individual incident to an act, scheme, course of conduct, or criminal episode during which the actor is a major participant in the commission or attempted commission of:
(i) aggravated child abuse, punishable as a felony of the second degree under Subsection 76-5-109.2(3)(a);
(ii) child torture under Section 76-5-109.4;
(iii) child kidnapping under Section 76-5-301.1;
(iv) rape of a child under Section 76-5-402.1;
(v) object rape of a child under Section 76-5-402.3;
(vi) sodomy on a child under Section 76-5-403.1; or
(vii) sexual abuse or aggravated sexual abuse of a child under Section 76-5-404.1.
(3)
(a) If a notice of intent to seek the death penalty has been filed, a violation of Subsection (2) is a capital felony.
(b) If a notice of intent to seek the death penalty has not been filed, aggravated murder is a noncapital first degree felony punishable as provided in Section 76-3-207.7.
(c)
(i) Within 60 days after arraignment of the defendant, the prosecutor may file notice of intent to seek the death penalty.
(ii) The notice shall be served on the defendant or defense counsel and filed with the court.
(iii) Notice of intent to seek the death penalty may be served and filed more than 60 days after the arraignment upon written stipulation of the parties or upon a finding by the court of good cause.

(d) Without the consent of the prosecutor, the court may not accept a plea of guilty to noncapital first degree felony aggravated murder during the period in which the prosecutor may file a notice of intent to seek the death penalty under Subsection (3)(c)(i).

(e) If the defendant was younger than 18 years old at the time the offense was committed, aggravated murder is a noncapital first degree felony punishable as provided in Section 76-3-207.7.

(f) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of aggravated murder, or alternatively, attempted aggravated murder, as described in this section, are proved beyond a reasonable doubt, and also finds that the existence of special mitigation is established by a preponderance of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall enter a judgment of conviction for murder; or

(ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the court shall enter a judgment of conviction for attempted murder.

(4)

(a) It is an affirmative defense to a charge of aggravated murder or attempted aggravated murder that the actor caused the death of another or attempted to cause the death of another under a reasonable belief that the circumstances provided a legal justification or excuse for the conduct although the conduct was not legally justifiable or excusable under the existing circumstances.

(b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.

(c) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of aggravated murder, or alternatively, attempted aggravated murder, as described in this section, are proved beyond a reasonable doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall enter a judgment of conviction for murder; or

(ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the court shall enter a judgment of conviction for attempted murder.

(5)

(a) Any aggravating circumstance described in Subsection (2) that constitutes a separate offense does not merge with the crime of aggravated murder.

(b) An actor who is convicted of aggravated murder, based on an aggravating circumstance described in Subsection (2) that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session
Amended by Chapter 284, 2025 General Session

76-5-203 Murder -- Penalties-- Affirmative defense and special mitigation -- Separate offenses.

(1)

(a) As used in this section, "predicate offense" means:

(i) a clandestine drug lab violation under Section 76-18-506;

(ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused individual is younger than 18 years old;
(iii) child torture under Section 76-5-109.4;
(iv) kidnapping under Section 76-5-301;
(v) child kidnapping under Section 76-5-301.1;
(vi) aggravated kidnapping under Section 76-5-302;
(vii) rape under Section 76-5-402;
(viii) rape of a child under Section 76-5-402.1;
(ix) object rape under Section 76-5-402.2;
(x) object rape of a child under Section 76-5-402.3;
(xi) forcible sodomy under Section 76-5-403;
(xii) sodomy upon a child under Section 76-5-403.1;
(xiii) forcible sexual abuse under Section 76-5-404;
(xiv) sexual abuse of a child under Section 76-5-404.1;
(xv) aggravated sexual abuse of a child under Section 76-5-404.3;
(xvi) aggravated sexual assault under Section 76-5-405;
(xvii) arson under Section 76-6-102;
(xviii) aggravated arson under Section 76-6-103;
(xix) burglary under Section 76-6-202;
(xx) aggravated burglary under Section 76-6-203;
(xxi) robbery under Section 76-6-301;
(xxii) aggravated robbery under Section 76-6-302;
(xxiii) escape under Section 76-8-309;
(xxiv) aggravated escape under Section 76-8-309.1; or
(xxv) a violation of Section 76-11-209 or 76-11-210 regarding discharge of a firearm or dangerous weapon.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits murder if:

(a) the actor intentionally or knowingly causes the death of another individual;
(b) intending to cause serious bodily injury to another individual, the actor commits an act clearly dangerous to human life that causes the death of the other individual;
(c) acting under circumstances evidencing a depraved indifference to human life, the actor knowingly engages in conduct that creates a grave risk of death to any individual and thereby causes the death of any individual;
(d)
(i) the actor is engaged in the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense, or is a party to the predicate offense;
(ii) an individual other than a party described in Section 76-2-202 is killed in the course of the commission, attempted commission, or immediate flight from the commission or attempted commission of any predicate offense; and
(iii) the actor acted with the intent required as an element of the predicate offense;
(e) the actor recklessly causes the death of a peace officer or military service member while in the commission or attempted commission of:
(i) an assault against a peace officer under Section 76-5-102.4;
(ii) interference with a peace officer while making a lawful arrest under Section 76-8-305 if the actor uses force against the peace officer; or
(iii) an assault against a military service member under Section 76-5-102.10; or

(f) the actor commits a homicide that would be aggravated murder, but the offense is reduced in accordance with Subsection 76-5-202(4).

(3)

(a)

(i) A violation of Subsection (2) is a first degree felony.

(ii) A defendant who is convicted of murder shall be sentenced to imprisonment for an indeterminate term of not less than 15 years and which may be for life.

(b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds that the existence of special mitigation is established by a preponderance of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of murder, the court shall enter a judgment of conviction for manslaughter; or

(ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall, notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c), enter a judgment of conviction for attempted manslaughter.

(4)

(a) It is an affirmative defense to a charge of murder or attempted murder that the defendant caused the death of another individual or attempted to cause the death of another individual under a reasonable belief that the circumstances provided a legal justification or excuse for the conduct although the conduct was not legally justifiable or excusable under the existing circumstances.

(b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from the viewpoint of a reasonable person under the then existing circumstances.

(c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or alternatively, attempted murder, as described in this section are proved beyond a reasonable doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:

(i) if the trier of fact finds the defendant guilty of murder, the court shall enter a judgment of conviction for manslaughter; or

(ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall enter a judgment of conviction for attempted manslaughter.

(5)

(a) Any predicate offense that constitutes a separate offense does not merge with the crime of murder.

(b) An actor who is convicted of murder, based on a predicate offense that constitutes a separate offense, may also be convicted of, and punished for, the separate offense.

Amended by Chapter 356, 2026 General Session

76-5-204 Death of other than intended victim no defense.

In any prosecution for criminal homicide, evidence that the actor caused the death of a person other than the intended victim shall not constitute a defense for any purpose to criminal homicide.

Enacted by Chapter 196, 1973 General Session

76-5-205 Manslaughter.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits manslaughter if the actor:
  (a) recklessly causes the death of another individual; or
  (b) commits a homicide which would be murder, but the offense is reduced in accordance with Subsection 76-5-203(4).
(3) A violation of Subsection (2) is a second degree felony.
(4)
  (a) In addition to the penalty described under this section or any other section, an actor who is convicted of violating this section shall have the actor's driver license revoked under Section 53-3-220 if the death of another individual results from driving a motor vehicle.
  (b) The court shall forward the report of the conviction resulting from driving a motor vehicle to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 330, 2026 General Session

76-5-205.5 Special mitigation for mental condition or provocation -- Burden of proof -- Charge reduction.

(1)
  (a) As used in this section:
    (i)
      (A) "Extreme emotional distress" means an overwhelming reaction of anger, shock, or grief that:
        (I) causes the defendant to be incapable of reflection and restraint; and
        (II) would cause an objectively reasonable person to be incapable of reflection and restraint.
      (B) "Extreme emotional distress" does not include:
        (I) a condition resulting from a mental condition; or
        (II) distress that is substantially caused by the defendant's own conduct.
    (ii) "Mental condition" means the same as that term is defined in Section 76-2-305.
  (b) The terms defined in Section 76-1-101.5 apply to this section.
(2) Special mitigation exists when a defendant causes the death of another individual or attempts to cause the death of another individual:
  (a)
    (i) under circumstances that are not legally justified, but the defendant acts under a delusion attributable to a mental condition;
    (ii) the nature of the delusion is such that, if the facts existed as the defendant believed them to be in the delusional state, those facts would provide a legal justification for the defendant's conduct; and
    (iii) the defendant's actions, in light of the delusion, are reasonable from the objective viewpoint of a reasonable person; or
  (b) except as provided in Subsection (4), under the influence of extreme emotional distress that is predominantly caused by the victim's highly provoking act immediately preceding the defendant's actions.
(3) A defendant who is under the influence of voluntarily consumed, injected, or ingested alcohol, controlled substances, or volatile substances at the time of the alleged offense may not claim mitigation of the offense under Subsection (2)(a) on the basis of a mental condition if the alcohol or substance causes, triggers, or substantially contributes to the defendant's mental condition.
(4) A defendant may not claim special mitigation under Subsection (2)(b) if:

(a) the time period after the victim's highly provoking act and before the defendant's actions was long enough for an objectively reasonable person to have recovered from the extreme emotional distress;
(b) the defendant responded to the victim's highly provoking act by inflicting serious or substantial bodily injury on the victim over a prolonged period, or by inflicting torture on the victim, regardless of whether the victim was conscious during the infliction of serious or substantial bodily injury or torture; or
(c) the victim's highly provoking act, described in Subsection (2)(b), is comprised of words alone.

(5) If the trier of fact finds that the elements of aggravated murder, attempted aggravated murder, murder, or attempted murder are proven beyond a reasonable doubt, and also finds that the existence of special mitigation under this section is established by a preponderance of the evidence, the court shall enter a judgment of conviction in accordance with Subsection 76-5-202(3)(f)(i), 76-5-202(3)(f)(ii), 76-5-203(3)(b)(i), or 76-5-203(3)(b)(ii), respectively.

(6) If the issue of special mitigation is submitted to the trier of fact, the trier of fact shall return a special verdict at the same time as the general verdict, indicating whether it finds special mitigation.

(7)
(a) If a jury is the trier of fact, a unanimous vote of the jury is required to find special mitigation under this section.
(b) If the jury unanimously finds that the elements of an offense described in Subsection (5) are proven beyond a reasonable doubt, and finds special mitigation by a unanimous vote, the jury shall return a general verdict finding the defendant guilty of the charged crime and a special verdict indicating special mitigation.
(c) If the jury unanimously finds that the elements of an offense described in Subsection (5) are proven beyond a reasonable doubt but finds by a unanimous vote that special mitigation is not established, or if the jury is unable to unanimously agree that special mitigation is established, the jury shall convict the defendant of the greater offense for which the prosecution proves all the elements beyond a reasonable doubt.

Amended by Chapter 184, 2023 General Session

76-5-206 Negligent homicide -- Penalties.

(1) Definitions of terms in Section 76-1-101.5 apply to this section.

(2) An actor commits negligent homicide if the actor, acting with criminal negligence, causes the death of another individual.

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

(4)
(a) In addition to the penalty provided under this section or any other section, a defendant who is convicted of violating this section shall have the defendant's driver license revoked under Section 53-3-220 if the death of another individual results from driving a motor vehicle.
(b) The court shall forward the report of the conviction to the Driver License Division in accordance with Section 53-3-218.

Amended by Chapter 181, 2022 General Session

76-5-207 Automobile homicide -- Penalties -- Evidence.

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

(i) "Controlled substance" means the same as that term is defined in Section 58-37-101.
(ii) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
(iii) "Drug" means:
(A) a controlled substance;
(B) a drug as defined in Section 58-37-101; or
(C) a substance that, when knowingly, intentionally, or recklessly taken into the human body, can impair the ability of an individual to safely operate a vehicle.
(iv) "Negligent" or "negligence" means simple negligence, the failure to exercise that degree of care that reasonable and prudent persons exercise under like or similar circumstances.
(v) "Vehicle" means the same as that term is defined in Section 41-6a-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits automobile homicide if the actor:
(a)
(i) operates a vehicle in a negligent or criminally negligent manner causing the death of another individual; and
(ii)
(A) has sufficient alcohol in the actor's body such that a subsequent chemical test shows that the actor has a blood or breath alcohol concentration of .05 grams or greater at the time of the test;
(B) is under the influence of alcohol, any drug, or the combined influence of alcohol and any drug to a degree that renders the actor incapable of safely operating a vehicle; or
(C) has a blood or breath alcohol concentration of .05 grams or greater at the time of operation; or
(b)
(i) operates a vehicle in a criminally negligent manner causing death to another; and
(ii) has in the actor's body any measurable amount of a controlled substance.
(3) Except as provided in Subsection (4), an actor who violates Subsection (2) is guilty of:
(a) a second degree felony, punishable by a term of imprisonment of not less than five years nor more than 15 years; and
(b) a separate offense for each victim suffering death as a result of the actor's violation of this section, regardless of whether the deaths arise from the same episode of driving.
(4) An actor is not guilty of a violation of automobile homicide under Subsection (2)(b) if:
(a) the controlled substance was obtained under a valid prescription or order, directly from a practitioner while acting in the course of the practitioner's professional practice, or as otherwise authorized by Title 58, Occupations and Professions;
(b) the controlled substance is 11-nor-9-carboxy-tetrahydrocannabinol; or
(c) the actor possessed, in the actor's body, a controlled substance listed in Section 58-37-109 if:
(i) the actor is the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113; and
(ii) the substance was administered to the actor by the medical researcher.
(5)
(a) A judge imposing a sentence under this section may consider:
(i) the adult sentencing and supervision length guidelines, as defined in Section 75E-4-101;
(ii) the defendant's history;
(iii) the facts of the case;
(iv) aggravating and mitigating factors; or
(v) any other relevant fact.

(b) The judge may not impose a lesser sentence than would be required for a conviction based on the defendant's history under Section 41-6a-505.
(c) The standards for chemical breath analysis under Section 41-6a-515 and the provisions for the admissibility of chemical test results under Section 41-6a-516 apply to determination and proof of blood alcohol content under this section.
(d) A calculation of blood or breath alcohol concentration under this section shall be made in accordance with Subsection 41-6a-502(3).
(e) Except as provided in Subsection (4), the fact that an actor charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense.
(f) Evidence of a defendant's blood or breath alcohol content or drug content is admissible except when prohibited by the Utah Rules of Evidence, the United States Constitution, or the Utah Constitution.
(g) In accordance with Subsection 77-2a-3(8), a guilty or no contest plea to an offense described in this section may not be held in abeyance.
(6) If, when imposing a sentence under this section, the court finds that it is in the interest of justice to suspend the imposition of prison, the court shall detail the finding on the record, including why a suspended prison sentence is in the interest of justice.
(7) Notwithstanding Subsection (3)(a), the court may impose a sentence of not less than three years nor more than 15 years if the court details on the record why it is in the interest of justice.
(8)
(a) A judge imposing a sentence under this section shall designate the defendant as an interdicted person, as that term is defined in Section 32B-1-102, for a period of time not to exceed the probationary period, unless the court finds good cause to order a shorter or longer time.
(b) If a court designates a person as an interdicted person as described in Subsection (8)(a), the court shall:
(i) require the person to surrender the person's Utah identification card or Utah driver license;
(ii) notify the Driver License Division that the person is an interdicted person; and
(iii) provide the person's identification card or driver license to the Driver License Division.
(9) If a minor who is under 18 years old is found by a court to have violated Subsection (2)(b), the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (9)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (9)(b).

Amended by Chapter 291, 2026 General Session

76-5-207.5 Automobile homicide involving a handheld wireless communication device while driving.
(1)
(a) As used in this section:
(i) "Criminally negligent" means the same as that term is described in Subsection 76-2-103(4).
(ii) "Motor vehicle" means any self-propelled vehicle, including an automobile, truck, van, motorcycle, train, engine, watercraft, or aircraft.
(iii) "Negligent" means the failure to exercise the degree of care that a reasonable and prudent person exercises under similar circumstances.

(iv) "Wireless communication device" means the same as that term is defined in Section 41-6a-1716.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits automobile homicide if the actor:
(a) operates a moving motor vehicle in a negligent manner;
(b) while using a wireless communication device in violation of Section 41-6a-1716; and
(c) causes the death of another individual.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the actor operated the moving motor vehicle in a criminally negligent manner.

Amended by Chapter 111, 2023 General Session

76-5-208 Child abuse homicide -- Penalties.
(1)
(a) As used in this section, "child abuse" means an offense described in Section 76-5-109, 76-5-109.2, 76-5-109.3, or 76-5-114.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Unless a violation amounts to aggravated murder as described in Section 76-5-202, an actor commits child abuse homicide if:
(a)
(i) the actor causes the death of another individual who is younger than 18 years old; and
(ii) the individual's death results from child abuse; and
(b)
(i) the child abuse is done recklessly under Subsection 76-5-109.2(3)(b);
(ii) the child abuse is done with criminal negligence under Subsection 76-5-109.2(3)(c); or
(iii) under circumstances not amounting to the type of child abuse homicide described in Subsection (2)(b)(i), the child abuse is done intentionally, knowingly, recklessly, or with criminal negligence, under Subsection 76-5-109(3)(a), (b), or (c).
(3)
(a) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(i) is a first degree felony.
(b) A violation of Subsection (2) under the circumstances described in Subsection (2)(b)(ii) or (iii) is a second degree felony.

Amended by Chapter 248, 2026 General Session

76-5-209 Homicide by assault -- Penalty.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits homicide by assault if, under circumstances not amounting to aggravated murder, murder, or manslaughter:
(a) the actor causes the death of another individual; and
(b) the actor causes the other individual's death while intentionally or knowingly attempting, with unlawful force or violence, to do bodily injury to the other individual.
(3) Homicide by assault is a third degree felony.

Amended by Chapter 181, 2022 General Session

76-5-211 Aiding or encouraging suicide.

(1)
(a) As used in this section:
(i)
(A) "Aid" means the act of providing the physical means.
(B) "Aid" does not include the withholding or withdrawal of life sustaining treatment procedures to the extent allowed under Title 75A, Chapter 9, Uniform Health Care Decisions Act, or any other laws of this state.
(ii) "Practitioner" means an individual currently licensed, registered, or otherwise authorized by law to administer, dispense, distribute, or prescribe medications or procedures in the course of professional practice.
(iii) "Provides" means to administer, prescribe, distribute, or dispense.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aiding or encouraging suicide if:
(a) the actor intentionally, and with knowledge that another individual intends to die by suicide or attempt to die by suicide, aids the individual to die by suicide; or
(b)
(i) the actor, on four or more separate occasions, intentionally encourages another individual to die by suicide;
(ii) the actor is reckless as to whether the actor's course of conduct described in Subsection (2)(b)(i) would imminently cause the individual to die by suicide or attempt to die by suicide after a fourth or subsequent encouragement to die by suicide; and
(iii) the individual described in Subsection (2)(b)(i) dies by suicide or attempts to die by suicide.
(3) A violation of Subsection (2) is a second degree felony with a mandatory fine of not less than $10,000.
(4) Upon a conviction for a violation of Subsection (2), the court shall order the imposition of at least the applicable minimum fine of the amount described in Subsection (3) and may not waive or suspend the fine.
(5)
(a) A practitioner does not violate Subsection (2)(a) if the practitioner provides medication or a procedure to treat an individual's illness or relieve an individual's pain or discomfort, regardless of whether the medication or procedure may hasten or increase the risk of death to the individual to whom the practitioner provides the medication or procedure.
(b) Notwithstanding Subsection (5)(a), a practitioner violates Subsection (2)(a) if the practitioner knowingly provides the medication or procedure to aid the individual to die by suicide or attempt to die by suicide.

Enacted by Chapter 330, 2026 General Session

Part 3
Kidnapping, Trafficking, And Smuggling

76-5-301 Kidnapping.

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

(i) "Against the will of an individual" includes without the consent of the legal guardian, caretaker, or custodian of an individual who is a dependent adult.
(ii) "Dependent adult" means the same as that term is defined in Section 76-5-111.
(iii) "Minor" means an individual who is 14 years old or older but younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits kidnapping if the actor intentionally or knowingly, without authority of law, and against the will of an individual:
(a) detains or restrains the individual for any substantial period of time;
(b) detains or restrains the individual in circumstances exposing the individual to risk of bodily injury;
(c) holds the individual in involuntary servitude;
(d) detains or restrains a minor without the consent of the minor's parent or legal guardian or the consent of a person acting in loco parentis; or
(e) moves the individual any substantial distance or across a state line.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 181, 2022 General Session

76-5-301.1 Child kidnapping.
(1)
(a) As used in this section, "child" means an individual under 14 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits child kidnapping if the actor intentionally or knowingly, without authority of law, and by any means and in any manner, seizes, confines, detains, or transports a child without the consent of the child's parent or guardian, or the consent of a person acting in loco parentis.
(3) A violation of Subsection (2) is a first degree felony.
(4) An actor convicted of a violation of this section shall be sentenced to imprisonment of:
(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;
(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the child kidnapping the actor caused serious bodily injury to another; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the child kidnapping the actor was previously convicted of a grievous sexual offense.
(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (4)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (4)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(6) The provisions of Subsection (5) do not apply when a person is sentenced under Subsection (4)(c).
(7) Subsections (4)(b) and (4)(c) do not apply if the defendant was younger than 18 years old at the time of the offense.
(8) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

(9) A violation of Section 76-5-303 is not a violation of this section.

Amended by Chapter 181, 2022 General Session

76-5-301.2 Parental kidnapping.

(1)
(a) As used in this section:
(i) "Child" means an individual under 18 years old.
(ii) "Custody" means court-ordered physical custody of a child entered by a court.
(iii) "Parent" means an individual who has a parent-child relationship, as defined in Section 81-5-102, with the child.
(iv) "Parent-time" means court-ordered parent-time or visitation entered by a court.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) A parent commits parental kidnapping of the parent's child if the parent:
(a) takes, entices, conceals, detains, or withholds the child from an individual entitled to custody of the child;
(b) intends to interfere with the custody of the child; and
(c)
(i) has never had a right to physical custody of the child;
(ii) has never been granted parent-time with the child;
(iii) has had all rights to physical custody of the child terminated by a court; or
(iv) at the time of the parent's action under Subsection (2)(a), had parent-time with the child terminated or suspended by a court.
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a second degree felony if, during the course of parental kidnapping, the parent removes, causes the removal, or directs the removal of the child from the state.
(4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative defense to the crime of parental kidnapping that:
(a) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was:
(i) necessary to protect the child from imminent serious bodily injury, or death;
(ii) authorized by law; or
(iii) taken with the consent of:
(A) the individual entitled to custody of the child; or
(B) a custodian, guardian, caretaker, or other individual lawfully acting in place of the individual entitled to custody of the child; or
(b)
(i) the parent acted under a reasonable belief that the action described in Subsection (2)(a) was necessary to protect the child from abuse, including sexual abuse; and
(ii) before taking the action described in Subsection (2)(a), the parent reports to law enforcement the parent's intention to engage in the action and the basis for the parent's belief described in Subsection (4)(b)(i).

Amended by Chapter 155, 2026 General Session

Superseded 1/1/2027
76-5-302 Aggravated kidnapping.

(1)
(a) As used in this section, "in the course of committing unlawful detention or kidnapping" means in the course of committing, attempting to commit, or in the immediate flight after the attempt or commission of a violation of:
(i) Section 76-5-301, kidnapping; or
(ii) Section 76-5-304, unlawful detention.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:
(a) uses or threatens to use a dangerous weapon; or
(b) acts with the intent to:
(i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;
(ii) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;
(iii) hinder or delay the discovery of or reporting of a felony;
(iv) inflict bodily injury on or to terrorize the victim or another individual;
(v) interfere with the performance of any governmental or political function; or
(vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
(3)
(a) A violation of Subsection (2) in the course of committing unlawful detention is a third degree felony.
(b) A violation of Subsection (2) in the course of committing kidnapping is a first degree felony.
(4) An actor convicted of a violation of Subsection (3)(b) shall be sentenced to imprisonment of:
(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;
(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the aggravated kidnapping the defendant caused serious bodily injury to the victim or another individual; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated kidnapping, the defendant was previously convicted of a grievous sexual offense.
(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (4)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (4)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(6) The provisions of Subsection (5) do not apply when a defendant is sentenced under Subsection (4)(c).
(7) Subsections (4)(b) and (c) do not apply if the actor was younger than 18 years old at the time of the offense.
(8) Imprisonment under Subsection (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-5-302 Aggravated kidnapping.

(1)
(a) As used in this section, "in the course of committing unlawful detention or kidnapping" means in the course of committing, attempting to commit, or in the immediate flight after the attempt or commission of a violation of:
(i) Section 76-5-301, kidnapping; or
(ii) Section 76-5-304, unlawful detention.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aggravated kidnapping if the actor, in the course of committing unlawful detention or kidnapping:
(a) uses or threatens to use a dangerous weapon; or
(b) acts with the intent to:
(i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third person to engage in particular conduct or to forbear from engaging in particular conduct;
(ii) facilitate the commission, attempted commission, or flight after commission or attempted commission of a felony;
(iii) hinder or delay the discovery of or reporting of a felony;
(iv) inflict bodily injury on or to terrorize the victim or another individual;
(v) interfere with the performance of any governmental or political function; or
(vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-419 or 76-5-420.

(3)
(a) A violation of Subsection (2) in the course of committing unlawful detention is a third degree felony.
(b) A violation of Subsection (2) in the course of committing kidnapping is a first degree felony.

(4) An actor convicted of a violation of Subsection (3)(b) shall be sentenced to imprisonment of:
(a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and which may be for life;
(b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact finds that during the course of the commission of the aggravated kidnapping the defendant caused serious bodily injury to the victim or another individual; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated kidnapping, the defendant was previously convicted of a grievous sexual offense.

(5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser term than the term described in Subsection (4)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (4)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (4)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.

(6) The provisions of Subsection (5) do not apply when a defendant is sentenced under Subsection (4)(c).

(7) Subsections (4)(b) and (c) do not apply if the actor was younger than 18 years old at the time of the offense.

(8) Imprisonment under Subsection (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 445, 2026 General Session

76-5-303 Custodial interference.

(1)
(a) As used in this section:
(i) "Child" means an individual under 18 years old.
(ii) "Custody" means court-ordered physical custody entered by a court of competent jurisdiction.
(iii) "Visitation" means court-ordered parent-time or visitation entered by a court of competent jurisdiction.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)
(a) An actor who is entitled to custody of a child commits custodial interference if, during a period of time when another individual is entitled to visitation of the child, the actor takes, entices, conceals, detains, or withholds the child from the individual entitled to visitation of the child, with the intent to interfere with the visitation of the child.
(b) An actor who is entitled to visitation of a child commits custodial interference if, during a period of time when the individual is not entitled to visitation of the child, the actor takes, entices, conceals, detains, or withholds the child from an individual who is entitled to custody of the child, with the intent to interfere with the custody of the child.

(3)
(a) A violation of Subsection (2) is a class B misdemeanor.
(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a class A misdemeanor if the actor:
(i) commits custodial interference; and
(ii) has been convicted of custodial interference at least twice in the two-year period immediately preceding the day on which the commission of custodial interference described in Subsection (3)(b)(i) occurs.
(c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a felony of the third degree if, during the course of the custodial interference, the actor removes, causes the removal, or directs the removal of the child from the state.

(4) In addition to the affirmative defenses described in Section 76-5-305, it is an affirmative defense to the crime of custodial interference that:
(a) the action is consented to by the individual whose custody or visitation of the child was interfered with; or
(b)
(i) the action is based on a reasonable belief that the action is necessary to protect a child from abuse, including sexual abuse; and
(ii) before engaging in the action, the actor reports the actor's intention to engage in the action, and the basis for the belief described in Subsection (4)(b)(i), to the Division of Child and Family Services or law enforcement.

Amended by Chapter 181, 2022 General Session

76-5-303.5 Notification of conviction of custodial interference.

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

(i) "Convicted" means a conviction by plea or verdict or adjudication in juvenile court of a crime or offense.
(ii) "Convicted" includes:
(A) a plea of guilty or guilty with a mental condition;
(B) a plea of no contest; and
(C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) If an individual is convicted of custodial interference under Section 76-5-303, the court shall notify the Driver License Division, created in Section 53-3-103, of the conviction, and whether the conviction is for:
(a) a class B misdemeanor, under Subsection 76-5-303(3)(a);
(b) a class A misdemeanor, under Subsection 76-5-303(3)(b); or
(c) a felony, under Subsection 76-5-303(3)(c).

Amended by Chapter 184, 2023 General Session

76-5-304 Unlawful detention and unlawful detention of a minor.
(1)
(a) As used in this section:
(i) Acting "against the will of an individual" includes acting without the consent of the legal guardian, caretaker, or custodian of an individual who is:
(A) a dependent adult; or
(B) a minor who is 14 or 15 years old.
(ii) "Dependent adult" means the same as that term is defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits unlawful detention if the actor intentionally or knowingly, without authority of law, and against the will of an individual, detains or restrains the individual.
(b) An actor commits unlawful detention of a minor if the actor is at least four or more years older than the minor, and intentionally or knowingly, without authority of law, and against the will of the minor, coerces or exerts influence over the minor with the intent to cause the minor to remain with the actor for an unreasonable period of time under the circumstances.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) If the conduct of the actor amounts to a violation under one of the following, the actor shall be charged with the violation and not under Subsection (2)(a) or (2)(b):
(a) kidnapping, as described in Section 76-5-301; or
(b) child kidnapping, as described in Section 76-5-301.1.

Amended by Chapter 181, 2022 General Session

76-5-305 Defenses to certain offenses concerning kidnapping, custodial interference, and unlawful detention.
(1) It is a defense to an offense listed in Subsection (2) that:
(a) the actor was acting under a reasonable belief that:
(i) the conduct was necessary to protect any individual from imminent bodily injury or death; or
(ii) the detention or restraint was authorized by law; or

(b) the alleged victim is younger than 18 years old or is a dependent adult, as defined in Section 76-5-111, and the actor was acting under a reasonable belief that the custodian, guardian, caretaker, legal guardian, custodial parent, or person acting in loco parentis to the victim would, if present, have consented to the actor's conduct.

(2) The offenses referred to in Subsection (1) are:

(a) kidnapping, in violation of Section 76-5-301;

(b) child kidnapping, in violation of Section 76-5-301.1;

(c) parental kidnapping, in violation of Section 76-5-301.2;

(d) aggravated kidnapping, in violation of Section 76-5-302;

(e) custodial interference, in violation of Section 76-5-303; or

(f) unlawful detention and unlawful detention of a minor, in violation of Section 76-5-304.

Amended by Chapter 247, 2026 General Session

76-5-308 Human trafficking for labor.

(1)

(a) As used in this section:

(i) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.

(ii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.

(iii) "Extortion" means an offense of:

(A) sexual extortion or aggravated sexual extortion under Section 76-5b-204; or

(B) theft by extortion under Section 76-6-406.

(iv) "Fraud" means a knowingly false or misleading material representation of fact that is:

(A) made to obtain money, property, a benefit, or a service to which a person is not entitled;

(B) intended to cause another person to rely upon the representation; and

(C) relied upon by another person.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits human trafficking for labor if:

(a) the actor enlists, harbors, transports, obtains, or uses an individual for the purpose of procuring or using the individual's labor through the use of force, fraud, or coercion;

(b) the labor described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance; and

(c) the actor's use of force, fraud, or coercion described in Subsection (2)(a) involves:

(i) causing, or threatening to cause, serious harm to the individual or another individual;

(ii) physically restraining, or threatening to physically restrain, the individual or another individual;

(iii) destroying, concealing, removing, confiscating, or unlawfully possessing a passport, immigration document, or other government-issued identification document;

(iv) using, or threatening to use, the legal process in an unlawful manner against the individual or another individual;

(v) kidnapping, or threatening to kidnap, the individual or another individual;

(vi) extortion of the individual or another individual;

(vii) facilitating or controlling the individual's access to a controlled substance; or

(viii) creating or exploiting a circumstance under which:

(A) the individual is unable to terminate the employment relationship; or

(B) the individual is unlawfully forced to remain in a condition of servitude.

(3)

(a) A violation of Subsection (2) is a second degree felony if the violation is done knowingly.
(b) A violation of Subsection (2) is a third degree felony if the violation is done recklessly.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Amended by Chapter 247, 2026 General Session

76-5-308.1 Human trafficking for commercial sexual exploitation.
(1)
(a) As used in this section:
(i) "Commercial sexual act" means participating in an act of sexual activity with another individual for which anything of value is offered, given to, or received by any individual.
(ii)
(A) "Commercial sexually explicit performance" means a sexually explicit performance or activity for which anything of value is offered, given to, or received by any individual.
(B) "Commercial sexually explicit performance" does not include a commercial sexual act.
(iii) "Extortion" means the same as that term is defined in Section 76-5-308.
(iv) "Fraud" means the same as that term is defined in Section 76-5-308.
(v) "Sexual activity" means:
(A) sexual intercourse or any other sexual act involving the genitals of one individual and the mouth or anus of another individual; or
(B) the touching of the genitals, female breast, or anus of one individual with any other body part of another individual with the intent to sexually arouse or gratify either individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human trafficking for commercial sexual exploitation if:
(a) the actor enlists, harbors, transports, obtains, patronizes, or solicits an individual for the purpose of procuring the individual's labor in the form of a commercial sexually explicit performance or commercial sexual act through the use of force, fraud, or coercion; and
(b) the actor's use of force, fraud, or coercion described in Subsection (2)(a) involves:
(i) causing, or threatening to cause, serious harm to the individual or another individual;
(ii) physically restraining, or threatening to physically restrain, the individual or another individual;
(iii) destroying, concealing, removing, confiscating, or unlawfully possessing a passport, immigration document, or other government-issued identification document;
(iv) using, or threatening to use, the legal process in an unlawful manner against the individual or another individual;
(v) kidnapping, or threatening to kidnap, the individual or another individual;
(vi) extortion of the individual or another individual;
(vii) facilitating or controlling the individual's access to a controlled substance; or
(viii) creating or exploiting a circumstance under which:
(A) the individual is unable to terminate the employment relationship; or
(B) the individual is unlawfully forced to remain in a condition of servitude.
(3)
(a) A violation of Subsection (2) is a first degree felony if the violation:
(i) involves a commercial sexual act; and
(ii) is done knowingly.
(b) A violation of Subsection (2) is a second degree felony if the violation:
(i)

(A) involves a commercial sexually explicit performance; and
(B) is done knowingly; or
(ii)
(A) involves a commercial sexual act; and
(B) is done recklessly.
(c) A violation of Subsection (2) is a third degree felony if the violation:
(i) involves a commercial sexually explicit performance; and
(ii) is done recklessly.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Amended by Chapter 247, 2026 General Session

76-5-308.5 Human trafficking of a child for labor.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 18 years old.
(ii) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.
(iii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.
(iv) "Extortion" means the same as that term is defined in Section 76-5-308.
(v) "Fraud" means the same as that term is defined in Section 76-5-308.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human trafficking of a child for labor if:
(a) the actor enlists, harbors, transports, obtains, or uses a child for the purpose of procuring or using the child's labor through the use of force, fraud, or coercion of either the child or an individual who has the ability to control the actions of the child;
(b) the labor described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance; and
(c) the actor's use of force, fraud, or coercion described in Subsection (2)(a) involves:
(i) causing, or threatening to cause, serious harm to the child or another individual;
(ii) physically restraining, or threatening to physically restrain, the child or another individual;
(iii) destroying, concealing, removing, confiscating, or unlawfully possessing a passport, immigration document, or other government-issued identification document;
(iv) using, or threatening to use, the legal process in an unlawful manner against the child or another individual;
(v) kidnapping, or threatening to kidnap, the child or another individual;
(vi) extortion of the child or another individual;
(vii) facilitating or controlling the child's access to a controlled substance; or
(viii) creating or exploiting a circumstance under which:
(A) the child, or an individual who has the ability to control the actions of the child, is unable to terminate the employment relationship; or
(B) the child is unlawfully forced to remain in a condition of servitude.
(3)
(a) A violation of Subsection (2) that is done knowingly is a first degree felony punishable by a term of imprisonment of not less than:
(i) 10 years and which may be for life if the child described in Subsection (2) is 14 years old or older but younger than 18 years old; or

(ii) 15 years and which may be for life if the child described in Subsection (2) is under 14 years old.

(b) A violation of Subsection (2) that is done recklessly is a second degree felony.

(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

(5) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this section that the actor mistakenly believed the child described in Subsection (2) was 18 years old or older at the time of the violation of Subsection (2) or was unaware of the child's true age.

Amended by Chapter 247, 2026 General Session

76-5-308.6 Human trafficking of a child for commercial sexual exploitation.

(1)

(a) As used in this section:

(i) "Child" means an individual who is younger than 18 years old.

(ii) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.

(iii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits human trafficking of a child for commercial sexual exploitation if the actor enlists, harbors, transports, obtains, patronizes, or solicits a child for the purpose of procuring the child's labor in the form of a commercial sexual act or a commercial sexually explicit performance.

(3)

(a) A violation of Subsection (2) that is done knowingly is a first degree felony punishable by a term of imprisonment of not less than:

(i) 10 years and which may be for life if the child described in Subsection (2) is 14 years old or older but younger than 18 years old; or

(ii) 15 years and which may be for life if the child described in Subsection (2) is under 14 years old.

(b) A violation of Subsection (2) that is done recklessly is a second degree felony.

(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

(5) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this section that the actor mistakenly believed the child described in Subsection (2) was 18 years old or older at the time of the violation of Subsection (2) or was unaware of the child's true age.

Enacted by Chapter 247, 2026 General Session

76-5-309 Criminal liability based on benefiting from human trafficking or human smuggling.

(1) Terms defined in Sections 76-1-101.5 and 76-5-307 apply to this section.

(2) An actor is a party to the offense if the actor benefits, receives, or exchanges anything of value from knowing participation in:

(a) human trafficking for labor in violation of Section 76-5-308;

(b) human trafficking for commercial sexual exploitation in violation of Section 76-5-308.1;

(c) human trafficking of a child for labor in violation of Section 76-5-308.5;

(d) human trafficking of a child for commercial sexual exploitation in violation of Section 76-5-308.6;

(e) human trafficking of a vulnerable adult for labor in violation of Section 76-5-311;
(f) human trafficking of a vulnerable adult for commercial sexual exploitation in violation of Section 76-5-312; or
(g) human smuggling in violation of Section 76-5-316.

Amended by Chapter 247, 2026 General Session

76-5-310 Aggravated human trafficking for labor.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated human trafficking for labor if, in the course of committing an offense of human trafficking for labor under Section 76-5-308, the offense:
(a) results in the death of an individual who is a victim of the offense described in Section 76-5-308;
(b) results in serious bodily injury of an individual who is a victim of the offense described in Section 76-5-308;
(c) involves:
(i) rape under Section 76-5-402;
(ii) rape of a child under Section 76-5-402.1;
(iii) object rape under Section 76-5-402.2;
(iv) object rape of a child under Section 76-5-402.3;
(v) forcible sodomy under Section 76-5-403;
(vi) sodomy on a child under Section 76-5-403.1;
(vii) aggravated sexual abuse of a child under Section 76-5-404.3; or
(viii) aggravated sexual assault under Section 76-5-405;
(d) involves the trafficking of 10 or more individuals; or
(e) involves an individual trafficked for longer than 30 consecutive days.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(4) An offense under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Amended by Chapter 247, 2026 General Session

76-5-310.2 Aggravated human trafficking for commercial sexual exploitation.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated human trafficking for commercial sexual exploitation if, in the course of committing an offense of human trafficking for commercial sexual exploitation under Section 76-5-308.1, the offense:
(a) results in the death of an individual who is a victim of the offense described in Section 76-5-308.1;
(b) results in serious bodily injury of an individual who is a victim of the offense described in Section 76-5-308.1;
(c) involves:
(i) rape under Section 76-5-402;
(ii) rape of a child under Section 76-5-402.1;
(iii) object rape under Section 76-5-402.2;
(iv) object rape of a child under Section 76-5-402.3;
(v) forcible sodomy under Section 76-5-403;

(vi) sodomy on a child under Section 76-5-403.1;
(vii) aggravated sexual abuse of a child under Section 76-5-404.3; or
(viii) aggravated sexual assault under Section 76-5-405;
(d) involves the trafficking of 10 or more individuals; or
(e) involves an individual trafficked for longer than 30 consecutive days.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Enacted by Chapter 247, 2026 General Session

76-5-311 Human trafficking of a vulnerable adult for labor.
(1)
(a) As used in this section:
(i) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.
(ii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.
(iii) "Extortion" means the same as that term is defined in Section 76-5-308.
(iv) "Fraud" means the same as that term is defined in Section 76-5-308.
(v) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human trafficking of a vulnerable adult for labor if:
(a) the actor enlists, harbors, transports, obtains, or uses a vulnerable adult for the purpose of procuring or using the vulnerable adult's labor through the use of force, fraud, or coercion of either the vulnerable adult or an individual who has the ability to control the actions of the vulnerable adult;
(b) the labor described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance;
(c) the actor's use of force, fraud, or coercion described in Subsection (2)(a) involves:
(i) causing, or threatening to cause, serious harm to the vulnerable adult or another individual;
(ii) physically restraining, or threatening to physically restrain, the vulnerable adult or another individual;
(iii) destroying, concealing, removing, confiscating, or unlawfully possessing a passport, immigration document, or other government-issued identification document;
(iv) using, or threatening to use, the legal process in an unlawful manner against the vulnerable adult or another individual;
(v) kidnapping, or threatening to kidnap, the vulnerable adult or another individual;
(vi) extortion of the vulnerable adult or another individual;
(vii) facilitating or controlling the vulnerable adult's access to a controlled substance; or
(viii) creating or exploiting a circumstance under which:
(A) the vulnerable adult, or an individual who has the ability to control the actions of the vulnerable adult, is unable to terminate the employment relationship; or
(B) the vulnerable adult is unlawfully forced to remain in a condition of servitude; and
(d) the actor knows, is reckless, or is criminally negligent as to whether, the vulnerable adult described in Subsection (2)(a) is a vulnerable adult.
(3)

(a) A violation of Subsection (2) in which the violation of Subsections (2)(a) and (c) is done knowingly is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(b) A violation of Subsection (2) in which the violation of Subsections (2)(a) and (c) is done recklessly is a second degree felony.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Amended by Chapter 247, 2026 General Session

76-5-312 Human trafficking of a vulnerable adult for commercial sexual exploitation.
(1)
(a) As used in this section:
(i) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.
(ii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.
(iii) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human trafficking of a vulnerable adult for commercial sexual exploitation if the actor enlists, harbors, transports, obtains, patronizes, or solicits a vulnerable adult for the purpose of procuring the vulnerable adult's labor in the form of a commercial sexual act or a commercial sexually explicit performance.
(3)
(a) A violation of Subsection (2) that is done knowingly is a first degree felony punishable by a term of imprisonment of not less than 10 years and which may be for life.
(b) A violation of Subsection (2) that is done recklessly is a second degree felony.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Enacted by Chapter 247, 2026 General Session

76-5-313 Patronizing a victim of human labor trafficking.
(1)
(a) As used in this section:
(i) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.
(ii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.
(iii) "Fraud" means the same as that term is defined in Section 76-5-308.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits patronizing a victim of labor trafficking if:
(a) the actor knowingly requests or accepts labor or services from an individual;
(b) the labor or services described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance; and
(c) the actor:
(i) knows the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual; or
(ii) is reckless as to whether the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual.

(3)
(a) A violation of Subsection (2)(c)(i) is a third degree felony.
(b)
(i) Except as provided in Subsection (3)(b)(ii), a violation of Subsection (2)(c)(ii) is a class A misdemeanor.
(ii) A violation of Subsection (2)(c)(ii) is a third degree felony on a second or any subsequent conviction for a violation of Subsection (2)(c)(ii).

Enacted by Chapter 247, 2026 General Session

76-5-314 Patronizing a child victim of human labor trafficking.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 18 years old.
(ii) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.
(iii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.
(iv) "Fraud" means the same as that term is defined in Section 76-5-308.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits patronizing a child victim of labor exploitation if:
(a) the actor knowingly requests or accepts services or labor from an individual;
(b) the services or labor described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance;
(c) the actor knows, is reckless, or is criminally negligent as to whether, the individual described in Subsection (2)(a) is a child;
(d) the individual described in Subsection (2)(a) is a child; and
(e) the actor:
(i) knows the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual;
(ii) is reckless as to whether the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual; or
(iii) is criminally negligent as to whether the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual.
(3)
(a) A violation of Subsection (2)(e)(i) is a second degree felony.
(b)
(i) Except as provided in Subsection (3)(b)(ii), a violation of Subsection (2)(e)(ii) is a third degree felony.
(ii) A violation of Subsection (2)(e)(ii) is a second degree felony on a second or any subsequent conviction for a violation of Subsection (2)(e)(ii).
(c)
(i) Except as provided in Subsection (3)(c)(ii), a violation of Subsection (2)(e)(iii) is a class A misdemeanor.
(ii) A violation of Subsection (2)(e)(iii) is a third degree felony on a second or any subsequent conviction for a violation of Subsection (2)(e)(iii).

Enacted by Chapter 247, 2026 General Session

76-5-315 Patronizing a vulnerable adult victim of human labor trafficking.

(1)

(a) As used in this section:

(i) "Commercial sexual act" means the same as that term is defined in Section 76-5-308.1.

(ii) "Commercial sexually explicit performance" means the same as that term is defined in Section 76-5-308.1.

(iii) "Fraud" means the same as that term is defined in Section 76-5-308.

(iv) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits patronizing a vulnerable adult victim of human labor trafficking if:

(a) the actor knowingly requests or accepts services or labor from an individual;

(b) the services or labor described in Subsection (2)(a) is not a commercial sexual act or a commercial sexually explicit performance;

(c) the actor knows, is reckless, or is criminally negligent as to whether, the individual described in Subsection (2)(a) is a vulnerable adult;

(d) the individual described in Subsection (2)(a) is a vulnerable adult; and

(e) the actor:

(i) knows the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual;

(ii) is reckless as to whether the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual; or

(iii) is criminally negligent as to whether the individual's services or labor is being provided as a result of another person's exercise of force, fraud, or coercion over the individual.

(3)

(a) A violation of Subsection (2)(e)(i) is a second degree felony.

(b)

(i) Except as provided in Subsection (3)(b)(ii), a violation of Subsection (2)(e)(ii) is a third degree felony.

(ii) A violation of Subsection (2)(e)(ii) is second degree felony on a second or any subsequent conviction for a violation of Subsection (2)(e)(ii).

(c)

(i) Except as provided in Subsection (3)(c)(ii), a violation of Subsection (2)(e)(iii) is a class A misdemeanor.

(ii) A violation of Subsection (2)(e)(iii) is a third degree felony on a second or any subsequent conviction for a violation of Subsection (2)(e)(iii).

Enacted by Chapter 247, 2026 General Session

76-5-316 Human smuggling.

(1)

(a) As used in this section:

(i) "Commercial purpose" includes direct or indirect participation in, or facilitation of, the transportation of one or more individuals for the purpose of:

(A) charging or obtaining a fee, or attempting to charge or obtain a fee, for the transportation; or

(B) obtaining, exchanging, or receiving, or attempting to obtain, exchange, or receive, any thing or item of value.

(ii) "Facilitation of the transportation" includes providing:

(A) travel arrangement services;
(B) payment for the costs of travel; or
(C) property that would advance an act of transportation, including:
(I) a vehicle or other means of transportation;
(II) a weapon;
(III) false identification; or
(IV) making lodging available, including by rent, lease, or sale.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits human smuggling if the actor transports or procures the transportation for one or more individuals for a commercial purpose, knowing or having reason to know that the individual or individuals transported or to be transported are not:
(a) citizens of the United States;
(b) permanent resident aliens; or
(c) otherwise lawfully in this state or entitled to be in this state.
(3) A violation of Subsection (2) is a second degree felony.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Renumbered and Amended by Chapter 247, 2026 General Session

76-5-317 Aggravated human smuggling.
(1)
(a) As used in this section, "family member" means an individual's parent, grandparent, sibling, or other individual related to the individual by consanguinity or affinity to the second degree.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated human smuggling if, in the course of committing human smuggling in violation of Section 76-5-316, the offense:
(a) results in the death of an individual who is a victim of the offense described in Section 76-5-316;
(b) results in serious bodily injury of an individual who is a victim of the offense described in Section 76-5-316;
(c) involves the smuggling of a child and the child is not accompanied by a family member who is 18 years old or older;
(d) involves:
(i) rape under Section 76-5-402;
(ii) rape of a child under Section 76-5-402.1;
(iii) object rape under Section 76-5-402.2;
(iv) object rape of a child under Section 76-5-402.3;
(v) forcible sodomy under Section 76-5-403;
(vi) sodomy on a child under Section 76-5-403.1;
(vii) aggravated sexual abuse of a child under Section 76-5-404.1; or
(viii) aggravated sexual assault under Section 76-5-405; or
(e) involves the smuggling of 10 or more individuals.
(3) A violation of Subsection (2) is a first degree felony.
(4) An offense committed under this section is a separate offense from any other offense committed in relationship to the commission of an offense under this section.

Renumbered and Amended by Chapter 247, 2026 General Session

Part 4
Sexual Offenses

76-5-401 Unlawful sexual activity with a minor -- Penalties -- Evidence of age raised by defendant -- Limitations.

(1)
(a) As used in this section, "minor" means an individual who is 14 years old or older, but younger than 16 years old, at the time the sexual activity described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor 18 years old or older commits unlawful sexual activity with a minor if the actor:
(i) has sexual intercourse with the minor;
(ii) engages in any sexual act with the minor involving the genitals of an individual and the mouth or anus of another individual; or
(iii) causes the penetration, however slight, of the genital or anal opening of the minor by a foreign object, substance, instrument, or device, including a part of the human body, with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual.
(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a)(ii).
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a) or (c), a violation of Subsection (2) is a class B misdemeanor if the defendant establishes by a preponderance of the evidence the mitigating factor that:
(i) the defendant is less than four years older than the minor at the time the sexual activity occurred; or
(ii) the defendant is 18 years old and enrolled in high school at the time the sexual activity occurred.
(c) Notwithstanding Subsection (3)(a), if the defendant establishes by a preponderance of the evidence the mitigating factor that the defendant was younger than 21 years old at the time the sexual activity occurred, the offense is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape, in violation of Section 76-5-402;
(b) object rape, in violation of Section 76-5-402.2;
(c) forcible sodomy, in violation of Section 76-5-403;
(d) aggravated sexual assault, in violation of Section 76-5-405; or
(e) an attempt to commit an offense listed in Subsections (4)(a) through (4)(d).

Amended by Chapter 291, 2025 General Session

76-5-401.1 Sexual abuse of a minor.

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

(i) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.
(ii) "Indecent liberties" means:
(A) the actor touching another individual's genitals, anus, buttocks, pubic area, or female breast;
(B) causing any part of an individual's body to touch the actor's or another's genitals, pubic area, anus, buttocks, or female breast;
(C) simulating or pretending to engage in sexual intercourse with another individual, including genital-genital, oral-genital, anal-genital, or oral-anal intercourse; or
(D) causing an individual to simulate or pretend to engage in sexual intercourse with the actor or another, including genital-genital, oral-genital, anal-genital, or oral-anal intercourse.
(iii) "Minor" means an individual who is 14 years old or older, but younger than 16 years old, at the time the sexual activity described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a minor if the actor:
(i) is four years or more older than the minor; and
(ii) with the intent to cause substantial emotional or bodily pain to any individual, or with the intent to arouse or gratify the sexual desire of any individual:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
(B) touches the female breast of a minor; or
(C) otherwise takes indecent liberties with the minor.
(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3) A violation of Subsection (2)(a) is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) unlawful sexual activity with a minor, in violation of Section 76-5-401;
(b) rape, in violation of Section 76-5-402;
(c) object rape, in violation of Section 76-5-402.2;
(d) forcible sodomy, in violation of Section 76-5-403;
(e) aggravated sexual assault, in violation of Section 76-5-405; or
(f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 291, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-401.2 Unlawful sexual conduct with a 16- or 17-year-old -- Penalties -- Limitations.
(1)
(a) As used in this section:
(i) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(iii) "Minor" means an individual who is 16 years old or older, but younger than 18 years old, at the time the sexual conduct described in Subsection (2) occurred.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)

(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits unlawful sexual conduct with a minor if the actor:
(i)
(A) is seven or more years older but less than 10 years older than the minor at the time of the sexual conduct;
(B) engages in any conduct listed in Subsection (2)(b); and
(C) knew or reasonably should have known the age of the minor; or
(ii)
(A) is 10 or more years older than the minor at the time of the sexual conduct; and
(B) engages in any conduct listed in Subsection (2)(b).
(b) As used in Subsection (2)(a), "sexual conduct" refers to when the actor:
(i) has sexual intercourse with the minor;
(ii) engages in any sexual act with the minor involving the genitals of one individual and the mouth or anus of another individual;
(iii)
(A) causes the penetration, however slight, of the genital or anal opening of the minor by any foreign object, substance, instrument, or device, including a part of the human body; and
(B) causes the penetration with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual; or
(iv) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of the minor;
(B) touches the female breast of a minor; or
(C) otherwise takes indecent liberties with the minor.
(c)
(i) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(ii) Any penetration, however slight, is sufficient to constitute the relevant element under Subsection (2)(b)(i).
(iii) Any touching, however slight, is sufficient to constitute the relevant element under Subsection (2)(b)(ii).
(3)
(a) A violation of Subsection (2)(b)(i), (ii), or (iii) is a third degree felony.
(b) A violation of Subsection (2)(b)(iv) is a class A misdemeanor.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape, in violation of Section 76-5-402;
(b) object rape, in violation of Section 76-5-402.2;
(c) forcible sodomy, in violation of Section 76-5-403;
(d) forcible sexual abuse, in violation of Section 76-5-404;
(e) aggravated sexual assault, in violation of Section 76-5-405; or
(f) an attempt to commit an offense listed in Subsections (4)(a) through (e).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-401.3 Unlawful adolescent sexual activity -- Penalties -- Limitations.
(1)

(a) As used in this section, "adolescent" means an individual who is 12 years old or older but younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Under circumstances not amounting to an offense listed in Subsection (5), an actor commits unlawful sexual activity if:
(a)
(i) the actor is 12 years old or older but younger than 18 years old;
(ii) the actor engages in sexual activity with an adolescent;
(iii) the actor is not the biological sibling of the adolescent; and
(iv) both the actor and the adolescent mutually agree to the sexual activity; or
(b)
(i) the actor engages in sexual activity with an adolescent who is 13 years old;
(ii) the actor is 18 years old and enrolled in high school at the time that the sexual activity occurred;
(iii) the actor is not the biological sibling of the adolescent; and
(iv) both the actor and the adolescent mutually agree to the sexual activity.
(3)
(a) A violation of Subsection (2)(a) is a:
(i) third degree felony if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(ii) third degree felony if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;
(iii) class A misdemeanor if an actor who is 16 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(iv) class A misdemeanor if an actor who is 14 or 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 years old;
(v) class B misdemeanor if an actor who is 17 years old engages in unlawful adolescent sexual activity with an adolescent who is 14 years old;
(vi) class B misdemeanor if an actor who is 15 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old;
(vii) class C misdemeanor if an actor who is 12 or 13 years old engages in unlawful adolescent sexual activity with an adolescent who is 12 or 13 years old; and
(viii) class C misdemeanor if an actor who is 14 years old engages in unlawful adolescent sexual activity with an adolescent who is 13 years old.
(b) A violation of Subsection (2)(b) is a third degree felony.
(4) The actor and the adolescent do not mutually agree to the sexual activity under Subsection (2) if:
(a) the adolescent expresses lack of agreement to the sexual activity through words or conduct;
(b) the actor overcomes the adolescent's will through:
(i) threats to the adolescent or any other individual;
(ii) force;
(iii) coercion; or
(iv) enticement;
(c) the actor is able to overcome the adolescent through concealment or by the element of surprise;
(d) the actor knows, or reasonably should know, that the adolescent has a mental disease or defect, which renders the adolescent unable to:
(i) appraise the nature of the act;

(ii) resist the act;
(iii) understand the possible consequences to the adolescent's health or safety; or
(iv) appraise the nature of the relationship between the actor and the adolescent;
(e) the actor knows that the adolescent participates in the sexual activity because the adolescent erroneously believes that the actor is someone else; or
(f) the actor intentionally impaired the power of the adolescent to appraise or control the adolescent's conduct by administering any substance without the adolescent's knowledge.
(5) The offenses referred to in Subsection (2) are:
(a) rape under Section 76-5-402;
(b) object rape under Section 76-5-402.2;
(c) forcible sodomy under Section 76-5-403;
(d) aggravated sexual assault under Section 76-5-405;
(e) incest under Section 76-7-102; or
(f) an attempt to commit an offense listed in Subsections (5)(a) through (e).
(6) An offense under this section is not eligible for a nonjudicial adjustment under Section 80-6-303.5 or a referral to a youth court under Section 80-6-902.
(7) Except for an offense that is transferred to a district court by the juvenile court in accordance with Section 80-6-504, the district court may enter any sentence or combination of sentences that would have been available in juvenile court but for the delayed reporting or delayed filing of the information in the district court.

Amended by Chapter 291, 2025 General Session

76-5-402 Rape.
(1)
(a) As used in this section, "incapacitated individual" means:
(i) an individual 14 years old or older with:
(A) an intellectual disease or defect;
(B) a physical disease or defect;
(C) a neurological disease or defect; or
(D) a cognitive disease or defect; and
(ii) as a result of the disease or defect described in Subsection (1)(a)(i), the individual is unable to meet two or more of the following requirements:
(A) appraise the nature of an act of sexual intercourse;
(B) resist or escape an act of sexual intercourse; or
(C) report an act of sexual intercourse committed against the individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits rape if the actor has sexual intercourse with another individual without the individual's consent.
(b) Any sexual penetration, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(c) This section applies whether or not the actor is married to the individual.
(3) A violation of Subsection (2) is a felony of the first degree, punishable by a term of imprisonment of:
(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;

(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;
(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:
(i) during the course of the commission of the rape the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the rape, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or
(d) life without parole, if the trier of fact finds that at the time of the commission of the rape the defendant was previously convicted of a grievous sexual offense.
(4)
(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.
(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(5) The provisions of Subsection (4) do not apply when a defendant is sentenced under Subsection (3)(a) or (d).
(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-402.1 Rape of a child -- Penalties.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 14 years old.
(ii) "Sexual intercourse" means:
(A) any touching skin-to-skin, however slight, of an individual's genitals to another individual's genitals; or
(B) any penetration, however slight, of an individual's genitals by another individual's genitals, whether over or under the clothing.
(iii) "Simulated intercourse" means rubbing or otherwise stimulating or attempting to stimulate an individual's genitals or pubic area by another individual's genitals or pubic area whether over or under the clothing.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits rape of a child if the actor:
(a) has sexual intercourse with a child; or
(b) intentionally engages in simulated intercourse with a child.
(3) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
(a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which may be for life; or
(b) life without parole, if the trier of fact finds that:

(i) during the course of the commission of the rape of a child, the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the rape of a child the defendant was previously convicted of a grievous sexual offense.
(4) Subsection (3)(b) does not apply if the defendant was younger than 18 years old at the time of the offense.
(5)
(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may impose a term of imprisonment under Subsection (5)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and
(iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.
(b) If the conditions of Subsection (5)(a) are met, the court may impose a term of imprisonment of not less than:
(i) 15 years and which may be for life;
(ii) 10 years and which may be for life; or
(iii) six years and which may be for life.
(6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 97, 2024 General Session

76-5-402.2 Object rape.
(1)
(a) As used in this section, "incapacitated individual" means the same as that term is defined in Section 76-5-402.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits object rape if:
(a) the actor:
(i) acts without an individual's consent;
(ii) causes the penetration, however slight, of the genital or anal opening of the individual by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; and
(iii)
(A) intends to cause substantial emotional or bodily pain to the individual; or
(B) intends to arouse or gratify the sexual desire of any individual; and
(b) the individual described in Subsection (2)(a)(i) is 14 years old or older.
(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:
(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;
(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;

(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:
(i) during the course of the commission of the object rape the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the object rape, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or
(d) life without parole, if the trier of fact finds that at the time of the commission of the object rape, the defendant was previously convicted of a grievous sexual offense.
(4)
(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.
(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(a) or (d).
(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-402.3 Object rape of a child -- Penalty.
(1)
(a) As used in this section:
(i) "Child" means an individual who is younger than 14 years old.
(ii) "Masturbatory contact" means the stimulation or attempted stimulation of an individual's genitals or pubic area by another individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits object rape of a child if:
(a)
(i) the actor causes the penetration , however slight, whether over or under the clothing, of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals;
(ii) the actor causes the touching, however slight, of the skin of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; or

(iii) the actor causes the masturbatory contact over or under the clothing of the genitals or anus of a child by:
(A) a foreign object;
(B) a substance;
(C) an instrument;
(D) a device; or
(E) a part of the human body other than the mouth or genitals; and
(b) the actor:
(i) intends to cause substantial emotional or bodily pain to the child; or
(ii) intends to arouse or gratify the sexual desire of any individual.
(3)
(a) A violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
(i) except as provided in Subsections (3)(a)(ii) and (4), not less than 25 years and which may be for life; or
(ii) life without parole, if the trier of fact finds that:
(A) during the course of the commission of the object rape of a child the defendant caused serious bodily injury to the victim; or
(B) at the time of the commission of the object rape of a child the defendant was previously convicted of a grievous sexual offense.
(b) Subsection (3)(a)(ii) does not apply if the defendant was younger than 18 years old at the time of the offense.
(4)
(a) When imposing a sentence under Subsections (3)(a)(i) and (4)(b), a court may impose a term of imprisonment under Subsection (4)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and
(iii) the court finds that a lesser term than the term described in Subsection (3)(a)(i) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.
(b) If the conditions of Subsection (4)(a) are met, the court may impose a term of imprisonment of not less than:
(i) 15 years and which may be for life;
(ii) 10 years and which may be for life; or
(iii) six years and which may be for life.
(5) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 97, 2024 General Session

76-5-403 Forcible sodomy.
(1)
(a) As used in this section:
(i) "Incapacitated individual" means the same as that term is defined in Section 76-5-402.
(ii) "Sodomy" means engaging in any sexual act with an individual who is 14 years old or older involving the genitals of one individual and the mouth or anus of another individual.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits forcible sodomy when the actor commits sodomy upon another individual without the other individual's consent.

(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:

(a) except as provided in Subsection (3)(b), (c), or (d), not less than five years and which may be for life;

(b) except as provided in Subsection (3)(c), (3)(d), or (4)(a), 10 years and which may be for life if the trier of fact finds that the act committed by the actor described in Subsection (2) was committed against an incapacitated individual;

(c) except as provided in Subsection (3)(d) or (4)(b), 15 years and which may be for life, if the trier of fact finds that:

(i) during the course of the commission of the forcible sodomy the defendant caused serious bodily injury to the victim; or

(ii) at the time of the commission of the forcible sodomy, the defendant was younger than 18 years old and was previously convicted of a grievous sexual offense; or

(d) life without parole, if the trier of fact finds that at the time of the commission of the forcible sodomy the defendant was previously convicted of a grievous sexual offense.

(4)

(a) If, when imposing a sentence under Subsection (3)(b), a court finds that a lesser term than the term described in Subsection (3)(b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.

(b) If, when imposing a sentence under Subsection (3)(c), a court finds that a lesser term than the term described in Subsection (3)(c) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(i) 10 years and which may be for life; or

(ii) six years and which may be for life.

(5) The provisions of Subsection (4) do not apply when a defendant is sentenced under Subsection (3)(a) or (d).

(6) Imprisonment under Subsection (3)(b), (3)(c), (3)(d), or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 412, 2025 General Session

76-5-403.1 Sodomy on a child -- Penalties.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits sodomy on a child if:

(i) the actor engages in any sexual act upon or with another individual;

(ii) the individual is younger than 14 years old; and

(iii) the sexual act involves the genitals or anus of the actor or the individual and the mouth or anus of either the actor or individual.

(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3) A violation of Subsection (2)(a) is a first degree felony punishable by a term of imprisonment of:

(a) except as provided in Subsections (3)(b) and (5), not less than 25 years and which may be for life; or

(b) life without parole, if the trier of fact finds that:

(i) during the course of the commission of the sodomy on a child the defendant caused serious bodily injury to the victim; or
(ii) at the time of the commission of the sodomy on a child, the defendant was previously convicted of a grievous sexual offense.
(4) Subsection (3)(b) does not apply if the defendant was younger than 18 years old at the time of the offense.
(5)
(a) When imposing a sentence under Subsections (3)(a) and (5)(b), a court may impose a term of imprisonment under Subsection (5)(b) if:
(i) it is a first time offense for the defendant under this section;
(ii) the defendant was younger than 21 years old at the time of the offense; and
(iii) the court finds that a lesser term than the term described in Subsection (3)(a) is in the interests of justice under the facts and circumstances of the case, including the age of the victim, and states the reasons for this finding on the record.
(b) If the conditions of Subsection (5)(a) are met, the court may impose a term of imprisonment of not less than:
(i) 15 years and which may be for life;
(ii) 10 years and which may be for life; or
(iii) six years and which may be for life.
(6) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 181, 2022 General Session

76-5-404 Forcible sexual abuse -- Penalties -- Limitations.
(1)
(a) As used in this section:
(i) "Female breast" means the same as that term is defined in Section 76-5-401.1
(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits forcible sexual abuse if:
(i) without the consent of the individual, the actor:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of another individual;
(B) touches the female breast of another individual; or
(C) otherwise takes indecent liberties with another individual;
(ii) the actor intends to:
(A) cause substantial emotional or bodily pain to any individual; or
(B) arouse or gratify the sexual desire of any individual; and
(iii) the individual described in Subsection (2)(a)(i)(A), (B), or (C) is 14 years old or older.
(b) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3)
(a) A violation of Subsection (2) is a second degree felony, punishable by a term of imprisonment of not less than one year nor more than 15 years.
(b)
(i) Notwithstanding Subsection (3)(a) and except as provided in Subsection (3)(b)(ii), a violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment for 15 years

and which may be for life, if the trier of fact finds that during the course of the commission of the forcible sexual abuse the actor caused serious bodily injury to the victim.

(ii) If, when imposing a sentence under Subsection (3)(b)(i), a court finds that a lesser term than the term described in Subsection (3)(b)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(A) 10 years and which may be for life; or

(B) six years and which may be for life.

(4) The offenses referred to in Subsection (2)(a) are:

(a) rape, in violation of Section 76-5-402;

(b) object rape, in violation of Section 76-5-402.2;

(c) forcible sodomy, in violation of Section 76-5-403; or

(d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

(5) Imprisonment under Subsection (3)(b) or (4) is mandatory in accordance with Section 76-3-406.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-404.1 Sexual abuse of a child -- Penalties -- Limitations.

(1)

(a) As used in this section:

(i) "Adult" means an individual 18 years old or older.

(ii) "Child" means an individual younger than 14 years old.

(iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.

(iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

(v) "Position of special trust" means:

(A) an adoptive parent;

(B) an athletic manager who is an adult;

(C) an aunt;

(D) a babysitter;

(E) a coach;

(F) a cohabitant of a parent if the cohabitant is an adult;

(G) a counselor;

(H) a doctor or physician;

(I) an employer;

(J) a foster parent;

(K) a grandparent;

(L) a legal guardian;

(M) a parent;

(N) a recreational leader who is an adult;

(O) a religious leader;

(P) a sibling or a stepsibling who is an adult;

(Q) a scout leader who is an adult;

(R) a stepparent;

(S) a teacher or any other individual employed by or volunteering at a public or private elementary school or secondary school, and who is 18 years old or older;

(T) an instructor, professor, or teaching assistant at a public or private institution of higher education;

(U) an uncle;

(V) a youth leader who is an adult; or
(W) any individual in a position of authority, other than those individuals listed in Subsections (1)(a)(v)(A) through (V), which enables the individual to exercise undue influence over the child.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits sexual abuse of a child if the actor:
(i)
(A) touches, whether over or under the clothing, the buttocks or pubic area of a child;
(B) touches, whether over or under the clothing, the female breast of a child;
(C) touches the anus or genitals of a child over the clothing; or
(D) otherwise takes indecent liberties with a child whether over or under the clothing; and
(ii) the actor's conduct is with intent to:
(A) cause substantial emotional or bodily pain to any individual; or
(B) arouse or gratify the sexual desire of any individual.
(b) Any touching, however slight, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3) A violation of Subsection (2) is a second degree felony.
(4) The offenses referred to in Subsection (2)(a) are:
(a) rape of a child, in violation of Section 76-5-402.1;
(b) object rape of a child, in violation of Section 76-5-402.3;
(c) sodomy on a child, in violation of Section 76-5-403.1; or
(d) an attempt to commit an offense listed in Subsections (4)(a) through (4)(c).

Amended by Chapter 155, 2026 General Session

76-5-404.3 Aggravated sexual abuse of a child -- Penalties.
(1)
(a) As used in this section:
(i) "Adult" means the same as that term is defined in Section 76-5-404.1.
(ii) "Child" means the same as that term is defined in Section 76-5-404.1.
(iii) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated sexual abuse of a child if, in conjunction with the offense described in Subsection 76-5-404.1(2)(a), any of the following circumstances have been charged and admitted or found true in the action for the offense:
(a) the actor committed the offense:
(i) by the use of a dangerous weapon;
(ii) by force, duress, violence, intimidation, coercion, menace, or threat of harm; or
(iii) during the course of a kidnapping;
(b) the actor caused bodily injury or severe psychological injury to the child during or as a result of the offense;
(c) the actor was a stranger to the child or made friends with the child for the purpose of committing the offense;
(d) the actor used, showed, or displayed pornography or caused the child to be photographed in a lewd condition during the course of the offense;
(e) the actor, prior to sentencing for this offense, was previously convicted of any sexual offense;

(f) the actor committed the same or similar sexual act upon two or more individuals at the same time or during the same course of conduct;
(g) the actor committed, in Utah or elsewhere, more than five separate acts, which if committed in Utah would constitute an offense described in this chapter, and were committed at the same time, or during the same course of conduct, or before or after the instant offense;
(h) the actor occupied a position of special trust in relation to the child; or
(i) the actor encouraged, aided, allowed, or benefited from acts of prostitution or sexual acts by the child with any other individual, sexual performance by the child before any other individual, human trafficking, or human smuggling.
(3) Except as provided in Subsection (6), a violation of Subsection (2) is a first degree felony punishable by a term of imprisonment of:
(a) except as provided in Subsection (3)(b), (3)(c), or (4), not less than 15 years and which may be for life;
(b) except as provided in Subsection (3)(c) or (4), life without parole, if the trier of fact finds that during the course of the commission of the aggravated sexual abuse of a child the defendant caused serious bodily injury to another; or
(c) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual abuse of a child, the defendant was previously convicted of a grievous sexual offense.
(4) If, when imposing a sentence under Subsection (3)(a) or (b), a court finds that a lesser term than the term described in Subsection (3)(a) or (b) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:
(a) for purposes of Subsection (3)(b), 15 years and which may be for life; or
(b) for purposes of Subsection (3)(a) or (b):
(i) 10 years and which may be for life; or
(ii) six years and which may be for life.
(5) The provisions of Subsection (4) do not apply if a defendant is sentenced under Subsection (3)(c).
(6) Subsection (3)(b) or (3)(c) does not apply if the defendant was younger than 18 years old at the time of the offense.
(7) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 277, 2025 General Session

76-5-405 Aggravated sexual assault -- Penalty.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated sexual assault if:
(a) in the course of a rape, object rape, forcible sodomy, or forcible sexual abuse, the actor:
(i) uses, or threatens another individual with the use of, a dangerous weapon;
(ii) compels, or attempts to compel, another individual to submit to rape, object rape, forcible sodomy, or forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or
(iii) is aided or abetted by one or more persons;
(b) in the course of an attempted rape, attempted object rape, or attempted forcible sodomy, the actor:
(i) causes serious bodily injury to any individual;
(ii) uses, or threatens the individual with the use of a dangerous weapon;

(iii) attempts to compel the individual to submit to rape, object rape, or forcible sodomy, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or

(iv) is aided or abetted by one or more persons; or

(c) in the course of an attempted forcible sexual abuse, the actor:

(i) causes serious bodily injury to any individual;

(ii) uses, or threatens the individual with the use of a dangerous weapon;

(iii) attempts to compel the individual to submit to forcible sexual abuse, by threat of kidnaping, death, or serious bodily injury to be inflicted imminently on any individual; or

(iv) is aided or abetted by one or more persons.

(3) A violation of Subsection (2) is a first degree felony, punishable by a term of imprisonment of:

(a) for an aggravated sexual assault described in Subsection (2)(a):

(i) except as provided in Subsection (3)(a)(ii) or (4)(a), not less than 15 years and which may be for life; or

(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense;

(b) for an aggravated sexual assault described in Subsection (2)(b):

(i) except as provided in Subsection (3)(b)(ii) or (5)(a), not less than 10 years and which may be for life; or

(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense; or

(c) for an aggravated sexual assault described in Subsection (2)(c):

(i) except as provided in Subsection (3)(c)(ii) or (6)(a), not less than six years and which may be for life; or

(ii) life without parole, if the trier of fact finds that at the time of the commission of the aggravated sexual assault, the defendant was previously convicted of a grievous sexual offense.

(4)

(a) If, when imposing a sentence under Subsection (3)(a)(i), a court finds that a lesser term than the term described in Subsection (3)(a)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than:

(i) 10 years and which may be for life; or

(ii) six years and which may be for life.

(b) The provisions of Subsection (4)(a) do not apply when a defendant is sentenced under Subsection (3)(a)(ii).

(5)

(a) If, when imposing a sentence under Subsection (3)(b)(i), a court finds that a lesser term than the term described in Subsection (3)(b)(i) is in the interests of justice and states the reasons for this finding on the record, the court may impose a term of imprisonment of not less than six years and which may be for life.

(b) The provisions of Subsection (5)(a) do not apply when a defendant is sentenced under Subsection (3)(b)(ii).

(6)

(a) If, when imposing a sentence under Subsection (3)(c)(i), a court finds that a lesser term than the term described in Subsection (3)(c)(i) is in the interests of justice and states the reasons

for this finding on the record, the court may impose a term of imprisonment of not less than three years and which may be for life.

(b) The provisions of Subsection (6)(a) do not apply when a defendant is sentenced under Subsection (3)(c)(ii).

(7) Subsections (3)(a)(ii), (3)(b)(ii), and (3)(c)(ii) do not apply if the defendant was younger than 18 years old at the time of the offense.

(8) Imprisonment under this section is mandatory in accordance with Section 76-3-406.

Amended by Chapter 181, 2022 General Session

76-5-406 Sexual offenses against the victim without consent of victim -- Circumstances.

(1) As used in this section:

(a) "Health professional" means an individual who is licensed or who holds the individual out to be licensed, or who otherwise provides professional physical or mental health services, diagnosis, treatment, or counseling, including an athletic trainer, physician, osteopathic physician, physician assistant, nurse, dentist, physical therapist, chiropractor, mental health therapist, social service worker, clinical social worker, certified social worker, marriage and family therapist, professional counselor, psychiatrist, psychologist, psychiatric mental health nurse specialist, or substance abuse counselor.

(b) "Religious counselor" means a minister, priest, rabbi, bishop, or other recognized member of the clergy.

(c) "To retaliate" includes threats of physical force, kidnapping, or extortion.

(2) An act of sexual intercourse, rape, attempted rape, rape of a child, attempted rape of a child, object rape, attempted object rape, object rape of a child, attempted object rape of a child, forcible sodomy, attempted forcible sodomy, sodomy on a child, attempted sodomy on a child, forcible sexual abuse, attempted forcible sexual abuse, sexual abuse of a child, attempted sexual abuse of a child, aggravated sexual abuse of a child, attempted aggravated sexual abuse of a child, or simple sexual abuse is without consent of the victim under any of the following circumstances:

(a) the victim expresses lack of consent through words or conduct;

(b) the actor overcomes the victim through the actual application of physical force or violence;

(c) the actor is able to overcome the victim through concealment or by the element of surprise;

(d)

(i) the actor coerces the victim to submit by threatening to retaliate in the immediate future against the victim or any other person, and the victim perceives at the time that the actor has the ability to execute this threat; or

(ii) the actor coerces the victim to submit by threatening to retaliate in the future against the victim or any other person, and the victim believes at the time that the actor has the ability to execute this threat;

(e) the actor knows the victim is unconscious, unaware that the act is occurring, or is physically unable to resist;

(f) the actor knows or reasonably should know that the victim has a mental disease or defect, which renders the victim unable to:

(i) appraise the nature of the act;

(ii) resist the act;

(iii) understand the possible consequences to the victim's health or safety; or

(iv) appraise the nature of the relationship between the actor and the victim;

(g) the actor knows that the victim participates because the victim erroneously believes that the actor is someone else;
(h) the actor intentionally impaired the power of the victim to appraise or control his or her conduct by administering any substance without the victim's knowledge;
(i) the victim is younger than 14 years of age;
(j) the victim is younger than 18 years of age and at the time of the offense the actor was the victim's parent, stepparent, adoptive parent, or legal guardian or occupied a position of special trust in relation to the victim as defined in Section 76-5-404.1;
(k) the victim is 14 years of age or older, but younger than 18 years of age, and the actor is more than three years older than the victim and entices or coerces the victim to submit or participate, under circumstances not amounting to the force or threat required under Subsection (2)(b) or (d); or
(l) the actor is a health professional or religious counselor, the act is committed under the guise of providing professional diagnosis, counseling, or treatment, and at the time of the act the victim reasonably believed that the act was for medically or professionally appropriate diagnosis, counseling, or treatment to the extent that resistance by the victim could not reasonably be expected to have been manifested.

(3) Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act. Consent may be initially given but may be withdrawn through words or conduct at any time prior to or during sexual activity.

Amended by Chapter 92, 2020 General Session

76-5-406.3 Applicability of sentencing provisions.

A person convicted of a violation of Section 76-5-301.1, child kidnaping; Section 76-5-302, aggravated kidnaping; Section 76-5-402.1, rape of a child; Section 76-5-402.3, object rape of a child; Section 76-5-403.1, sodomy on a child; Section 76-5-404.3, aggravated sexual abuse of a child; or Section 76-5-405, aggravated sexual assault shall be sentenced as follows:

(1) If the person is sentenced prior to April 29, 1996, he shall be sentenced in accordance with the statutory provisions in effect prior to that date.
(2) If the person commits the crime and is sentenced on or after April 29, 1996, he shall be punished in accordance with the statutory provisions in effect after April 29, 1996.
(3) If the person commits the crime prior to April 29, 1996, but is sentenced on or after April 29, 1996, he shall be given the option prior to sentencing to proceed either under the law which was in effect at the time the offense was committed or the law which was in effect at the time of sentencing. If the person refuses to select, the court shall sentence the person in accordance with the law in effect at the time of sentencing. The provisions of Subsections 77-27-9(2)(a) and (b) apply to the sentence of any person who selects under this section to be sentenced in accordance with the law in effect prior to April 29, 1996.

Amended by Chapter 181, 2022 General Session

76-5-406.5 Circumstances required for probation or suspension of sentence for certain sex offenses against a child.

(1) In a case involving a conviction for an attempted violation of Section 76-5-402.1, rape of a child, Section 76-5-402.3, object rape of a child, Section 76-5-403.1, sodomy on a child, or Section 76-5-404.3, aggravated sexual abuse of a child, the court may suspend the execution of the sentence and consider probation to a residential sexual abuse treatment center only if all of

the following circumstances are found by the court to be present and the court in the court's discretion, considering the circumstances of the offense, including the nature, frequency, and duration of the conduct, and considering the best interests of the public and the child victim, finds probation to a residential sexual abuse treatment center to be proper:

(a) the defendant did not use a weapon, force, violence, substantial duress or menace, or threat of harm, in committing the offense or before or after committing the offense, in an attempt to frighten the child victim or keep the child victim from reporting the offense;

(b) the defendant did not cause bodily injury to the child victim during or as a result of the offense and did not cause the child victim severe psychological harm;

(c) the defendant, prior to the offense, had not been convicted of any public offense in Utah or elsewhere involving sexual misconduct in the commission of the offense;

(d) the defendant did not commit an offense described in this Part 4, Sexual Offenses, against more than one child victim or victim, at the same time, or during the same course of conduct, or previous to or subsequent to the instant offense;

(e) the defendant did not use, show, or display pornography or create sexually-related photographs or tape recordings in the course of the offense;

(f) the defendant did not act in concert with another offender during the offense or knowingly commit the offense in the presence of a person other than the victim or with lewd intent to reveal the offense to another;

(g) the defendant did not encourage, aid, allow, or benefit from any act of prostitution or sexual act by the child victim with any other person or sexual performance by the child victim before any other person;

(h) the defendant admits the offense of which he has been convicted and has been accepted for mental health treatment in a residential sexual abuse treatment center that has been approved by the Department of Corrections under Subsection (3);

(i) rehabilitation of the defendant through treatment is probable, based upon evidence provided by a treatment professional who has been approved by the Department of Corrections under Subsection (3) and who has accepted the defendant for treatment;

(j) prior to being sentenced, the defendant has undergone a complete psychological evaluation conducted by a professional approved by the Department of Corrections and:

(i) the professional's opinion is that the defendant is not an exclusive pedophile and does not present an immediate and present danger to the community if released on probation and placed in a residential sexual abuse treatment center; and

(ii) the court accepts the opinion of the professional;

(k) if the offense is committed by a parent, stepparent, adoptive parent, or legal guardian of the child victim, the defendant shall, in addition to establishing all other conditions of this section, establish it is in the child victim's best interest that the defendant not be imprisoned, by presenting evidence provided by a treatment professional who:

(i) is treating the child victim and understands he will be treating the family as a whole; or

(ii) has assessed the child victim for purposes of treatment as ordered by the court based on a showing of good cause; and

(l) if probation is imposed, the defendant, as a condition of probation, may not reside in a home where children younger than 18 years old reside for at least one year beginning with the commencement of treatment, and may not again take up residency in a home where children younger than 18 years old reside during the period of probation until allowed to do so by order of the court.

(2) A term of incarceration of at least 90 days is to be served prior to treatment and continue until the time when bed space is available at a residential sexual abuse treatment center as provided under Subsection (3) and probation is to be imposed for up to a maximum of 10 years.
(3)
  (a) The Department of Corrections shall develop qualification criteria for the approval of the sexual abuse treatment programs and professionals under this section. The criteria shall include the screening criteria employed by the department for sexual offenders.
  (b) The sexual abuse treatment program shall be at least one year in duration, shall be residential, and shall specifically address the sexual conduct for which the defendant was convicted.
(4) Establishment by the defendant of all the criteria of this section does not mandate the granting under this section of probation or modification of the sentence that would otherwise be imposed by Section 76-3-406 regarding sexual offenses against children. The court has discretion to deny the request based upon its consideration of the circumstances of the offense, including:
  (a) the nature, frequency, and duration of the conduct;
  (b) the effects of the conduct on any child victim involved;
  (c) the best interest of the public and any child victim; and
  (d) the characteristics of the defendant, including any risk the defendant presents to the public and specifically to children.
(5) The defendant has the burden to establish by a preponderance of evidence eligibility under all of the criteria of this section.
(6) If the court finds a defendant granted probation under this section fails to cooperate or succeed in treatment or violates probation to any substantial degree, the sentence previously imposed for the offense shall be immediately executed.
(7) The court shall enter written findings of fact regarding the conditions established by the defendant that justify the granting of probation under this section.
(8) In cases involving conviction of any sexual offense against a child other than those offenses provided in Subsection (1), the court shall consider the circumstances described in Subsection (1) as advisory in determining whether or not execution of sentence should be suspended and probation granted. The defendant is not required to satisfy all of those circumstances for eligibility pursuant to this Subsection (8).

Amended by Chapter 193, 2025 General Session

76-5-407 Consensual conduct in marriage.

The provisions of this part do not apply to consensual conduct between individuals married to each other.

Amended by Chapter 181, 2022 General Session

76-5-409 Corroboration of admission by child's statement.

(1) Notwithstanding any provision of law requiring corroboration of admissions or confessions, and notwithstanding any prohibition of hearsay evidence, a child's statement indicating in any manner the occurrence of the sexual offense involving the child is sufficient corroboration of the admission or the confession regardless of whether or not the child is available to testify regarding the offense.
(2) A child, for purposes of Subsection (1), is a person under the age of 14.

Enacted by Chapter 88, 1983 General Session

76-5-410 Child victim of sexual abuse as competent witness.

A child victim of sexual abuse under the age of 10 is a competent witness and shall be allowed to testify without prior qualification in any judicial proceeding. The trier of fact shall determine the weight and credibility of the testimony.

Amended by Chapter 74, 1985 General Session

76-5-412 Custodial sexual relations -- Penalties -- Defenses and limitations.

(1)

(a) As used in this section:

(i) "Actor" means:

(A) a law enforcement officer, as defined in Section 53-13-103;

(B) a correctional officer, as defined in Section 53-13-104;

(C) a special function officer, as defined in Section 53-13-105; or

(D) an employee of, or private provider or contractor for, the Department of Corrections or a county jail.

(ii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.

(iii) "Person in custody" means an individual, either an adult 18 years old or older, or a minor younger than 18 years old, who is:

(A) a prisoner, as defined in Section 76-5-101, and includes a prisoner who is in the custody of the Department of Corrections created under Section 64-13-2, but who is being housed at the Utah State Hospital established under Section 26B-5-302 or other medical facility;

(B) under correctional supervision, such as at a work release facility or as a parolee or probationer; or

(C) under lawful or unlawful arrest, either with or without a warrant.

(iv) "Private provider or contractor" means a person that contracts or enters into a memorandum of understanding with a governmental or private entity to provide services or functions that are part of the operation of the Department of Corrections or a county jail under state or local law.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits custodial sexual relations if the actor commits any of the acts under Subsection (2)(b):

(i) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection (4); and

(ii)

(A) the actor knows that the individual is a person in custody; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a person in custody.

(b) Acts referred to in Subsection (2)(a) are:

(i) having sexual intercourse with a person in custody;

(ii) engaging in a sexual act with a person in custody involving the genitals of one individual and the mouth or anus of another individual; or

(iii)

(A) causing the penetration, however slight, of the genital or anal opening of a person in custody by any foreign object, substance, instrument, or device, including a part of the human body; and
(B) intending to cause substantial emotional or bodily pain to any individual.
(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) Notwithstanding Subsection (3)(a), if the person in custody is younger than 18 years old, a violation of Subsection (2) is a second degree felony.
(c) If the act committed under Subsection (3) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.
(4) The offenses referred to in Subsection (2)(a)(i) and Subsection 76-5-412.2(2)(a)(i) are:
(a) Section 76-5-401, unlawful sexual activity with a minor;
(b) Section 76-5-402, rape;
(c) Section 76-5-402.1, rape of a child;
(d) Section 76-5-402.2, object rape;
(e) Section 76-5-402.3, object rape of a child;
(f) Section 76-5-403, forcible sodomy;
(g) Section 76-5-403.1, sodomy on a child;
(h) Section 76-5-404, forcible sexual abuse;
(i) Section 76-5-404.1, sexual abuse of a child, or Section 76-5-404.3, aggravated sexual abuse of a child; or
(j) Section 76-5-405, aggravated sexual assault.
(5)
(a) It is not a defense to the commission of, or the attempt to commit, the offense of custodial sexual relations under Subsection (2) if the person in custody is younger than 18 years old, that the actor:
(i) mistakenly believed the person in custody to be 18 years old or older at the time of the alleged offense; or
(ii) was unaware of the true age of the person in custody.
(b) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).
(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 322, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-5-412.2 Custodial sexual misconduct -- Penalties -- Defenses.
(1)
(a) As used in this section:
(i) "Actor" means the same as that term is defined in Section 76-5-412.
(ii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(iii) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(iv) "Person in custody" means the same as that term is defined in Section 76-5-412.
(v) "Private provider or contractor" means the same as that term is defined in Section 76-5-412.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits custodial sexual misconduct if:

(i) the actor commits any of the acts under Subsection (2)(b) under circumstances not amounting to commission of, or an attempt to commit, an offense under Subsection 76-5-412(4); and

(ii)

(A) the actor knows that the individual is a person in custody; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a person in custody.

(b) Acts referred to in Subsection (2)(a) are the following acts when committed with the intent to cause substantial emotional or bodily pain to another individual or with the intent to arouse or gratify the sexual desire of any individual:

(i) touching the anus, buttocks, pubic area, or any part of the genitals of a person in custody;

(ii) touching the female breast of a person in custody; or

(iii) otherwise taking indecent liberties with a person in custody.

(3)

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

(b) Notwithstanding Subsection (3)(a), if the person in custody is younger than 18 years old, a violation of Subsection (2) is a third degree felony.

(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.

(4)

(a) It is not a defense to the commission of, or attempt to commit, the offense described in Subsection (2) if the person in custody is younger than 18 years old, that the actor:

(i) mistakenly believed the person in custody to be 18 years old or older at the time of the alleged offense; or

(ii) was unaware of the true age of the person in custody.

(b) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).

(5) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-412.4 Custodial solicitation of sexually explicit conduct from a person in custody.

(1)

(a) As used in this section:

(i) "Actor" means the same as that term is defined in Section 76-5-412.

(ii) "Person in custody" means an individual who is:

(A) 18 years old or older; and

(B) otherwise meets the definition of a person in custody as that term is defined in Section 76-5-412.

(iii) "Sexually explicit conduct" means actual or simulated:

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;

(B) masturbation;
(C) bestiality;
(D) sadistic or masochistic activities;
(E) exhibition of the genitals, pubic region, buttocks, or female breast of any individual;
(F) visual depiction of nudity or partial nudity;
(G) fondling or touching of the genitals, pubic region, buttocks, or female breast; or
(H) the visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.

(iv) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct that duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits custodial solicitation of sexually explicit conduct from a person in custody if:

(a) the actor knowingly requests, demands, or otherwise solicits from a person in custody:

(i) a photograph, image, live video, or a recording of the person in custody engaging in sexually explicit conduct or simulated sexually explicit conduct; or

(ii) a live demonstration or performance by the person in custody engaging in sexually explicit conduct or simulated sexually explicit conduct; and

(b)

(i) the actor knows that the individual described in Subsection (2)(a) is a person in custody; or

(ii) a reasonable person in the actor's position should have known under the circumstances that the individual described in Subsection (2)(a) was a person in custody.

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

(4) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

(5) Consent of the person in custody is not a defense to any violation or attempted violation of Subsection (2).

(6) This section does not apply to an actor who is acting within the course and scope of the actor's legitimate duties, including documenting photographic evidence.

Enacted by Chapter 253, 2025 General Session

76-5-413 Custodial sexual relations with youth receiving state services -- Penalties -- Defenses and limitations.

(1)

(a) As used in this section:

(i) "Actor" means:

(A) an individual employed by the Department of Health and Human Services created in Section 26B-1-201, or an employee of a private provider or contractor; or

(B) an individual employed by the juvenile court of the state, or an employee of a private provider or contractor.

(ii) "Department" means the Department of Health and Human Services created in Section 26B-1-201.

(iii) "Juvenile court" means the juvenile court of the state created in Section 78A-6-102.

(iv) "Private provider or contractor" means a person that contracts with the:

(A) department to provide services or functions that are part of the operation of the department; or

(B) juvenile court to provide services or functions that are part of the operation of the juvenile court.

(v) "Youth receiving state services" means an individual:

(A) younger than 18 years old, except as provided under Subsection (1)(a)(v)(B), who is:

(I) in the custody of the department under Section 80-6-703; or

(II) receiving services from any division of the department if any portion of the costs of these services is covered by public money; or

(B) younger than 25 years old:

(I) who is in the custody of the Division of Juvenile Justice and Youth Services, or the Division of Child and Family Services; or

(II) whose case is under the jurisdiction of the juvenile court.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits custodial sexual relations with a youth receiving state services if:

(i) the actor commits any of the acts described in Subsection (2)(b); and

(ii)

(A) the actor knows that the individual is a youth receiving state services; or

(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.

(b) Acts referred to in Subsection (2)(a)(i) are:

(i) having sexual intercourse with a youth receiving state services;

(ii) engaging in any sexual act with a youth receiving state services involving the genitals of one individual and the mouth or anus of another individual; or

(iii)

(A) causing the penetration, however slight, of the genital or anal opening of a youth receiving state services by any foreign object, substance, instrument, or device, including a part of the human body; and

(B) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual.

(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3)

(a) A violation of Subsection (2) is a third degree felony.

(b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger than 18 years old, a violation of Subsection (2) is a second degree felony.

(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.

(4) The offenses referred to in Subsection (2) are:

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

(b) rape, in violation of Section 76-5-402;

(c) rape of a child, in violation of Section 76-5-402.1;

(d) object rape, in violation of Section 76-5-402.2;

(e) object rape of a child, in violation of Section 76-5-402.3;

(f) forcible sodomy, in violation of Section 76-5-403;

(g) sodomy on a child, in violation of Section 76-5-403.1;

(h) forcible sexual abuse, in violation of Section 76-5-404;

(i) sexual abuse of a child, in violation of Section 76-5-404.1;
(j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;
(k) aggravated sexual assault, in violation of Section 76-5-405; or
(l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).

(5)
(a) It is not a defense to the commission of, or an attempt to commit, the offense described in Subsection (2) if the youth receiving state services is younger than 18 years old, that the actor:
(i) mistakenly believed the youth receiving state services to be 18 years old or older at the time of the alleged offense; or
(ii) was unaware of the true age of the youth receiving state services.
(b) Consent of the youth receiving state services is not a defense to any violation or attempted violation of Subsection (2).

(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 88, 2025 General Session

76-5-413.2 Custodial sexual misconduct with a youth receiving state services -- Penalties -- Defenses and limitations.

(1)
(a) As used in this section:
(i) "Actor" means the same as that term is defined in Section 76-5-413.
(ii) "Department" means the same as that term is defined in Section 76-5-413.
(iii) "Female breast" means the same as that term is defined in Section 76-5-401.1.
(iv) "Indecent liberties" means the same as that term is defined in Section 76-5-401.1.
(v) "Juvenile court" means the same as that term is defined in Section 76-5-413.
(vi) "Private provider or contractor" means the same as that term is defined in Section 76-5-413.
(vii) "Youth receiving state services" means the same as that term is defined in Section 76-5-413.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)
(a) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits custodial sexual misconduct with a youth receiving state services if:
(i) the actor commits any of the acts described in Subsection (2)(b); and
(ii)
(A) the actor knows that the individual is a youth receiving state services; or
(B) a reasonable person in the actor's position should have known under the circumstances that the individual was a youth receiving state services.
(b) Acts referred to in Subsection (2)(a) are the following acts when committed with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:
(i) touching the anus, buttocks, pubic area, or any part of the genitals of a youth receiving state services;
(ii) touching the female breast of a youth receiving state services; or
(iii) otherwise taking indecent liberties with a youth receiving state services.
(c) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a).

(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Notwithstanding Subsection (3)(a), if the youth receiving state services is younger than 18 years old, a violation of Subsection (2) is a third degree felony.
(c) If the act committed under Subsection (2) amounts to an offense subject to a greater penalty under another provision of state law than is provided under this Subsection (3), this Subsection (3) does not prohibit prosecution and sentencing for the more serious offense.
(4) The offenses referred to in Subsection (2) are:
(a) unlawful sexual activity with a minor, in violation of Section 76-5-401;
(b) rape, in violation of Section 76-5-402;
(c) rape of a child, in violation of Section 76-5-402.1;
(d) object rape, in violation of Section 76-5-402.2;
(e) object rape of a child, in violation of Section 76-5-402.3;
(f) forcible sodomy, in violation of Section 76-5-403;
(g) sodomy on a child, in violation of Section 76-5-403.1;
(h) forcible sexual abuse, in violation of Section 76-5-404;
(i) sexual abuse of a child, in violation of Section 76-5-404.1;
(j) aggravated sexual abuse of a child, in violation of Section 76-5-404.3;
(k) aggravated sexual assault, in violation of Section 76-5-405; or
(l) an attempt to commit an offense listed in Subsections (4)(a) through (4)(k).
(5)
(a) It is not a defense to the commission of, or an attempt to commit, the offense described in Subsection (2) if the youth receiving state services is younger than 18 years old, that the actor:
(i) mistakenly believed the youth receiving state services to be 18 years old or older at the time of the alleged offense; or
(ii) was unaware of the true age of the youth receiving state services.
(b) Consent of the youth receiving state services is not a defense to any violation or attempted violation of Subsection (2).
(6) It is a defense that the commission by the actor of an act under Subsection (2) is the result of compulsion, as the defense is described in Subsection 76-2-302(1).

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5-415 Educator's license subject to action for violation of this part.

Commission of any offense under this Title 76, Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, by an educator as defined in Section 53E-6-102, is grounds under Section 53E-6-604 for disciplinary action against the educator, including revocation of the educator's license.

Amended by Chapter 173, 2025 General Session

76-5-416.2 Unlawful kissing of a child.

(1)
(a) As used in this section, "child" means an individual who is under 14 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful kissing of a child if the actor:

(a) is 18 years old or older; and
(b) intentionally or knowingly:
(i) kisses a child on the child's mouth; and
(ii) penetrates the minor's mouth with the actor's tongue.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any penetration, however slight, of the mouth of the child by the actor's tongue is sufficient to constitute a violation of this section.

Enacted by Chapter 140, 2024 General Session

76-5-416.4 Unlawful kissing of a minor.
(1)
(a) As used in this section, "minor" means an individual who is 14 years old or older but younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful kissing of a minor if the actor:
(a) intentionally or knowingly:
(i) kisses a minor on the minor's mouth; and
(ii) penetrates the minor's mouth with the actor's tongue; and
(b) is older than the minor by 10 years or more.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any penetration, however slight, of the mouth of the minor by the actor's tongue is sufficient to constitute a violation of this section.

Enacted by Chapter 140, 2024 General Session

76-5-417 Enticing a minor to engage in sexual activity.
(1)
(a) As used in this section:
(i) "Minor" means an individual who is under 18 years old.
(ii) "Electronic communication" means the same as that term is defined in Section 76-12-201.
(iii) "Electronic communication device" means the same as that term is defined in Section 76-12-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits enticing a minor to engage in sexual activity if the actor knowingly:
(a) uses an electronic communication or an electronic communication device to:
(i) solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or entice a minor, or another person who the actor believes to be a minor, to engage in sexual activity that is a violation of state criminal law;
(ii) communicate with any individual with the intent to solicit, seduce, lure, or entice a minor, or attempt to solicit, seduce, lure, or entice a minor, to engage in sexual activity that is a violation of state criminal law; or
(iii)
(A) initiate contact with a minor or a person the actor believes to be a minor; and
(B) subsequent to the action described in Subsection (2)(a)(iii)(A), by any electronic or written means, solicits, seduces, lures, or entices the minor, or attempts to solicit, seduce, lure, or entice the minor, or a person the actor believes to be the minor, to engage in sexual activity that is a violation of state criminal law; or

(b) develops a relationship of trust with a minor or the minor's parent or guardian with the intent to solicit, seduce, lure, or entice the minor, or attempt to solicit, seduce, lure, or entice the minor, to engage in sexual activity that is a violation of state criminal law.

(3) A violation of Subsection (2) is punishable as follows:

(a) enticement to engage in sexual activity that would be a first degree felony for the actor is a:

(i) second degree felony upon the first conviction for violation of this Subsection (3)(a); and

(ii) first degree felony punishable by imprisonment for an indeterminate term of not fewer than three years and which may be for life, upon a second or any subsequent conviction for a violation of this Subsection (3)(a);

(b) enticement to engage in sexual activity that would be a second degree felony for the actor is a third degree felony;

(c) enticement to engage in sexual activity that would be a third degree felony for the actor is a class A misdemeanor;

(d) enticement to engage in sexual activity that would be a class A misdemeanor for the actor is a class B misdemeanor; and

(e) enticement to engage in sexual activity that would be a class B misdemeanor for the actor is a class C misdemeanor.

(4) It is not a defense to a violation, or attempted violation, of Subsection (2) that a law enforcement officer or an undercover operative who is employed by a law enforcement agency was involved in the detection or investigation of the offense.

(5)

(a) When an actor who commits a felony violation of this section has previously been convicted of an offense described in Subsection (5)(b), the court may not in any way shorten the prison sentence, and the court may not:

(i) grant probation;

(ii) suspend the execution or imposition of the sentence;

(iii) enter a judgment for a lower category of offense; or

(iv) order hospitalization.

(b) The offenses referred to in Subsection (5)(a) are:

(i) child kidnapping as described in Section 76-5-301.1;

(ii) human trafficking of a child for labor as described in Section 76-5-308.5;

(iii) human trafficking of a child for commercial sexual exploitation as described in Section 76-5-308.6;

(iv) rape as described in Section 76-5-402;

(v) rape of a child as described in Section 76-5-402.1;

(vi) object rape as described in Section 76-5-402.2;

(vii) object rape of a child as described in Section 76-5-402.3;

(viii) forcible sodomy as described in Section 76-5-403;

(ix) sodomy on a child as described in Section 76-5-403.1;

(x) forcible sexual abuse as described in Section 76-5-404;

(xi) sexual abuse of a child as described in Section 76-5-404.1;

(xii) aggravated sexual abuse of a child as described in Section 76-5-404.3;

(xiii) aggravated sexual assault as described in Section 76-5-405;

(xiv) enticing a minor to engage in sexual activity as described in Section 76-5-417;

(xv) any offense in any other state or federal jurisdiction that constitutes or would constitute a crime in Subsections (5)(b)(i) through (xiv); or

(xvi) the attempt, solicitation, or conspiracy to commit any of the offenses in Subsections (5)(b)(i) through (xv).

Amended by Chapter 247, 2026 General Session

76-5-418 Sexual battery.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits sexual battery if, under circumstances not amounting to an offense described in Subsection (4):

(a) the actor intentionally touches, whether or not through clothing:

(i) the anus, buttocks, or any part of the genitals of another individual; or

(ii) the breast of a female individual; and

(b) the actor's conduct is under circumstances that the actor knows or should know will likely cause affront or alarm to the individual touched.

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

(4) The offenses referred to in Subsection (2) are:

(a) rape under Section 76-5-402;

(b) rape of a child under Section 76-5-402.1;

(c) object rape under Section 76-5-402.2;

(d) object rape of a child under Section 76-5-402.3;

(e) forcible sodomy under Section 76-5-403;

(f) sodomy on a child under Section 76-5-403.1;

(g) forcible sexual abuse under Section 76-5-404;

(h) sexual abuse of a child under Section 76-5-404.1;

(i) aggravated sexual abuse of a child under Section 76-5-404.3;

(j) aggravated sexual assault under Section 76-5-405; and

(k) an attempt to commit an offense under this Subsection (4).

Amended by Chapter 26, 2026 General Session

76-5-419 Lewdness.

(1)

(a) As used in this section:

(i) "Common area of a privacy space" means any area of a privacy space other than:

(A) a toilet stall with a closed door;

(B) immediately in front of a urinal during use; or

(C) a shower stall with a closed door or other closed covering.

(ii) "Privacy space" means the same as that term is defined in Section 76-12-309.

(iii) "Sex-designated" means the same as that term is defined in Section 76-12-309.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits lewdness if:

(a) the actor performs:

(i) an act of sexual intercourse or sodomy;

(ii) an act exposing the actor's:

(A) genitals;

(B) female breast below the top of the areola if the actor is female;

(C) buttocks, anus, or pubic area;

(iii) masturbates; or

(iv) any other act of lewdness; and

(b) an action described in Subsection (2)(a) is undertaken:
(i) in a public place; or
(ii) under circumstances which the actor should know will likely cause affront or alarm to, on, or in the presence of another individual who is 14 years old or older.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if at the time of the violation:
(i) the actor is a sex offender as defined in Section 57-8a-102;
(ii) the actor has previously been convicted two or more times of a violation of Subsection (2);
(iii) the actor has previously been convicted of:
(A) a violation of Subsection (2); and
(B) a violation of Section 76-5-420;
(iv) the actor also commits the offense of:
(A) criminal trespass resulting from unlawfully entering a sex-designated changing room as described in Subsection 76-6-206(2)(d);
(B) lewdness involving a child as described in Section 76-5-420;
(C) voyeurism as described in Section 76-12-306;
(D) recorded or photographed voyeurism as described in Section 76-12-307;
(E) distribution of images obtained through voyeurism as described in Section 76-12-308; or
(F) loitering in a privacy space as described in Section 76-12-309; or
(v) the actor is in a sex-designated privacy space, that is not designated for individuals of the actor's sex.

(4) The offenses referred to in Subsection (2) are:
(a) unlawful sexual conduct with a 16 or 17 year old as described in Section 76-5-401.2;
(b) rape as described in Section 76-5-402;
(c) object rape as described in Section 76-5-402.2;
(d) forcible sodomy as described in Section 76-5-403;
(e) forcible sexual abuse as described in Section 76-5-404;
(f) sexual abuse of a child as described in Section 76-5-404.1;
(g) aggravated sexual assault as described in Section 76-5-405;
(h) custodial sexual relations as described in Section 76-5-412;
(i) custodial sexual misconduct as described in Section 76-5-412.2;
(j) custodial sexual relations with youth receiving state services as described in Section 76-5-413;
(k) custodial sexual misconduct with youth receiving state services as described in Section 76-5-413.2; or
(l) an attempt to commit an offense described in Subsection (4)(a) through (k).

(5)
(a) As described in Subsection 53-29-202(4), for purposes of Subsection (3), a plea of guilty or nolo contendere to a charge under this section that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.
(b) Subsection (5)(a) also applies if the charge under Subsection (3) has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(6)
(a) The common area of a privacy space constitutes a public place or circumstance described in Subsection (2) where an act or an attempted act described in Subsection (2) constitutes lewdness.

(b) Within the common area of a dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space, exposing, displaying, or otherwise uncovering genitalia that does not correspond with the sex designation of the changing room constitutes an act or an attempted act described in Subsection (2) that constitutes lewdness.

(7) A woman's breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a lewd act, irrespective of whether or not the breast is covered during or incidental to feeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-420 Lewdness involving a child.

(1)

(a) As used in this section:

(i) "Child" means an individual younger than 14 years old.

(ii) "Common area of a privacy space" means the same as that term is defined in Section 76-5-419.

(iii) "In the presence of" includes within visual contact through an electronic device.

(iv) "Privacy space" means the same as that term is defined in Section 76-12-309.

(v) "Sex-designated" means the same as that term is defined in Section 76-12-309.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits lewdness involving a child if:

(a) the actor, under circumstances not amounting to an offense listed in Subsection (4), intentionally or knowingly does any of the following in the presence of a child:

(i) performs an act of sexual intercourse or sodomy;

(ii) exposes the actor's genitals, female breast below the top of the areola, buttocks, anus, or pubic area:

(A) in a public place; or

(B) in a private place under circumstances the actor should know will likely cause affront or alarm or with the intent to arouse or gratify the sexual desire of the actor or the child; or

(iii) masturbates;

(b) the actor is 18 years old or older and, under circumstances not amounting to an offense listed in Subsection (4), intentionally or knowingly does any of the following in the presence of a child with the intent to cause affront or alarm to the child or with the intent to arouse or gratify the sexual desire of the actor or the child:

(i) simulates masturbation;

(ii) performs an act of simulated intercourse or sodomy;

(iii) displays the actor's male genitals or prosthetic male genitals in a discernibly turgid state, even if completely and opaquely covered;

(iv) engages in erotic touching of the actor's nude breast, regardless of the actor's sex or how the breast was developed or created; or

(v) involves a child in an act that would lead a reasonable person to conclude that the child is engaging in an act of:

(A) simulated intercourse or sodomy; or

(B) simulated masturbation;

(c) the actor, under circumstances not amounting to sexual exploitation of a minor under Section 76-5b-201 or aggravated sexual exploitation of a minor under Section 76-5b-201.1, intentionally or knowingly causes a child to expose the child's genitals, anus, or breast, if

female, to the actor, with the intent to arouse or gratify the sexual desire of the actor or the child; or

(d) the actor performs any other act of lewdness.

(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 at the time of the violation, the actor:

(i) is a sex offender as described in Subsection 53-29-202(2)(b) and the offense that the actor committed that resulted in the actor being a sex offender was committed against an individual younger than 18 years old;

(ii) previously has been convicted of a violation of this section;

(iii) commits the violation of Subsection (2) while also committing the offense of:

(A) lewdness as described in Section 76-5-419;

(B) criminal trespass resulting from unlawfully entering a sex-designated changing room as described in Subsection 76-6-206(2)(d);

(C) voyeurism as described in Section 76-12-306;

(D) recorded or photographed voyeurism as described in Section 76-12-307;

(E) distribution of images obtained through voyeurism as described in Section 76-12-308; or

(F) loitering in a privacy space as described in Section 76-12-309; or

(iv) is in a sex-designated privacy space, that is not designated for individuals of the actor's sex.

(4) The offenses referred to in Subsection (2) are:

(a) rape of a child as described in Section 76-5-402.1;

(b) object rape of a child as described in Section 76-5-402.3;

(c) sodomy on a child as described in Section 76-5-403.1;

(d) sexual abuse of a child as described in Section 76-5-404.1;

(e) aggravated sexual abuse of a child as described in Section 76-5-404.3; or

(f) an attempt to commit an offense described in Subsections (4)(a) through (e).

(5)

(a) The common area of a privacy space constitutes a public place or circumstance described in Subsection (2) where an act or an attempted act described in Subsection (2) constitutes a violation of Subsection (2).

(b) Within the common area of a government entity's dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space, exposing, displaying, or otherwise uncovering genitalia that does not correspond with the sex designation of the changing room constitutes an act or an attempted act described in Subsection (2) that constitutes lewdness involving a child.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5-421 Indecent exposure of another individual.

(1)

(a) As used in this section:

(i) "First responder" means the same as that term is defined in Section 34A-2-102.

(ii) "Health care professional" means the same as that term is defined in Section 53-3-207.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits indecent exposure of another individual if the actor exposes in a public place, without the individual's consent, the individual's:

(a) undergarments intended to cover the individual's genitals, breasts if the individual is female, buttocks, anus, or pubic area; or
(b) genitals, breast below the top of the areola if the individual is female, buttocks, anus, or pubic area.

(3)
(a) A violation of Subsection (2)(a) is a class C misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2)(b) is a class B misdemeanor.
(c) A violation of Subsection (2)(b) is a class A misdemeanor if the actor committed the violation in the presence of an individual who is younger than 14 years old.

(4) An actor under the age of 18 years old may not be referred to the juvenile court or prosecuting attorney under this section unless the actor has previously received a written warning from a law enforcement officer for conduct described in Subsection (2).

(5) This section does not apply to a first responder or health care professional who removes the clothing of another individual during an emergency to provide medical care to that individual resulting in the exposure of that individual described in Subsection (2).

Enacted by Chapter 204, 2025 General Session

76-5-422 Sexual relations with an adult high school student.

(1)
(a) As used in this section:
(i) "Actor" means an individual who is 21 years old or older.
(ii) "Adult high school student" means an individual who is 18 to 21 years old and enrolled at a high school.
(iii) "High school" means a district, charter, or private school that is comprised of grade 9, 10, 11, or 12.
(iv) "Position of special trust" means the following positions in a high school:
(A) a teacher;
(B) an administrator;
(C) a coach;
(D) a counselor; or
(E) an individual other than an individual listed in Subsections (1)(a)(iv)(A) through (1)(a)(iv)(D) who occupies a position of authority that enables the individual to exercise undue influence over an adult high school student.
(v) "Sexual intercourse" means any penetration, however slight, of:
(A) the genitals or anus of an individual by another individual using any body part, object, or substance; or
(B) the mouth of an individual by another individual's genitals.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits sexual relations with an adult high school student if the actor:
(a)
(i) has sexual intercourse with an adult high school student; or
(ii) with the intent to cause substantial emotional or bodily pain to any individual or with the intent to arouse or gratify the sexual desire of any individual:
(A) touches the anus, buttocks, pubic area, or any part of the genitals of an adult high school student;
(B) touches the breast of a female adult high school student; or

(C) otherwise takes indecent liberties with an adult high school student;
(b) occupies a position of special trust in relation to the adult high school student described in Subsection (2)(a); and
(c) knows or should have known that the individual with which the actor committed the acts described in Subsection (2)(a) was an adult high school student.
(3) A violation of Subsection (2) is a third degree felony.
(4) Any touching, even if accomplished through clothing, is sufficient to constitute the relevant element of a violation of Subsection (2)(a)(ii).
(5) Consent of an adult high school student to an act described in Subsection (2) is not a defense to prosecution under this section.

Enacted by Chapter 204, 2025 General Session

76-5-423 Unlawful sexual activity with a child using virtual reality.
(1)
(a) As used in this section:
(i) "Avatar" means a three-dimensional character that represents a human user in a virtual reality environment.
(ii) "Child" means an individual who is younger than 14 years old.
(iii) "Haptic technology" means technology that can create an experience of touch by applying force, vibration, or motion to the human user.
(iv) "Virtual reality" means a three-dimensional environment in which the human user is fully immersed in a computer-generated simulation through the use of an avatar, regardless of whether the human user is using haptic technology.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful sexual activity with a child using virtual reality if the actor:
(a) is 18 years old or older;
(b) knows that the human user of an avatar is a child; and
(c) for the purpose of arousing or gratifying the sexual desire of any individual, intentionally uses the actor's avatar to engage in sexual activity or simulated sexual activity with the child's avatar involving:
(i) the genitals, pubic area, or anus of the actor's avatar or the child's avatar; and
(ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the child's avatar.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor is less than 10 years older than the child.
(4) Consent of the child to engage in the sexual activity is not a defense to a violation of Subsection (2).

Enacted by Chapter 253, 2025 General Session

76-5-424 Unlawful sexual activity with a minor using virtual reality.
(1)
(a) As used in this section:
(i) "Avatar" means the same as that term is defined in Section 76-5-423.
(ii) "Haptic technology" means the same as that term is defined in Section 76-5-423.

(iii) "Minor" means an individual who is 14 years old or older but younger than 18 years old.
(iv) "Virtual reality" means the same as that term is defined in Section 76-5-423.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawful sexual activity with a minor using virtual reality if the actor:
(a) knows that the human user of an avatar is a minor;
(b) is older than the minor by 10 years or more; and
(c) for the purpose of arousing or gratifying the sexual desire of any individual, intentionally uses the actor's avatar to engage in sexual activity or simulated sexual activity with the minor's avatar involving:
(i) the genitals, pubic area, or anus of the actor's avatar or the minor's avatar; and
(ii) the mouth, buttocks, pubic area, genitals, or anus of either the actor's avatar or the minor's avatar.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Consent of the minor to engage in the sexual activity is not a defense to a violation of Subsection (2).

Enacted by Chapter 253, 2025 General Session

Part 7
Genital Mutilation

76-5-701 Female genital mutilation definition.

(1) As used in this part, "female genital mutilation" means any procedure that involves partial or total removal of the external female genitalia, or any harmful procedure to the female genitalia, including:
(a) clitoridectomy;
(b) the partial or total removal of the clitoris or the prepuce;
(c) excision or the partial or total removal of the clitoris and the labia minora, with or without excision of the labia majora;
(d) infibulation or the narrowing of the vaginal orifice with the creation of a covering seal by cutting and appositioning the labia minora or the labia majora, with or without excision of the clitoris;
(e) pricking, piercing, incising, or scraping, and cauterizing the genital area; or
(f) any other actions intended to alter the structure or function of the female genitalia for non-medical reasons.
(2) Female genital mutilation is considered a form of child abuse for mandatory reporting under Section 80-2-602.

Amended by Chapter 181, 2022 General Session
Amended by Chapter 335, 2022 General Session

76-5-702 Prohibition on female genital mutilation -- Exceptions.

(1) Terms defined in Sections 76-1-101.5 and 76-5-701 apply to this section.
(2) An actor commits female genital mutilation if the actor:
(a) performs a procedure described in Section 76-5-701 on a female under 18 years old;

(b) gives permission for or permits a procedure described in Section 76-5-701 to be performed on a female under 18 years old; or
(c) removes or causes, permits, or facilitates the removal of a female under 18 years old from this state for the purpose of facilitating the performance of a procedure described in Section 76-5-701 on the female.
(3) A violation of Subsection (2) is a second degree felony.
(4) It is not a defense to this section that the conduct described in Section 76-5-701 is required as a matter of religion, custom, ritual, or standard practice, or that the individual on whom it is performed or the individual's parent or guardian consented to the procedure.
(5) A surgical procedure is not a violation of this section if the procedure is performed by a physician licensed as a medical professional in the place it is performed and the procedure is:
(a) medically advisable;
(b) necessary to preserve or protect the physical health of the individual on whom it is performed; or
(c) requested for sex reassignment surgery by the individual on whom it is performed.
(6) The license of any medical professional licensed in accordance with Title 58, Chapter 31b, Nurse Practice Act, Title 58, Chapter 67, Utah Medical Practice Act, Title 58, Chapter 68, Utah Osteopathic Medical Practice Act, or Title 58, Chapter 70a, Utah Physician Assistant Act, who is convicted of a violation of this section shall be permanently revoked by the appropriate licensing board.

Amended by Chapter 181, 2022 General Session

76-5-704 Civil cause of action.
(1) An individual upon whom female genital mutilation was performed may bring a civil action in any court of competent jurisdiction for female genital mutilation any time within 10 years of:
(a) the procedure being performed; or
(b) the victim's 18th birthday.
(2) The court may award actual, compensatory, and punitive damages, and any other appropriate relief.
(3) A prevailing plaintiff shall be awarded attorney fees and costs.
(4) Treble damages may be awarded if the plaintiff proves the defendant's acts were willful and malicious.
(5) If a health care provider is charged and prosecuted for a violation of Section 76-5-702, Section 78B-3-416 may not apply to an action against the health care provider under this section.

Amended by Chapter 181, 2022 General Session

Part 8
Offenses Committed Against the Deceased

76-5-801 Definitions.
As used in this part, "ancient human remains" means the same as that term is defined in Section 9-8a-302.

Enacted by Chapter 173, 2025 General Session

76-5-802 Abuse or desecration of a dead human body.

(1)
(a) As used in this section, "sexual penetration" means the penetration, however slight, of the genital or anal opening by any object, substance, instrument, or device, including a part of the human body, or penetration involving the genitals of the actor and the mouth of a dead human body.
(b) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
(2) An actor commits abuse or desecration of a dead human body if the actor intentionally and unlawfully:
(a) disturbs, moves, removes, conceals, or destroys a dead human body or any part of the dead human body;
(b) disinters a buried or otherwise interred dead human body, without authority of a court order;
(c) dismembers a dead human body to any extent, or damages or detaches any part or portion of a dead human body; or
(d) commits or attempts to commit upon any dead human body any act of sexual penetration, regardless of the sex of the actor and of the dead human body.
(3) A violation of Subsection (2) is a third degree felony.
(4) An actor does not violate this section if when the actor directs or carries out procedures regarding a dead human body, the actor complies with:
(a) Title 9, Chapter 8a, Part 3, Antiquities;
(b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
(c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
(d) Section 53H-4-203;
(e) Title 58, Chapter 9, Funeral Services Licensing Act; or
(f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice medicine.
(5) For purposes of this section, a dead human body includes any part of a human body in any stage of decomposition, including ancient human remains.

Amended by Chapter 9, 2025 Special Session 1

76-5-803 Failure to report the finding of a dead human body.

(1) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
(2) An actor commits failure to report the finding of a dead human body if the actor:
(a) finds a dead human body; and
(b) intentionally fails to report the finding of the dead human body to a local law enforcement agency.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) An actor does not violate this section if when the actor directs or carries out procedures regarding a dead human body, the actor complies with:
(a) Title 9, Chapter 8a, Part 3, Antiquities;
(b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
(c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
(d) Section 53H-4-203;
(e) Title 58, Chapter 9, Funeral Services Licensing Act; or
(f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice medicine.

(5) For purposes of this section, a dead human body includes any part of a human body in any stage of decomposition, including ancient human remains.

Amended by Chapter 9, 2025 Special Session 1

Chapter 5b
Sexual Exploitation Act

Part 1
General Provisions

76-5b-102 Legislative determinations -- Purpose of chapter.

(1) The Legislature of Utah determines that:
  (a) the sexual exploitation of a minor is excessively harmful to the minor's physiological, emotional, social, and mental development;
  (b) the sexual exploitation of a vulnerable adult who lacks the capacity to consent to sexual exploitation can result in excessive harm to the vulnerable adult's physiological, emotional, and social well-being;
  (c) a minor cannot intelligently and knowingly consent to sexual exploitation;
  (d) regardless of whether it is classified as legally obscene, material that sexually exploits a minor, or a vulnerable adult who does not have the capacity to consent to sexual exploitation, is not protected by the First Amendment of the United States Constitution or by the First or Fifteenth sections of Article I of the Utah Constitution and may be prohibited; and
  (e) prohibition of and punishment for the distribution, possession, possession with intent to distribute, and production of materials that sexually exploit a minor, or a vulnerable adult who lacks the capacity to consent to sexual exploitation, is necessary and justified to eliminate the market for those materials and to reduce the harm to the minor or vulnerable adult inherent in the perpetuation of the record of the minor's or vulnerable adult's sexually exploitive activities.
(2) It is the purpose of this chapter to prohibit the production, possession, possession with intent to distribute, and distribution of materials that sexually exploit a minor, or a vulnerable adult who lacks capacity to consent to sexual exploitation, regardless of whether the materials are classified as legally obscene.

Renumbered and Amended by Chapter 320, 2011 General Session

76-5b-103 Definitions.

As used in this chapter:
(1) "Apparent child sexual abuse material" means a visual depiction, generated or created through the use of artificial intelligence or generative artificial intelligence, or any other means, of a minor engaging in, observing, or being used for sexually explicit conduct where the minor in the visual depiction:
  (a)
    (i) has prepubescent features; or
    (ii) appears to be a minor under 12 years old; and

(b) is sufficiently similar to a real minor such that it would lead a reasonable person viewing the depiction to conclude that the depiction is of a real minor.

(2) "Artificial intelligence" means the same as that term is defined in Section 20A-11-1104.

(3) "Child sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:

(a) the production of the visual depiction involves the use of a minor engaging in, observing, or being used for sexually explicit conduct;

(b) the visual depiction is of a minor engaging in, observing, or being used for sexually explicit conduct; or

(c) the visual depiction has been created, adapted, or modified to appear that an identifiable minor is engaging in, observing, or being used for sexually explicit conduct.

(4) "Children's Justice Center" means a facility or satellite office established under the Children's Justice Center Program described in Section 67-5b-102.

(5) "Distribute" means, with or without consideration, to sell, exhibit, display, provide, give, grant admission to, provide access to, or otherwise transfer.

(6) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.

(7) "Generative artificial intelligence" means the same as that term is defined in Section 20A-11-1104.

(8) "Identifiable minor" means an individual:

(a)

(i) who was a minor at the time the visual depiction was created, adapted, or modified; or

(ii) whose image as a minor was used in creating, adapting, or modifying the visual depiction; and

(b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.

(9) "Identifiable vulnerable adult" means an individual:

(a)

(i) who was a vulnerable adult at the time the visual depiction was created, adapted, or modified; or

(ii) whose image as a vulnerable adult was used in creating, adapting, or modifying the visual depiction; and

(b) who is recognizable as an actual individual by the individual's face, likeness, or other distinguishing characteristic, such as a birthmark, or other recognizable feature.

(10) "Lacks capacity to consent" means the same as that term is defined in Section 76-5-111.4.

(11) "Live performance" means any act, play, dance, pantomime, song, or other activity performed by live actors in person.

(12) "Minor" means an individual who is younger than 18 years old.

(13) "Nudity or partial nudity" means any state of dress or undress in which the human genitals, pubic region, buttocks, or the female breast, at a point below the top of the areola, is less than completely and opaquely covered.

(14) "Obscene child sexual abuse material" means a visual depiction of any kind that:

(a) depicts a minor engaging in, observing, or being used for sexually explicit conduct; and

(b) the average individual, applying contemporary community standards, finds that, taken as a whole, the visual depiction:

(i) appeals to prurient interest in sex;

(ii) is patently offensive; and

(iii) does not have serious literary, artistic, political, or scientific value.
(15) "Produce" means:
(a) the photographing, filming, taping, directing, producing, creating, designing, or composing of apparent child sexual abuse material, child sexual abuse material, obscene child sexual abuse material, or vulnerable adult sexual abuse material; or
(b) the securing or hiring of individuals to engage in the photographing, filming, taping, directing, producing, creating, designing, or composing of apparent child sexual abuse material, child sexual abuse material, obscene child sexual abuse material, or vulnerable adult sexual abuse material.
(16) "Sexually explicit conduct" means actual or simulated:
(a) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;
(b) masturbation;
(c) bestiality;
(d) sadistic or masochistic activities;
(e) lascivious exhibition of the genitals, pubic region, buttocks, or female breast of any individual;
(f) the visual depiction of nudity or partial nudity for the purpose of causing sexual arousal of any individual;
(g) the fondling or touching of the genitals, pubic region, buttocks, or female breast; or
(h) the visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.
(17) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct which duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.
(18) "Vulnerable adult" means the same as that term is defined in Subsection 76-5-111(1).
(19) "Vulnerable adult sexual abuse material" means any visual depiction, including any live performance, photograph, film, video, picture, or computer or computer-generated image or picture, whether made or produced by electronic, mechanical, or other means, of sexually explicit conduct, where:
(a) the production of the visual depiction involves the use of a vulnerable adult engaging in sexually explicit conduct;
(b) the visual depiction is of a vulnerable adult engaging in sexually explicit conduct; or
(c) the visual depiction has been created, adapted, or modified to appear that an identifiable vulnerable adult is engaging in sexually explicit conduct.

Amended by Chapter 358, 2026 General Session

Part 2
Sexual Exploitation

Superseded 1/1/2027
76-5b-201 Sexual exploitation of a minor -- Offenses.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits sexual exploitation of a minor when the actor knowingly possesses, views, accesses with the intent to view, or maintains access with the intent to view, child sexual abuse material.

(3)
(a) A violation of Subsection (2) is a second degree felony.
(b) It is a separate offense under this section:
(i) for each minor depicted in the child sexual abuse material; and
(ii) for each time the same minor is depicted in different child sexual abuse material.
(4) For a charge of violating this section, it is an affirmative defense that:
(a) the defendant:
(i) did not solicit the child sexual abuse material from the minor depicted in the child sexual abuse material;
(ii) is not more than two years older than the minor depicted in the child sexual abuse material; and
(iii) upon request of a law enforcement agent or the minor depicted in the child sexual abuse material, removes from an electronic device or destroys the child sexual abuse material and all copies of the child sexual abuse material in the defendant's possession; and
(b) the child sexual abuse material does not depict an offense under Chapter 5, Part 4, Sexual Offenses, other than Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
(5) In proving a violation of this section in relation to an identifiable minor, proof of the actual identity of the identifiable minor is not required.
(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:
(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of child sexual abuse material on the property;
(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;
(c) an employee of a court who may be required to view child sexual abuse material during the course of and within the scope of the employee's employment;
(d) a juror who may be required to view child sexual abuse material during the course of the individual's service as a juror;
(e) an attorney or employee of an attorney who is required to view child sexual abuse material during the course of a judicial process and while acting within the scope of employment;
(f) an employee of the Department of Health and Human Services who is required to view child sexual abuse material within the scope of the employee's employment;
(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment;
(h) an attorney who is required to view child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

Effective 1/1/2027

76-5b-201 Sexual exploitation of a minor -- Offenses.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits sexual exploitation of a minor when the actor knowingly possesses, views, accesses with the intent to view, or maintains access with the intent to view, child sexual abuse material.

(3)

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

(b) It is a separate offense under this section:

(i) for each minor depicted in the child sexual abuse material; and

(ii) for each time the same minor is depicted in different child sexual abuse material.

(4) For a charge of violating this section, it is an affirmative defense that:

(a) the defendant:

(i) did not solicit the child sexual abuse material from the minor depicted in the child sexual abuse material;

(ii) is not more than two years older than the minor depicted in the child sexual abuse material; and

(iii) upon request of a law enforcement agent or the minor depicted in the child sexual abuse material, removes from an electronic device or destroys the child sexual abuse material and all copies of the child sexual abuse material in the defendant's possession; and

(b) the child sexual abuse material does not depict an offense under Chapter 5, Part 4, Sexual Offenses.

(5) In proving a violation of this section in relation to an identifiable minor, proof of the actual identity of the identifiable minor is not required.

(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:

(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:

(i) reporting or data preservation duties required under federal or state law; or

(ii) implementing a policy of attempting to prevent the presence of child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of child sexual abuse material on the property;

(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;

(c) an employee of a court who may be required to view child sexual abuse material during the course of and within the scope of the employee's employment;

(d) a juror who may be required to view child sexual abuse material during the course of the individual's service as a juror;

(e) an attorney or employee of an attorney who is required to view child sexual abuse material during the course of a judicial process and while acting within the scope of employment;

(f) an employee of the Department of Health and Human Services who is required to view child sexual abuse material within the scope of the employee's employment;

(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or

(h) an attorney who is required to view child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Amended by Chapter 445, 2026 General Session

76-5b-201.1 Aggravated sexual exploitation of a minor.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aggravated sexual exploitation of a minor if the actor:

(a) knowingly distributes or produces child sexual abuse material; or

(b) is the minor's parent or legal guardian and knowingly consents to or permits the minor to be sexually exploited as described in Subsection (2)(a) or Section 76-5b-201.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a first degree felony.

(b) If an actor is under 18 years old at the time of the offense, a violation of Subsection (2) is a second degree felony.

(4) It is a separate offense under this section:

(a) for each minor depicted in the child sexual abuse material; and

(b) for each time the same minor is depicted in different child sexual abuse material.

(5) In proving a violation of this section in relation to an identifiable minor, proof of the actual identity of the identifiable minor is not required.

(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:

(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:

(i) reporting or data preservation duties required under federal or state law; or

(ii) implementing a policy of attempting to prevent the presence of child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of child sexual abuse material on the property;

(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;

(c) an employee of a court who may be required to view child sexual abuse material during the course of and within the scope of the employee's employment;

(d) a juror who may be required to view child sexual abuse material during the course of the individual's service as a juror;

(e) an attorney or employee of an attorney who is required to view child sexual abuse material during the course of a judicial process and while acting within the scope of employment;

(f) an employee of the Department of Health and Human Services who is required to view child sexual abuse material within the scope of the employee's employment;

(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or

(h) an attorney who is required to view child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Amended by Chapter 223, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5b-202 Sexual exploitation of a vulnerable adult -- Offenses.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits sexual exploitation of a vulnerable adult if the actor:
(a)
(i)
(A) knowingly produces, possesses, or possesses with intent to distribute material that the actor knows is vulnerable adult sexual abuse material; or
(B) intentionally distributes or views material that the actor knows is vulnerable adult sexual abuse material; and
(ii) the vulnerable adult who appears in, or is depicted in, the vulnerable adult sexual abuse material lacks capacity to consent to the conduct described in Subsection (2)(a); or
(b) is a vulnerable adult's legal guardian and knowingly consents to, or permits the vulnerable adult to be, sexually exploited as described in Subsection (2)(a).
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) It is a separate offense under this section:
(i) for each vulnerable adult depicted in the vulnerable adult sexual abuse material; and
(ii) for each time the same vulnerable adult is depicted in different vulnerable adult sexual abuse material.
(4) It is an affirmative defense to a charge of violating this section that no vulnerable adult was actually depicted in the visual depiction or used in producing or advertising the visual depiction.
(5) In proving a violation of this section in relation to an identifiable vulnerable adult, proof of the actual identity of the identifiable vulnerable adult is not required.
(6) This section may not be construed to impose criminal or civil liability on:
(a) any entity or an employee, director, officer, or agent of an entity, when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under any federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of vulnerable adult sexual abuse material on any tangible or intangible property, or of detecting and reporting the presence of vulnerable adult sexual abuse material on the property; or
(b) any law enforcement officer acting within the scope of a criminal investigation.

Amended by Chapter 231, 2023 General Session

76-5b-203 Distribution of an intimate image -- Penalty.

(1)
(a) As used in this section:
(i) "Intimate image" means any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image, picture, or video, whether made or produced by electronic, mechanical, or other means, that depicts:
(A) exposed human male or female genitals or pubic area, with less than an opaque covering;
(B) a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or
(C) the individual engaged in any sexually explicit conduct.
(ii) "Sexually explicit conduct" means actual or simulated:

(A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or oral-anal, whether between individuals of the same or opposite sex;
(B) masturbation;
(C) bestiality;
(D) sadistic or masochistic activities;
(E) exhibition of the genitals, pubic region, buttocks, or female breast of any individual;
(F) visual depiction of nudity or partial nudity;
(G) fondling or touching of the genitals, pubic region, buttocks, or female breast; or
(H) visual depiction of defecation or urination for the purpose of causing sexual arousal of any individual.

(iii) "Simulated sexually explicit conduct" means a feigned or pretended act of sexually explicit conduct that duplicates, within the perception of an average person, the appearance of an actual act of sexually explicit conduct.

(iv) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits the offense of distribution of an intimate image if:

(i) the actor knowingly or intentionally distributes to a third party, or knowingly duplicates or copies an intimate image of an individual who is 18 years old or older and knows or should know that the distribution, duplication or copying would cause a reasonable person to suffer emotional distress or harm;

(ii) the actor has not received consent from the individual depicted in the image to distribute the intimate image;

(iii) the intimate image was created by or provided to the actor under circumstances in which the individual depicted in the image has a reasonable expectation of privacy; and

(iv) except as provided in Subsection (2)(b), actual emotional distress or harm is caused to the individual depicted in the image as a result of the distribution.

(b) Subsection (2)(a)(iv) is not an element of the offense described in Subsection (2)(a) if:

(i) the individual depicted in the intimate image was the victim of a crime;

(ii) the intimate image was provided to law enforcement as part of an investigation or prosecution of a crime committed against the victim;

(iii) the intimate image was distributed without a legitimate law enforcement or investigative purpose by an individual who had access to the intimate image due to the individual's association with the investigation or prosecution described in Subsection (2)(b)(ii); and

(iv) the victim is incapacitated or deceased.

(3)

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

(b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.

(4) This section does not apply to:

(a) except as provided in Section 76-5b-203.5:

(i) lawful practices of law enforcement agencies;

(ii) prosecutorial agency functions;

(iii) the reporting of a criminal offense;

(iv) court proceedings or any other judicial proceeding; or

(v) lawful and generally accepted medical practices and procedures;

(b) an intimate image if the individual portrayed in the image voluntarily allows public exposure of the image;
(c) an intimate image that is portrayed in a lawful commercial setting; or
(d) an intimate image that is related to a matter of public concern or interest.
(5)
(a) This section does not apply to an Internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of an intimate image by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the intimate image; and
(iii) the provider does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the intimate image.
(b) This section does not apply to a hosting company, as defined in Section 76-5c-401, if:
(i) the distribution of an intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the intimate image; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the intimate image.
(c) A service provider, as defined in Section 76-5c-401, is not negligent under this section if it complies with Section 76-5c-402.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 320, 2025 General Session

76-5b-203.5 Misuse of intimate image during a criminal action.
(1)
(a) As used in this section:
(i) "Criminal action" means the same as that term is defined in Section 77-1-3.
(ii) "Intimate image" means the same as that term is defined in Section 76-5b-203.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits misuse of an intimate image during a criminal action if the actor:
(a) obtains access to an intimate image in the course of a criminal action; and
(b) intentionally displays, duplicates, copies, or shares the intimate image, unless:
(i) displaying, duplicating, copying, or sharing the intimate image is done solely for the purpose of the adjudication, defense, prosecution or investigation of a criminal matter involving the intimate image;
(ii) each individual who is the subject of the intimate image gives written permission to display, duplicate, copy, or share the intimate image; or
(iii) the intimate image was not created by or provided to the actor under circumstances in which the depicted individual has a reasonable expectation of privacy.

(3) A violation of Subsection (2) is:
(a) a class A misdemeanor for a first offense; or
(b) a third degree felony for each subsequent offense.
(4) Nothing in this section precludes an agency that employs an individual who is involved in a criminal action from establishing internal policies for an individual's violation of this section.

Amended by Chapter 181, 2022 General Session

76-5b-204 Sexual extortion.
(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Child" means an individual under 18 years old.
(iii) "Counterfeit intimate image" means the same as that term is defined in Section 76-5b-205.
(iv) "Intimate image" means the same as that term is defined in Section 76-5b-203.
(v) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.
(vi) "Simulated sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits the offense of sexual extortion if the actor:
(a) with an intent to coerce a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute an image, video, or other recording of any individual naked or engaged in sexually explicit conduct:
(i) communicates, by any means, a threat:
(A) to the victim's person, property, or reputation; or
(B) to distribute an intimate image or counterfeit intimate image of the victim; or
(ii) after a request from the victim or a third party acting at the direction of the victim:
(A) declines to delete an intimate image or counterfeit intimate image of the victim from the actor's possession; or
(B) declines to remove or retract from an account managed by the actor on any website, application, or other electronic sharing platform, an intimate image or counterfeit intimate image of the victim previously posted or shared on the website, application, or other electronic sharing platform;
(b) knowingly causes a victim to engage in sexual contact, in sexually explicit conduct, or in simulated sexually explicit conduct, or to produce, provide, or distribute any image, video, or other recording of any individual naked or engaged in sexually explicit conduct:
(i) by communicating, through any means, a threat:
(A) to the victim's person, property, or reputation; or
(B) to distribute an intimate image or counterfeit intimate image of the victim; or
(ii) by declining, after receiving a request from the victim or a third party acting at the direction of the victim:
(A) to delete an intimate image or counterfeit intimate image of the victim from the actor's possession; or
(B) to remove or retract from an account managed by the actor on any website, application, or other electronic sharing platform, an intimate image or counterfeit intimate image of the victim previously posted or shared on the website, application, or other electronic sharing platform; or

(c) with intent to obtain a thing of value from a victim or compel the victim to do any act or refrain from doing any act against the victim's will:
(i) communicates, by any means, a threat to distribute an intimate image or counterfeit intimate image of the victim; or
(ii) after a request from the victim or a third party acting at the direction of the victim:
(A) declines to delete an intimate image or counterfeit intimate image of the victim from the actor's possession; or
(B) declines to remove or retract from an account managed by the actor on any website, application, or other electronic sharing platform, an intimate image or counterfeit intimate image of the victim previously posted or shared on the website, application, or other electronic sharing platform.

(3)
(a) If the actor is an adult, a violation of Subsection (2) is a third degree felony with a mandatory fine of not less than $5,000.
(b) If the actor is a child, a violation of Subsection (2) is a class A misdemeanor.

(4) Upon a conviction for a violation of Subsection (2), the court shall order the imposition of at least the applicable minimum fine amount described in Subsection (3)(a) and may not waive or suspend the fine.

(5) An actor commits a separate offense under this section:
(a) for each victim the actor subjects to the offense described in Subsection (2); and
(b) for each separate time the actor subjects a victim to the offense described in Subsection (2).

(6) This section does not preclude an actor from being charged and convicted of a separate criminal act if the actor commits the separate criminal act while the actor violates or attempts to violate this section.

(7) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to liability under this section related to content provided by a user of the interactive computer service.

(8) This section does not apply if:
(a) an actor and another individual are discussing an agreement regarding the mutual deletion or removal of intimate images of the individual in the actor's possession or control and intimate images of the actor in the individual's possession or control;
(b) the actor received the intimate images from the individual described in Subsection (8)(a) with the individual's consent;
(c) the actor is not threatening to distribute the intimate images of the individual; and
(d) there is no agreement for the exchange of any goods, services, or other consideration, or any other action by the actor or individual, except for the mutual deletion or removal of the intimate images.

Amended by Chapter 330, 2026 General Session

76-5b-204.1 Aggravated sexual extortion.

(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Child" means an individual under 18 years old.
(iii) "Position of special trust" means the same as that term is defined in Section 76-5-404.1.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits aggravated sexual extortion when, in conjunction with the offense described in Subsection 76-5b-204(2), any of the following circumstances have been charged and admitted or found true in the action for the offense:
(a) the victim is a child or vulnerable adult;
(b) the offense was committed by the use of a dangerous weapon or by violence, intimidation, menace, fraud, or threat of physical harm, or was committed during the course of a kidnapping;
(c) the victim suffered bodily injury or severe psychological injury during, or as a result of, the offense;
(d) the actor was a stranger to the victim, or became a friend of the victim, for the purpose of committing the offense;
(e) the actor, before sentencing for the offense, was previously convicted of any sexual offense;
(f) the actor occupied a position of special trust in relation to the victim;
(g) the actor encouraged, aided, allowed, or benefited from:
(i) acts of prostitution or sexual acts by the victim with any other individual;
(ii) a sexual performance by the victim before any other individual; or
(iii) human trafficking or human smuggling; or
(h) the actor caused the penetration, however slight, of the genital or anal opening of the victim by any part or parts of the human body, or by any other object.
(3)
(a) If the actor is an adult:
(i) a violation of Subsection (2) in which the victim is a child or a vulnerable adult is a first degree felony with a mandatory fine of not less than $20,000;
(ii) a violation of Subsection (2)(c) in which the victim is an adult who is not a vulnerable adult is a first degree felony with a mandatory fine of not less than $20,000; or
(iii) a violation of Subsection (2)(b), (d), (e), (f), (g), or (h) in which the victim is an adult who is not a vulnerable adult is a second degree felony with a mandatory fine of not less than $10,000.
(b) If the actor is a child, a violation of Subsection (2) is a third degree felony if there is more than a two-year age gap between the actor and the victim.
(4) Upon a conviction for a violation of Subsection (2), the court shall order the imposition of at least the applicable minimum fine amount described in Subsection (3)(a) and may not waive or suspend the fine.
(5) This section does not preclude an actor from being charged and convicted of a separate criminal act if the actor commits the separate criminal act while the actor violates or attempts to violate this section.
(6) An interactive computer service, as defined in 47 U.S.C. Sec. 230, is not subject to liability under this section related to content provided by a user of the interactive computer service.

Enacted by Chapter 330, 2026 General Session

76-5b-205 Unlawful distribution of a counterfeit intimate image -- Penalty.
(1)
(a) As used in this section:
(i) "Child" means an individual under 18 years old.
(ii) "Counterfeit intimate image" means any visual depiction, photograph, film, video, recording, picture, or computer or computer-generated image , picture, or video, whether made or produced by electronic, mechanical, or other means, that has been edited, manipulated,

generated, or altered to depict the likeness of an identifiable individual and purports to, or is made to appear to, depict that individual's:

(A) exposed human male or female genitals or pubic area, with less than an opaque covering;

(B) a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or

(C) the individual engaged in any sexually explicit conduct or simulated sexually explicit conduct.

(iii) "Sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.

(iv) "Simulated sexually explicit conduct" means the same as that term is defined in Section 76-5b-203.

(v) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2)

(a) An actor commits the offense of unlawful distribution of a counterfeit intimate image if the actor knowingly or intentionally distributes a counterfeit intimate image that the actor knows or should reasonably know would cause a reasonable person to suffer emotional or physical distress or harm, if:

(i) the actor has not received consent from the depicted individual to distribute the counterfeit intimate image; and

(ii) the counterfeit intimate image was created or provided by the actor without the knowledge and consent of the depicted individual.

(b) An actor who is 18 years old or older commits aggravated unlawful distribution of a counterfeit intimate image if, in committing the offense described in Subsection (2)(a), the individual depicted in the counterfeit intimate image is a child.

(3)

(a)

(i) A violation of Subsection (2)(a) that is knowing or intentional is a class A misdemeanor.

(ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2)(a) that is knowing or intentional is a third degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.

(b)

(i) A violation of Subsection (2)(b) that is knowing or intentional is a third degree felony.

(ii) Notwithstanding Subsection (3)(b)(i), a violation of Subsection (2)(b) that is knowing or intentional is a second degree felony on a second or subsequent conviction for an offense under this section that does not arise from a single criminal episode.

(c) 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 76-5b-201, sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual exploitation of a minor.

(4) This section does not apply to:

(a)

(i) lawful practices of law enforcement agencies;

(ii) prosecutorial agency functions;

(iii) the reporting of a criminal offense;

(iv) court proceedings or any other judicial proceeding; or

(v) lawful and generally accepted medical practices and procedures;

(b) a counterfeit intimate image if the individual depicted in the image voluntarily allows public exposure of the image;

(c) a counterfeit intimate image that is portrayed in a lawful commercial setting; or
(d) a counterfeit intimate image that is related to a matter of public concern or interest or protected by the First Amendment to the United States Constitution or Article I, Sections 1 and 15 of the Utah Constitution.

(5)
(a) This section does not apply to an Internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of a counterfeit intimate image by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the counterfeit intimate image; and
(iii) the provider does not knowingly receive from or through a person who distributes the counterfeit intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the counterfeit intimate image.
(b) This section does not apply to a hosting company, as defined in Section 76-5c-401, if:
(i) the distribution of a counterfeit intimate image by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the counterfeit intimate image;
(iii) the hosting company does not knowingly receive from or through a person who distributes the counterfeit intimate image a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the counterfeit intimate image; and
(iv) the hosting company immediately removes the counterfeit intimate image upon notice from a law enforcement agency, prosecutorial agency, or the individual purportedly depicted in the counterfeit intimate image.
(c) A service provider, as defined in Section 76-5c-401, is not negligent under this section if it complies with Section 76-5c-402.

Amended by Chapter 173, 2025 General Session

76-5b-206 Failure to report child sexual abuse material by a computer technician.

(1)
(a) As used in this section, "computer technician" means an individual who in the course and scope of the individual's employment for compensation installs, maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal computer networks, or peripheral equipment.
(b) Terms defined in Sections 76-1-101.5 and 76-5b-103 apply to this section.

(2) An actor commits failure to report child sexual abuse material by a computer technician if:
(a) the actor is a computer technician;
(b) in the actor's course of employment for compensation the actor views an image on a computer or other electronic device that:

(i) is child sexual abuse material, apparent child sexual abuse material, or obscene child sexual abuse material;
(ii) appears to be child sexual abuse material, apparent child sexual abuse material, or obscene child sexual abuse material; or
(iii) the actor reasonably believes is child sexual abuse material, apparent child sexual abuse material, or obscene child sexual abuse material; and
(c) the actor willfully fails to immediately report the finding of the image to:
(i) a state or local law enforcement agency;
(ii) the Cyber Tip Line at the National Center for Missing and Exploited Children; or
(iii) an employee designated by the employer of the computer technician in accordance with Subsection (7).
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) The identity of the computer technician who reports an image that is or appears to be child sexual abuse material, apparent child sexual abuse material, or obscene child sexual abuse material shall be confidential, except as necessary for the criminal investigation and the judicial process.
(5)
(a) If a computer technician makes or does not make a report under this section and is acting in good faith, the technician is immune from any criminal or civil liability related to reporting or not reporting the image.
(b) Good faith described in Subsection (5)(a) may be presumed from a computer technician's previous course of conduct when the computer technician has made appropriate reports.
(6) It is a defense to prosecution under this section that the computer technician did not report the image because the computer technician reasonably believed the image did not depict an individual younger than 18 years old.
(7)
(a) An employer of a computer technician may implement a procedure that requires:
(i) the computer technician report an image as is required under Subsection (2) to an employee designated by the employer to receive the report of the image; and
(ii) the designated employee to immediately forward the report provided by the computer technician to an agency described in Subsection (2)(c)(i).
(b) Compliance by the computer technician and the designated employee with the reporting process under Subsection (7)(a) is compliance with the reporting requirement of Subsection (2)(c) and establishes immunity under Subsection (5)(a).
(8) This section does not apply to an internet service provider or interactive computer service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if the provider reports the image in compliance with 18 U.S.C. 2258A or a successor federal statute that requires reporting by a provider of an image of child sexual abuse material, apparent child sexual abuse material, or obscene child sexual abuse material.

Amended by Chapter 358, 2026 General Session

76-5b-207 Possession of apparent child sexual abuse material.
(1) Terms defined in Sections 76-1-101.5 and 76-5b-103 apply to this section.

(2) An actor commits possession of apparent child sexual abuse material if the actor intentionally or knowingly possesses, views, accesses with intent to view, or maintains access with intent to view apparent child sexual abuse material.
(3) A violation of Subsection (2) is a second degree felony.
(4) It is a separate offense under this section:
(a) for each minor depicted in the apparent child sexual abuse material; and
(b) for each time the same minor is depicted in different apparent child sexual abuse material.
(5) For a charge of violating this section, it is an affirmative defense that:
(a) the defendant:
(i) is not more than two years older than the minor depicted in the apparent child sexual abuse material; and
(ii) upon request of a law enforcement officer removes from an electronic device or destroys the apparent child sexual abuse material and all copies of the apparent child sexual abuse material in the defendant's possession; and
(b) the apparent child sexual abuse material does not depict an offense under Chapter 5, Part 4, Sexual Offenses.
(6) In proving a violation of this section, proof that the minor depicted in the apparent child sexual abuse material is a real minor that exists is not required.
(7) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:
(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of apparent child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of apparent child sexual abuse material on the property;
(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;
(c) an employee of a court who may be required to view apparent child sexual abuse material during the course of and within the scope of the employee's employment;
(d) a juror who may be required to view apparent child sexual abuse material during the course of the individual's service as a juror;
(e) an attorney or employee of an attorney who is required to view apparent child sexual abuse material during the course of a judicial process and while acting within the scope of employment;
(f) an employee of the Department of Health and Human Services who is required to view apparent child sexual abuse material within the scope of the employee's employment;
(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view apparent child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or
(h) an attorney who is required to view apparent child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Enacted by Chapter 358, 2026 General Session

76-5b-208 Distribution or production of apparent child sexual abuse material.

(1) Terms defined in Sections 76-1-101.5 and 76-5b-103 apply to this section.

(2) An actor commits distribution of apparent child sexual abuse material if the actor intentionally:

(a) distributes apparent child sexual abuse material; or

(b) produces apparent child sexual abuse material.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a first degree felony.

(b) If an actor is under 18 years old at the time the actor commits the offense, a violation of Subsection (2) is a second degree felony.

(4) It is a separate offense under this section:

(a) for each minor depicted in the apparent child sexual abuse material; and

(b) for each time the same minor is depicted in different apparent child sexual abuse material.

(5) In proving a violation of this section, proof that the minor depicted in the apparent child sexual abuse material is a real minor that exists is not required.

(6) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:

(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:

(i) reporting or data preservation duties required under federal or state law; or

(ii) implementing a policy of attempting to prevent the presence of apparent child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of apparent child sexual abuse material on the property;

(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;

(c) an employee of a court who may be required to view apparent child sexual abuse material during the course of and within the scope of the employee's employment;

(d) a juror who may be required to view apparent child sexual abuse material during the course of the individual's service as a juror;

(e) an attorney or employee of an attorney who is required to view apparent child sexual abuse material during the course of a judicial process and while acting within the scope of employment;

(f) an employee of the Department of Health and Human Services who is required to view apparent child sexual abuse material within the scope of the employee's employment;

(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view apparent child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or

(h) an attorney who is required to view apparent child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Enacted by Chapter 358, 2026 General Session

76-5b-209 Unlawful activity regarding obscene material depicting the sexual abuse of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-5b-103 apply to this section.

(2) Under circumstances not amounting to an offense under Section 76-5b-201 or 76-5b-201.1, an actor commits unlawful activity regarding obscene material depicting the sexual abuse of a minor if the actor intentionally or knowingly:
(a) produces obscene child sexual abuse material;
(b) distributes obscene child sexual abuse material;
(c) receives obscene child sexual abuse material; or
(d) possesses obscene child sexual abuse material with the intent to distribute the obscene child sexual abuse material.
(3) A violation of Subsection (2) is a second degree felony.
(4) For a charge of violating this section, it is an affirmative defense that:
(a) the defendant:
(i) did not solicit the obscene child sexual abuse material from any minor depicted in the child sexual abuse material;
(ii) is not more than two years older than any minor depicted in the obscene child sexual abuse material; and
(iii) upon request of a law enforcement officer or any minor depicted in the obscene child sexual abuse material, removes from an electronic device or destroys the obscene child sexual abuse material and all copies of the obscene child sexual abuse material in the defendant's possession; and
(b) the obscene child sexual abuse material does not depict an offense under Chapter 5, Part 4, Sexual Offenses.
(5) The following are not criminally or civilly liable under this section when acting in good faith compliance with Section 77-4-201:
(a) an entity or an employee, director, officer, or agent of an entity when acting within the scope of employment, for the good faith performance of:
(i) reporting or data preservation duties required under federal or state law; or
(ii) implementing a policy of attempting to prevent the presence of obscene child sexual abuse material on tangible or intangible property, or of detecting and reporting the presence of obscene child sexual abuse material on the property;
(b) a law enforcement officer, a civilian employee of a law enforcement agency, or an independent contractor who is contracted with a law enforcement agency, acting within the scope of a criminal investigation;
(c) an employee of a court who may be required to view obscene child sexual abuse material during the course of and within the scope of the employee's employment;
(d) a juror who may be required to view obscene child sexual abuse material during the course of the individual's service as a juror;
(e) an attorney or employee of an attorney who is required to view obscene child sexual abuse material during the course of a judicial process and while acting within the scope of employment;
(f) an employee of the Department of Health and Human Services who is required to view obscene child sexual abuse material within the scope of the employee's employment;
(g) an employee, independent contractor, or designated interviewer of a Children's Justice Center, who is required to view obscene child sexual abuse material within the scope of the employee's, independent contractor's, or designated interviewer's scope of employment or assignment; or
(h) an attorney who is required to view obscene child sexual abuse material within the scope of the attorney's responsibility to represent the Department of Health and Human Services, including the divisions and offices within the Department of Health and Human Services.

Enacted by Chapter 358, 2026 General Session

Part 3
Miscellaneous

76-5b-301 Determination whether material violates chapter.
(1) In determining whether material is in violation of this chapter, the material need not be considered as a whole, but may be examined by the trier of fact in part only.
(2) Unless specifically provided in an offense, it is not an element for an offense described in this chapter that the applicable material appeal to the prurient interest in sex of the average person nor that prohibited conduct need be portrayed in a patently offensive manner.

Amended by Chapter 358, 2026 General Session

76-5b-302 Lack of knowledge of age not a defense.
It is not a defense to an offense described in this chapter that the accused did not know the age of the victim.

Enacted by Chapter 320, 2011 General Session

76-5b-303 Severability.
(1) If any provision of this chapter or the application of any provision to any person or circumstance is held invalid by a final decision of a court, the remainder of this chapter shall be given effect without the invalid provision or application.
(2) The provisions of this chapter are severable.

Enacted by Chapter 142, 2024 General Session

Chapter 5c
Pornographic and Harmful Materials and Performances

Part 1
General Provisions

76-5c-101 Definitions.
As used in this chapter:
(1)
(a) "Animal crushing" means actual conduct in which a living non-human mammal, bird, reptile, or amphibian is intentionally crushed, burned, drowned, suffocated, impaled, or otherwise subjected to serious bodily injury.
(b) "Animal crushing" does not include:
(i) normal veterinary, agricultural husbandry, or other animal management practice;
(ii) the slaughter of animals for food;

(iii) hunting, trapping, fishing, or a sporting activity not otherwise prohibited by state or federal law;
(iv) medical or scientific research; or
(v) conduct necessary to protect the life or property of an individual.
(2) "Blinder rack" means an opaque cover that covers the lower 2/3 of a material so that the lower 2/3 of the material is concealed from view.
(3) "Constructive awareness" means that:
(a) a reasonable inspection or observation by an individual under the circumstances would have disclosed the nature of the subject matter; and
(b) a failure to inspect or observe by the individual is either for the purpose of avoiding the disclosure or the individual is criminally negligent.
(4) "Contemporary community standards" means those current standards in the vicinage where an offense alleged under this part has occurred, is occurring, or will occur.
(5) "Criminally negligent" means the same as that term is defined in Section 76-2-103.
(6) "Distribute" means to transfer possession of a material with or without consideration.
(7) "Exhibit" means to show.
(8)
(a) "Harmful to minors" means that quality of any description or representation, in whatsoever form, of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, sexual conduct with an animal, or animal crushing when it:
(i) taken as a whole, appeals to the prurient interest in sex of minors;
(ii) is patently offensive to prevailing standards in the adult community as a whole with respect to what is suitable material for minors; and
(iii) taken as a whole, does not have serious value for minors.
(b) Serious value includes only serious literary, artistic, political, or scientific value for minors.
(9) "Knowingly," regarding material or a performance, means an awareness, whether actual awareness or constructive awareness, of the character of the material or performance.
(10)
(a) "Material" means anything printed or written or any picture, drawing, photograph, motion picture, or pictorial representation, or any statue or other figure, or any recording or transcription, or any mechanical, chemical, or electrical reproduction, or anything which is or may be used as a means of communication.
(b) "Material" includes undeveloped photographs, molds, printing plates, and other latent representational objects.
(11) "Minor" means an individual younger than 18 years old.
(12) "Negligently" means simple negligence, the failure to exercise that degree of care that a reasonable and prudent person would exercise under like or similar circumstances.
(13) "Nudity" means:
(a) the showing of the human male or female genitals, pubic area, or buttocks, with less than an opaque covering;
(b) the showing of a female breast with less than an opaque covering, or any portion of the female breast below the top of the areola; or
(c) the depiction of covered male genitals in a discernibly turgid state.
(14) "Obscene animal abuse material" means material that:
(a)
(i) depicts animal crushing; or
(ii) sexual conduct with an animal; and
(b)

(i) the average individual, applying contemporary community standards, finds that, taken as a whole, the depiction of animal crushing or sexual conduct with an animal appeals to prurient interest in sex;
(ii) the depiction of animal crushing or sexual conduct with an animal is patently offensive; and
(iii) taken as a whole, the depiction of animal crushing or sexual conduct with an animal does not have serious literary, artistic, political, or scientific value.

(15) "Performance" means any physical human bodily activity, whether engaged in alone or with other individuals, including singing, speaking, dancing, acting, simulating, or pantomiming.

(16) "Pornographic" means:
(a) the average individual, applying contemporary community standards, finds that, taken as a whole, the material or performance appeals to prurient interest in sex;
(b) the material or performance is patently offensive in the description or depiction of nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and
(c) taken as a whole the material or performance does not have serious literary, artistic, political, or scientific value.

(17) "Public place" includes a place to which admission is gained by payment of a membership or admission fee, however designated, notwithstanding its being designated a private club or by words of like import.

(18) "Sadomasochistic abuse" means:
(a) flagellation or torture by or upon a person who is nude or clad in undergarments, a mask, or in a revealing or bizarre costume; or
(b) the condition of being fettered, bound, or otherwise physically restrained on the part of an individual clothed as described in Subsection (18)(a).

(19) "Sexual conduct" means acts of masturbation, sexual intercourse, or any touching of an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is a female, breast, whether alone or between members of the same or opposite sex in an act of apparent or actual sexual stimulation or gratification.

(20)
(a) "Sexual conduct with an animal" means an act of sexual intercourse, or any touching of an individual's clothed or unclothed genitals, pubic area, buttocks, or, if the individual is a female, breast, between a human and an animal in an act of apparent or actual sexual stimulation or gratification.
(b) "Sexual conduct with an animal" includes a violation of bestiality as described in Section 76-13-213.

(21) "Sexual excitement" means a condition of human male or female genitals when in a state of sexual stimulation or arousal, or the sensual experiences of humans engaging in or witnessing sexual conduct or nudity.

Amended by Chapter 324, 2026 General Session

76-5c-102 Evidence related to a material's or performance's literary, artistic, political, or scientific value.

(1) In a prosecution under this chapter, where circumstances of production, presentation, sale, dissemination, distribution, exhibition, or publicity indicate that the matter is being commercially exploited by the actor for the sake of the matter's prurient appeal, this evidence is probative with respect to the nature of the matter and can justify the conclusion that, in the context in which the matter is used, the matter has no serious literary, artistic, political, or scientific value.

(2) In a prosecution under this chapter neither the prosecution or the defense is required to introduce expert witness testimony to testify as to whether a material or performance is or is not harmful to adults or minors or is or is not pornographic or obscene animal abuse material, or as to any element of the definition of pornographic or obscene animal abuse material, including contemporary community standards.

Amended by Chapter 255, 2026 General Session

76-5c-103 Relation to other state and local laws.

(1)

(a) A county, city, or other political subdivision has the right to regulate obscene animal abuse material, pornographic material, or material harmful to minors as this chapter does not proscribe or limit the regulation of obscene animal abuse material, pornographic material, or material harmful to minors by a county, city, or other political subdivision.

(b) Without limitation, a political subdivision may further regulate obscene animal abuse material, pornographic material, or material harmful to minors by ordinances relating to:

(i) zoning;

(ii) licensing;

(iii) public nuisances;

(iv) a specific type of business such as adult bookstores or drive-in movies; or

(v) use of blinder racks.

(2) This chapter does not preclude the application of other laws of this state to obscene animal abuse material, pornographic material, or material harmful to minors and, without limitation, this chapter is not in derogation of Subsection 76-9-1301(2) and Section 78B-6a-204.

(3)

(a) The commission of a crime under this chapter offends public decency under Subsection 76-9-1301(2).

(b) It is the intent of this chapter to give the broadest meaning permissible under the United States Constitution and the Utah Constitution to the words "offends public decency" in Subsection 76-9-1301(2).

Amended by Chapter 401, 2026 General Session

76-5c-104 Injunctive relief -- Jurisdiction -- Consent to be sued.

(1)

(a) Subject to Subsections (1)(b), (c), (d), and (e), a district court has full power, authority, and jurisdiction, upon application by any county attorney or city attorney within the county attorney's or city attorney's respective jurisdictions or the attorney general, to issue any and all proper restraining orders, preliminary and permanent injunctions, and any other writs and processes appropriate to carry out and enforce the provisions of this chapter.

(b) No restraining order or injunction, however, shall issue except upon notice to the person sought to be enjoined.

(c) The person sought to be enjoined is entitled to a trial of the issues commencing within three days after the day on which the answer to the complaint is filed and a decision by the court is required to be rendered within two days after the conclusion of the trial.

(d) If a final order or judgment of injunction is entered against the person sought to be enjoined, this final order or judgment shall contain a provision directing the person to surrender to the

sheriff of the county in which the action was brought any pornographic material in the person's possession which is subject to the injunction.

(e) The sheriff receiving the material described in Subsection (1)(d) shall be directed to seize and destroy the material.

(2) Any person not qualified to do business in the state who sends or brings any obscene animal abuse material or pornographic material into the state with the intent to distribute or exhibit the obscene animal abuse material or pornographic material to others in this state consents that the person may be sued in any proceedings commenced under this section.

Amended by Chapter 255, 2026 General Session

76-5c-105 Lease void if property used for conduct prohibited by chapter.

(1) If a tenant or occupant of real property uses the real property for an activity for which the tenant or occupant or tenant's or occupant's employee is convicted under any provision of this chapter, the conviction makes void the lease or other title under which the tenant or occupant holds at the option of the fee owner or any intermediate lessor.

(2) Subject to Subsection (3), ten days after the day on which the fee owner or intermediate lessor gives notice in writing to the tenant or occupant that the fee owner or intermediate lessor is exercising the option to void the lease or other title as described in Subsection (1), the right of possession to the property reverts to the fee owner or intermediate lessor exercising the option.

(3) The fee owner's or intermediate lessor's option described in Subsection (2) does not arise until all avenues of direct appeal from the conviction have been exhausted or abandoned by the tenant or occupant, or the tenant's or occupant's employee.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-106 Corporate defendants -- Summons -- Subpoena duces tecum.

(1)

(a) The attendance in court by a corporation for purposes of commencing or prosecuting a criminal action against the corporation under this chapter may be accomplished by the issuance and service of a summons issued by a magistrate if the magistrate finds probable cause that material in the possession of the corporation is obscene animal abuse material, pornographic, or harmful to minors, which finding shall be upon affidavit describing with specificity the material alleged to be obscene animal abuse material, pornographic, or harmful to minors or by another manner or means the magistrate finds necessary.

(b) Where practical, the material alleged to be obscene animal abuse material, pornographic, or harmful to minors shall be attached to the affidavit described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.

(c) The summons must be served upon the corporation by delivery of the summons to an officer, director, managing or general agent, or cashier, or assistant cashier of the corporation.

(2) The production of material alleged to be obscene animal abuse material, pornographic, or harmful to minors in any proceedings under this chapter against a corporation may be compelled by the issuance and service of a subpoena duces tecum.

(3) This section does not prohibit or limit the use of a subpoena duces tecum in proceedings against individuals under this chapter.

Amended by Chapter 255, 2026 General Session

76-5c-107 Search and seizure -- Affidavit -- Issuance of warrant -- Hearing upon claim that material seized not pornographic or harmful to minors -- Procedures cumulative.

(1)
(a) An affidavit for a search warrant shall be filed with a magistrate describing with specificity the material sought to be seized.
(b) Where practical, the material alleged to be obscene animal abuse material, pornographic, or harmful to minors shall be attached to the affidavit for a search warrant described in Subsection (1)(a) to provide the magistrate with the opportunity to examine the material.

(2)
(a) Upon the filing of an affidavit for a search warrant under Subsection (1), the magistrate shall determine, by examination of the material sought to be seized if attached, by examination of the affidavit describing the material, or by another manner or means that the magistrate finds necessary, whether probable cause exists to believe that the material is obscene animal abuse material, pornographic, or harmful to minors and whether probable cause exists for the immediate issuance of a search warrant.
(b) Upon making the determination that probable cause exists under Subsection (2)(a), the magistrate shall issue a search warrant ordering the seizure of the material described in the affidavit for a search warrant according to the provisions of the Utah Rules of Criminal Procedure.

(3)
(a) If a search warrant is issued under Subsection (2) and the material alleged to be obscene animal abuse material, pornographic, or harmful to minors is seized under the provisions of this section, any person claiming to be in possession of this material or claiming ownership of the material at the time of the material's seizure may file a notice in writing with the magistrate within 10 days after the day on which the material was seized, to assert that the material is not obscene animal abuse material, pornographic, or harmful to minors.
(b) The magistrate shall set a hearing within seven days after the filing of the notice described in Subsection (3)(a), or at another time with the consent of the claimant, at which evidence may be presented regarding whether there is probable cause to believe that the material seized is obscene animal abuse material, pornographic, or harmful to minors.
(c)
(i) At the conclusion of the hearing described in Subsection (3)(b), the magistrate shall make a further determination of whether probable cause exists to believe that the material is obscene animal abuse material, pornographic, or harmful to minors.
(ii) The magistrate's determination described in Subsection (3)(c)(i) shall be rendered by the court within two days after the day on which the hearing described in Subsection (3)(b) concludes.
(d) If at the hearing described in Subsection (3)(b) the magistrate finds that no probable cause exists to believe that the material is obscene animal abuse material, pornographic, or harmful to minors, the material shall be returned to the person from whom it was seized.
(e) If the material seized is a film, and the claimant demonstrates that no other copy of the film is available to the claimant, the court shall allow the film to be copied at the claimant's expense pending the hearing described in Subsection (3)(b).

(4) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure, the property shall be restored unless it is subject to confiscation as contraband, in which case the property may not be returned.

(5)

(a) Procedures under this section for the seizure of allegedly obscene animal abuse material, pornographic material, or material harmful to minors are cumulative of all other lawful means of obtaining evidence as provided by the laws of this state.
(b) This section does not prevent the obtaining of allegedly obscene animal abuse material, pornographic material, or material harmful to minors by purchase, subpoena duces tecum, or under injunction proceedings as authorized by this act or by any other provision of law of the state.

Amended by Chapter 255, 2026 General Session

76-5c-108 Prosecution by county, district, or city attorney.

(1) Subject to Subsection (2), a prosecution for a violation of this chapter, including for a felony violation, shall be brought by the county attorney or, if within a prosecution district, the district attorney of the county where the violation occurs.
(2) If a violation occurs in a city of the first or second class, a prosecution may be brought by the county attorney, district attorney, or city attorney, notwithstanding any provision of law limiting the powers of a city attorney.
(3) All fines imposed for a violation of this chapter shall be paid to the county or city where the prosecuting attorney is located.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-109 Affirmative defenses.

(1) It is an affirmative defense to a prosecution under this chapter that the distribution of obscene animal abuse material or pornographic material is restricted to institutions or persons having scientific, educational, governmental, or other similar justification for possessing obscene animal abuse material or pornographic material.
(2) It is not a defense to a prosecution under this chapter that the actor is a motion picture projectionist, usher, ticket-taker, bookstore employee, or otherwise is required to violate this chapter incident to the actor's employment.

Amended by Chapter 255, 2026 General Session

76-5c-110 Exemptions to chapter.

(1) This chapter does not apply to the Department of Corrections or any treatment program by or under contract with the Department of Corrections when the use of material that is pornographic or obscene animal abuse material is limited to the assessment or treatment of an offender as defined in Section 64-13-1.
(2) A woman breast feeding, including breast feeding in any location where the woman otherwise may rightfully be, does not under any circumstance constitute a violation of this chapter, irrespective of whether the woman's breast is covered during or incidental to feeding.

Amended by Chapter 255, 2026 General Session

76-5c-111 Severability clause.

(1) If any provision, part, section, or subsection of this chapter or the application of any provision, part, section, or subsection to any person or circumstance is held invalid by a final decision of

a court, the remainder of this chapter shall be given effect without the invalid provision, part, section, or subsection or application.

(2) The provisions of this chapter are severable.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2
General Offenses

76-5c-201 Definitions.

As used in this part:

(1) "Hosting company" means the same as that term is defined in Section 76-5c-401.

(2) "Internet service provider" means the same as that term is defined in Section 76-5c-401.

Enacted by Chapter 173, 2025 General Session

76-5c-202 Distributing pornographic material.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing pornographic material if the actor knowingly:

(a) sends or brings pornographic material into the state with intent to distribute or exhibit the pornographic material to another individual;

(b) prepares, publishes, prints, or possesses pornographic material with intent to distribute or exhibit the pornographic material to another individual;

(c) distributes or offers to distribute, or exhibits or offers to exhibit, pornographic material to another individual;

(d) writes, creates, or solicits the publication or advertising of pornographic material;

(e) promotes the distribution or exhibition of material the actor represents to be pornographic; or

(f) presents or directs a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.

(3)

(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a third degree felony if the actor is 18 years old or older and is subject to:

(i) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 or 17 years old.

(c) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.

(4) It is a separate offense under this section for:

(a) each day's exhibition of a pornographic motion picture film;

(b) each day in which a pornographic publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual; or

(c) each act of distributing of pornographic material described in Subsection (2).

(5)
(a) This section does not apply to an Internet service provider if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the Internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the Internet service provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the Internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material in exchange for permitting the person to distribute, store, or cache the pornographic material.
(6) Subsection (3)(a) supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-203 Aiding or abetting a minor in distributing pornographic material or obscene animal abuse material.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits aiding or abetting a minor in distributing pornographic material or obscene animal abuse material if the actor:
(a) is 18 years old or older; and
(b) knowingly solicits, requests, commands, encourages, or intentionally aids a minor in:
(i) sending or bringing pornographic material or obscene animal abuse material into the state with intent to distribute or exhibit the material to another individual;
(ii) preparing, publishing, printing, or possessing pornographic material or obscene animal abuse material with intent to distribute or exhibit the material to another individual;
(iii) distributing or offering to distribute, or exhibiting or offering to exhibit, pornographic material or obscene animal abuse material to another individual;
(iv) writing, creating, or soliciting the publication or advertising of pornographic material or obscene animal abuse material;
(v) promoting the distribution or exhibition of obscene animal abuse material or material the minor represents to be pornographic or obscene animal abuse material; or
(vi) presenting or directing a pornographic performance in a public place or a place exposed to public view or participates in that portion of the performance which makes the performance pornographic.
(3) A violation of Subsection (2) is a third degree felony subject to:
(a) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(4)
(a) Each act of distributing pornographic material or obscene animal abuse material described in Subsection (2) is a separate offense.
(b) It is a separate offense under this section for:
(i) each day's exhibition of any pornographic motion picture film or obscene animal abuse material motion picture film; and
(ii) each day in which any pornographic publication or obscene animal abuse material publication is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual.
(5)
(a) This section does not apply to an internet service provider if:
(i) the distribution of pornographic material or obscene animal abuse material by the internet service provider occurs only incidentally through the internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the internet service provider does not intentionally aid or abet in the distribution of the pornographic material or obscene animal abuse material; and
(iii) the internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material or obscene animal abuse material in exchange for permitting the person to distribute the pornographic material or obscene animal abuse material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material or obscene animal abuse material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material or obscene animal abuse material; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material or obscene animal abuse material in exchange for permitting the person to distribute, store, or cache the pornographic material or obscene animal abuse material.
(6) Subsection (3) supersedes Section 77-18-105.

Amended by Chapter 255, 2026 General Session

76-5c-204 Inducing acceptance of pornographic material or obscene animal abuse material.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits inducing acceptance of pornographic material or obscene animal abuse material if the actor knowingly:
(a) requires or demands as a condition to a sale, allocation, consignment, or delivery for resale of any newspaper, magazine, periodical, book, publication, or other merchandise that the purchaser or consignee receive any pornographic material or obscene animal abuse material or material reasonably believed by the purchaser or consignee to be pornographic or obscene animal abuse material; or
(b) denies, revokes, or threatens to deny or revoke a franchise, or to impose any penalty, financial or otherwise, because of the failure or refusal to accept pornographic material or obscene animal abuse material or material reasonably believed by the purchaser or consignee to be pornographic or obscene animal abuse material.

(3) A violation of Subsection (2) is a third degree felony subject to:
(a) a minimum mandatory fine of not less than $1,000 plus $10 for each article exhibited up to the maximum allowed by law; and
(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(4)
(a) This section does not apply to an internet service provider if:
(i) the distribution of pornographic material or obscene animal abuse material by the internet service provider occurs only incidentally through the internet service provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the internet service provider does not intentionally aid or abet in the distribution of the pornographic material or obscene animal abuse material; and
(iii) the internet service provider does not knowingly receive funds from or through a person who distributes the pornographic material or obscene animal abuse material in exchange for permitting the person to distribute the pornographic material or obscene animal abuse material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material or obscene animal abuse material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material or obscene animal abuse material; and
(iii) the hosting company does not knowingly receive funds from or through a person who distributes the pornographic material or obscene animal abuse material in exchange for permitting the person to distribute, store, or cache the pornographic material or obscene animal abuse material.
(5) Subsection (3) supersedes Section 77-18-105.

Amended by Chapter 255, 2026 General Session

76-5c-205 Distributing material harmful to minors.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits distributing material harmful to minors if the actor:
(a)
(i) intentionally distributes or offers to distribute, or exhibits or offers to exhibit, material harmful to minors to an individual;
(ii) intentionally produces, performs, or directs any performance, before an individual that is harmful to minors; or
(iii) intentionally participates in a performance before an individual that is harmful to minors; and
(b)
(i) knows or believes the individual described in Subsection (2)(a) is a minor; or
(ii) negligently fails to determine if the individual described in Subsection (2)(a) is a minor and the individual is a minor.
(3)
(a) Except as provided in Subsection (3)(b)(iii), a violation of Subsection (2) is a second degree felony if the actor is 18 years old or older and has previously been convicted or adjudicated of a violation of Subsection (2) and is subject to:

(i) a minimum mandatory fine of not less than $5,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(ii) incarceration, without suspension of sentence, for a term of not less than one year.
(b) A violation of Subsection (2) is a third degree felony if:
(i) except as provided in Subsection (3)(c), the actor is 18 years old or older and is subject to:
(A) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and
(B) incarceration, without suspension of sentence, for a term of not less than 14 days;
(ii) the actor is younger than 18 years old and has previously been convicted or adjudicated of a violation of Subsection (2); or
(iii)
(A) the actor is 18 years old or older;
(B) the minor or the individual the actor believed to be a minor described in Subsection (2) is 16 years old or older, and the actor is less than seven years older than the minor or the individual the actor believed to be a minor at the time of the offense; and
(C) the actor has previously been convicted or adjudicated of a violation of Subsection (2).
(c) Except as provided in Subsection (3)(b)(iii), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older and the minor or the individual the actor believed to be a minor described in Subsection (2) is 16 years old or older, and the actor is less than seven years older than the minor or the individual the actor believed to be a minor at the time of the offense.
(d) Except as provided in Subsection (3)(b)(ii), a violation of Subsection (2) is a class A misdemeanor if the actor is 16 years old or 17 years old.
(e) Except as provided in Subsection (3)(b)(ii), a violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.
(4)
(a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:
(A) transmitting or routing data from one person to another person; or
(B) providing a connection between one person and another person;
(ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as

a specific condition for permitting the person to distribute, store, or cache the pornographic material.

(5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.

(6) It is an affirmative defense to a prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:

(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;

(b) placed behind a blinder rack; or

(c)

(i) displayed in an area from which a minor is physically excluded; and

(ii) the material cannot be viewed by the minor from an area where the minor is allowed.

(7) Subsections (3)(a) and (3)(b)(i) supersede Section 77-18-105.

Amended by Chapter 26, 2026 General Session

76-5c-206 Aiding or abetting a minor in distributing material harmful to minors.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits aiding or abetting a minor in distributing material harmful to minors if:

(a) the actor is 18 years old or older; and

(b) the actor knowingly solicits, requests, commands, encourages, or intentionally aids a minor to:

(i) intentionally distribute or offer to distribute, or exhibit or offer to exhibit, material harmful to minors to an individual;

(ii) intentionally produce, perform, or direct any performance, before an individual that is harmful to minors; or

(iii) intentionally participate in any performance, before an individual that is harmful to minors; and

(c)

(i) the minor described in Subsection (2)(b) knows or believes the individual described in Subsections (2)(b)(i) through (iii) is a minor; or

(ii) the minor described in Subsection (2)(b) negligently fails to determine if the individual described in Subsections (2)(b)(i) through (iii) is a minor and the individual is a minor.

(3) A violation of Subsection (2) is a third degree felony subject to:

(a) a minimum mandatory fine of not less than $5,000, plus $10 for each article exhibited up to the maximum allowed by law; and

(b) incarceration, without suspension of sentence, for a term of not less than one year.

(4)

(a) This section does not apply to an Internet service provider, a provider of an electronic communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:

(i) the distribution of pornographic material by the Internet service provider occurs only incidentally through the provider's function of:

(A) transmitting or routing data from one person to another person; or

(B) providing a connection between one person and another person;

(ii) the provider does not intentionally aid or abet in the distribution of the pornographic material; and
(iii) the provider does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute the pornographic material.
(b) This section does not apply to a hosting company if:
(i) the distribution of pornographic material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;
(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the pornographic material; and
(iii) the hosting company does not knowingly receive from or through a person who distributes the pornographic material a fee greater than the fee generally charged by the provider, as a specific condition for permitting the person to distribute, store, or cache the pornographic material.
(5) An Internet service provider is not negligent under this section if the Internet service provider complies with Section 76-5c-402.
(6) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
(b) placed behind a blinder rack; or
(c)
(i) displayed in an area from which a minor is physically excluded; and
(ii) the material cannot be viewed by the minor from an area where the minor is allowed.
(7) Subsection (3) supersedes Section 77-18-105.

Enacted by Chapter 173, 2025 General Session

76-5c-207 Indecent public display in the presence of a minor.
(1)
(a) As used in this section:
(i) "Description or depiction of illicit sex or sexual immorality" means:
(A) human genitals in a state of sexual stimulation or arousal;
(B) acts of human masturbation, sexual intercourse, or sodomy;
(C) fondling or other erotic touching of human genitals or pubic region; or
(D) fondling or other erotic touching of the human buttock or female breast.
(ii) "Serious value" means having serious literary, artistic, political, or scientific value for minors, taking into consideration the ages of all minors who could be exposed to the material.
(iii) "Nude or partially denuded figure" means:
(A) less than completely and opaquely covering human:
(I) genitals;
(II) pubic regions;
(III) buttocks; or
(IV) female breasts below a point immediately above the top of the areola; or
(B) human male genitals in a discernibly turgid state, even if completely and opaquely covered.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits indecent public display in the presence of a minor if the actor willfully or knowingly:
(a) engages in the business of selling, lending, giving away, showing, advertising for sale, or distributing to a minor or has in the actor's possession with intent to engage in that business or to otherwise offer for sale or commercial distribution to a minor any material with:
(i) a description or depiction of illicit sex or sexual immorality; or
(ii) a nude or partially denuded figure; or
(b) publicly displays at a newsstand or another establishment frequented by minors, or where the minors are or may be invited as a part of the general public:
(i)
(A) a motion picture;
(B) a live, taped, or recorded performance;
(C) a still picture or photograph; or
(D) a book, pocket book, pamphlet, or magazine; and
(ii) the cover or content of the items described in Subsection (2)(b)(i):
(A) exploits, is devoted to, or is principally made up of a description or depiction of illicit sex or sexual immorality; or
(B) consists of a picture of nude or partially denuded figures.
(3) A violation of this section is a class A misdemeanor subject to:
(a) a minimum mandatory fine of not less than $500; and
(b) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.
(4) It is an affirmative defense to prosecution for a violation of this section if the violation arises from displaying or exhibiting an outer portion of material that the material is:
(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the lower 2/3 of the material is concealed from view;
(b) placed behind a blinder rack; or
(c)
(i) displayed in an area from which a minor is physically excluded; and
(ii) the material cannot be viewed by the minor from an area where the minor is allowed.
(5) This section does not apply to any material which, when taken as a whole, has serious value for minors, however, a description or depiction of illicit sex or sexual immorality has no serious value for minors.
(6) This section supersedes Section 77-18-105.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-208 Pornographic or indecent material on school property.
(1)
(a) As used in this section:
(i) "Description or depiction of illicit sex or sexual immorality" means the same as that term is defined in Section 76-5c-207.
(ii) "Nude or partially denuded figure" means the same as that term is defined in Section 76-5c-207.
(iii) "Pornographic or indecent material" means any material that:
(A) is harmful to minors;
(B) is pornographic;
(C) is a description of or depiction of illicit sex or sexual immorality;
(D) contains a nude or partially denuded figure; or

(E) is obscene animal abuse material.
(iv) "School property" means property, including land and improvements, that a school district or charter school owns, leases, or occupies.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) Under circumstances not amounting to an offense listed in Subsection (4), an actor commits pornographic or indecent material on school property if:
(a) the actor intentionally or knowingly creates, views, or otherwise gains access to pornographic or indecent material; and
(b) the actor is present on school property when creating, viewing, or otherwise gaining access to the material described in Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor if the actor is 18 years old or older.
(b) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 18 years old.
(4) The offenses referred to in Subsection (2) are:
(a) distributing pornographic material as described in Section 76-5c-202;
(b) aiding or abetting a minor in distributing pornographic material or obscene animal abuse material as described in Section 76-5c-203;
(c) inducing acceptance of pornographic material or obscene animal abuse material as described in Section 76-5c-204;
(d) distributing material harmful to minors as described in Section 76-5c-205;
(e) aiding or abetting a minor in distributing material harmful to minors as described in Section 76-5c-206;
(f) indecent public display in the presence of a minor as described in Section 76-5c-207; or
(g) distributing obscene animal abuse material as described in Section 76-5c-215.
(5) This section does not:
(a) prohibit disciplinary action for actions that violate this section; or
(b) apply to school or law enforcement personnel when the school or law enforcement personnel views or otherwise gains access to pornographic or indecent material while on school property for the limited purpose of:
(i) investigating a violation of this section; or
(ii) enforcing this section.

Amended by Chapter 255, 2026 General Session

76-5c-209 Possession of a child sex doll.
(1)
(a) As used in this section, "child sex doll" means a doll, mannequin, or robot:
(i) that is anatomically correct, with the features of, or with features that resemble those of, a minor; and
(ii) that is intended for use in sexual acts.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits possession of a child sex doll if the actor knowingly or intentionally possesses a child sex doll.
(3) A violation of Subsection (2) is a class A misdemeanor, with a mandatory fine of not less than $2,500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-210 Distributing or purchasing a child sex doll.

(1)
(a) As used in this section:
(i) "Child sex doll" means the same as that term is defined in Section 76-5c-209.
(ii) "Distribute" means to sell, or with or without consideration, offer to sell, advertise, provide, ship, deliver for shipment, offer to deliver for shipment, or transfer.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits distributing or purchasing a child sex doll if the actor knowingly, intentionally, or recklessly distributes, purchases, or offers to purchase a child sex doll.
(3) A violation of Subsection (2) is a third degree felony, with a mandatory fine of not less than $10,000.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-211 Deactivation of a pornography device filter on a minor's device.

(1)
(a) As used in this section, "device" means the same as that term is defined in 78B-6-2601.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits deactivation of a pornography device filter on a minor's device if the actor:
(a) is 18 years old or older;
(b) intentionally disables the filter required under Section 78B-6-2602 that is on a device in the possession of a minor;
(c) disabled the filter for the purpose of disseminating pornography to the minor described in Subsection (2)(b); and
(d) is not the parent or legal guardian of the minor described in Subsection (2)(b).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to a fine of not more than $2,500.
(b) A violation of Subsection (2) is a third degree felony subject to a fine of not more than $5,000 if the actor has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-212 Fee owner or intermediate lessor allowing real property to be used for illicit pornographic purposes.

(1)
(a) As used in this section, "allow" means a failure to exercise the option to void the lease or other title described in Section 76-5c-105 within 10 days after the day on which the fee owner or lessor receives notice in writing from the county attorney of the county where the property is situated, or if situated in a city of the first or second class, from the city attorney of that city, that the property is being used for a purpose prohibited under this chapter.
(b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits fee owner or intermediate lessor allowing real property to be used for illicit pornographic purposes if:
(a) the actor is a fee owner or intermediate lessor of real property;

(b) the actor knowingly allows the real property described in Subsection (2)(a) to be used by a tenant or occupant, or a tenant's or occupant's employee, for the purpose of distributing or exhibiting pornographic materials or obscene animal abuse materials, or for pornographic performances; and
(c) the tenant or occupant, or the tenant's or occupant's employee, has been convicted of a previous violation of this chapter for an offense that occurred on the property and all avenues of direct appeal from the conviction have been exhausted or abandoned.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) Any fine assessed for a conviction under this section becomes a lien upon the real property described in Subsection (2)(a), if the fine is not paid within 30 days after the day on which the judgment is entered.

Amended by Chapter 255, 2026 General Session

76-5c-213 Tenant or occupant failing to exit real property after using the property for obscene animal abuse material or pornographic purposes.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits tenant or occupant failing to exit real property after using the property for obscene animal abuse material or pornographic purposes if the actor:
(a) is a tenant or occupant of real property;
(b) received notice in writing that the fee owner or intermediate lessor of the real property is exercising the option to void the lease or other title described in Section 76-5c-105; and
(c) does not permanently exit the premises within 10 days after the day on which the actor received the notice described in Subsection (2)(b).
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 255, 2026 General Session

76-5c-214 Conspiracy to commit an obscene animal abuse material or pornographic or harmful materials violation.
(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
(2) An actor commits conspiracy to commit a pornographic or harmful materials violation if the actor conspires with two or more persons to commit a violation of this chapter.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony subject to:
(i) a minimum mandatory fine of not less than $1,000; and
(ii) incarceration, without suspension of the sentence in any way, for a term of not less than 60 days.
(b) A violation of Subsection (2) is a second degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
(i) a minimum mandatory fine of not less than $5,000; and
(ii) incarceration, without suspension of the sentence in any way, for a term of not less than one year.
(4) Subsection (3) supersedes Section 77-18-105.

Amended by Chapter 255, 2026 General Session

76-5c-215 Distributing obscene animal abuse material.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

(2) An actor commits distributing obscene animal abuse material if the actor:

(a) sends or brings obscene animal abuse material into the state with intent to distribute or exhibit the obscene animal abuse material to another individual;

(b) prepares, publishes, prints, or possesses obscene animal abuse material with intent to distribute or exhibit the obscene animal abuse material to another individual;

(c) distributes or offers to distribute, or exhibits or offers to exhibit, obscene animal abuse material to another individual;

(d) writes, creates, or solicits the publication or advertising of obscene animal abuse material; or

(e) promotes the distribution or exhibition of obscene animal abuse material or material that the actor represents to be obscene animal abuse material.

(3)

(a) A violation of Subsection (2) is a third degree felony if the actor is 18 years old or older and is subject to:

(i) a minimum mandatory fine of not less than $1,000, plus $10 for each article exhibited up to the maximum allowed by law; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor is 16 or 17 years old.

(c) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than 16 years old.

(4) It is a separate offense under this section for:

(a) each day in which a publication containing obscene animal abuse material is displayed or exhibited in a public place with intent to distribute or exhibit the publication to another individual; or

(b) each act of distributing of obscene animal abuse material described in Subsection (2).

(5)

(a) This section does not apply to an internet service provider if:

(i) the distribution of obscene animal abuse material by the internet service provider occurs only incidentally through the internet service provider's function of:

(A) transmitting or routing data from one person to another person; or

(B) providing a connection between one person and another person;

(ii) the internet service provider does not intentionally aid or abet in the distribution of the obscene animal abuse material; and

(iii) the internet service provider does not knowingly receive funds from or through a person who distributes the obscene animal abuse material in exchange for permitting the person to distribute the obscene animal abuse material.

(b) This section does not apply to a hosting company if:

(i) the distribution of obscene animal abuse material by the hosting company occurs only incidentally through the hosting company's function of providing data storage space or data caching to a person;

(ii) the hosting company does not intentionally engage, aid, or abet in the distribution of the obscene animal abuse material; and

(iii) the hosting company does not knowingly receive funds from or through a person who distributes the obscene animal abuse material in exchange for permitting the person to distribute, store, or cache the obscene animal abuse material.

Enacted by Chapter 255, 2026 General Session

Part 3
Distribution and Exhibition of Motion Picture Films

76-5c-301 Definitions.

As used in this part:

(1) "Exhibit" means to show in a public place or in a place where the public is admitted, whether or not an admission fee is charged.

(2)

(a) "Distributor" means a person from which a film is acquired by sale, lease, loan, or any other means, directly or indirectly, for the purpose of exhibiting the film in this state or elsewhere.

(b) "Distributor" does not include a person whose function with respect to a film is limited to the transportation or storage of the film.

(3) "Film" means what is usually known as a motion picture film and that is intended to be shown commercially for profit by devices of any kind whatsoever.

(4) "Person" includes an individual, firm, association, partnership, or corporation.

(5) "Public place" includes a place that admission is gained by payment of a membership or admission fee, however designated, notwithstanding it is designated as a private club or by words of like import.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-302 Intent of part -- Exemptions from part.

(1) It is the intent of this part to prevent the commercial distribution and exhibition of films in this state which are pornographic.

(2) The Legislature finds that there is substantial evidence that elements of organized crime have engaged to an increasing degree in the production and distribution of pornographic films and, therefore, it is the further intent of this part to facilitate the criminal prosecution of distributors of pornographic films.

(3) It is not the intent of this part to:

(a) limit the regulation of films by counties, cities, towns, and other political subdivisions of the state, as these political subdivisions are specifically given the right by this part to further regulate films; or

(b) limit or abridge the power to otherwise prosecute violations of any other provisions of law including those provisions of this chapter.

(4) This part does not apply to a film:

(a) distributed to or exhibited by any accredited university, college, school, library, or other educational institution, church, or museum, if there is scientific, religious, or educational justification for the exhibition of the film; or

(b) exhibited by the Department of Corrections or exhibited as part of any treatment program operated by or under contract with the department if the exhibition of the film is solely for the assessment or treatment of an offender as defined under Section 64-13-1.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-303 Qualification for distribution of films.

(1) A distributor that is a corporation shall be qualified to distribute films within this state if:
  (a) the corporation is a domestic corporation in good standing or a foreign corporation authorized to transact business in this state; and
  (b) the corporation submits the corporation to the jurisdiction and laws of this state relating to being a distributor in this state.
(2) A distributor which is not a corporation shall be qualified to distribute films within this state if:
  (a) the distributor has and continuously maintains a registered office in this state; and
  (b) the distributor has a registered agent whose business address is at that registered office and which is either an individual residing and domiciled in this state, a domestic corporation in good standing, or a foreign corporation authorized to transact business in this state.
(3) This section does not affect the right to serve process, a notice, or a demand, required or permitted by law to be served upon a distributor, in any other manner provided by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-304 Change of registered office or agent by film distributor -- Service of process, notice, or demand on registered agent.

(1) A distributor qualified to distribute films in this state may change the distributor's registered office or registered agent in accordance with Title 16, Chapter 1a, Part 4, Registered Agent of an Entity.
(2) Any process, notice, or demand required or permitted by law to be served upon the distributor may be served upon the registered agent of that distributor.

Amended by Chapter 92, 2026 General Session

76-5c-305 Distribution of a pornographic film for exhibition.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
(2) An actor commits distribution of a pornographic film for exhibition if the actor knowingly or with criminal negligence distributes a film for exhibition that is pornographic.
(3)
  (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor subject to:
    (i) a fine not less than $1,000; and
    (ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.
  (b) A violation of Subsection (2) is a third degree felony if the actor has previously been convicted of a violation of Subsection (2) and is subject to:
    (i) a fine not less than $5,000; and
    (ii) incarceration, without suspension of sentence in any way, for a term of not less than six months.
(4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.
(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.
(6) Each copy of a pornographic film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-306 Distributing a film without being qualified.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.

(2) An actor commits distributing a film without being qualified if the actor knowingly:

(a) distributes a film for exhibition; and

(b) is not qualified to distribute a film for exhibition.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:

(i) a fine not less than $299; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:

(i) a fine not less than $1,000; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.

(4) It is an affirmative defense to a prosecution under this section that the distribution of a film is exempt from the restrictions of this part described in Section 76-5c-302.

(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.

(6) Each day's exhibition of a film, and each copy of a film distributed for exhibition in violation of this section is a separate offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-5c-307 Improperly exhibiting a film.

(1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.

(2) An actor commits improperly exhibiting a film if the actor knowingly:

(a) exhibits a film; and

(b) did not acquire the film from a distributor qualified to distribute a film.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor subject to:

(i) a fine not less than $299; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 30 days.

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2) and is subject to:

(i) a fine not less than $1,000; and

(ii) incarceration, without suspension of sentence in any way, for a term of not less than 60 days.

(4) It is an affirmative defense to a prosecution under this section that the distribution or exhibition of a film is exempt from the restrictions of this part described in Section 76-5c-302.

(5) It is not a defense to a prosecution under this section that the actor was a motion picture projectionist or was otherwise required by the actor's employment to commit the violation.

(6) Each day's exhibition of a film exhibited in violation of this section is a separate offense.

Enacted by Chapter 173, 2025 General Session

Part 4
Requirements and Penalties for Content and Internet Providers

76-5c-401 Definitions.

As used in this part:

(1) "Consumer" means an individual residing in this state who subscribes to a service provided by a service provider for personal or residential use.

(2) "Content provider" means a person domiciled in Utah or that generates or hosts content in Utah, and that creates, collects, acquires, or organizes electronic data for electronic delivery to a consumer with the intent of making a profit.

(3) "Division" means the Division of Consumer Protection established in Section 13-2-102.

(4)

(a) "Hosting company" means a person that provides services or facilities for storing or distributing content over the Internet without editorial or creative alteration of the content.

(b) A hosting company may have policies concerning acceptable use without becoming a content provider under Subsection (2).

(5) "Internet service provider" means a person engaged in the business of providing broadband internet access service, with the intent of making a profit, to consumers in Utah.

(6) "Properly rated" means content using a labeling system to label material harmful to minors provided by the content provider in a way that:

(a) accurately apprises a consumer of the presence of material harmful to minors; and

(b) allows the consumer the ability to control access to material harmful to minors based on the material's rating by use of reasonably priced commercially available software, including software in the public domain.

(7) "Restrict" means to limit access to material harmful to minors by:

(a) properly rating content; or

(b) any other reasonable measures feasible under available technology.

(8)

(a) "Service provider" means an internet service provider.

(b) "Service provider" does not include a person who does not terminate a service in this state, but merely transmits data through:

(i) a wire;

(ii) a cable; or

(iii) an antenna.

(c) "Service provider," notwithstanding Subsection (8)(b), includes a person who leases or rents a wire or cable for the transmission of data.

Amended by Chapter 95, 2026 General Session

76-5c-402 Data service providers -- Internet content harmful to minors.

(1)

(a) Upon request by a consumer, a service provider shall filter content to prevent the transmission of material harmful to minors to the consumer.

(b) A service provider complies with Subsection (1)(a) if the service provider makes a good faith effort to apply a generally accepted and commercially reasonable method of filtering.
(c) At the time of a consumer's subscription to a service provider's service, the service provider shall notify the consumer in a conspicuous manner that the consumer may request to have material harmful to minors blocked under Subsection (1)(a).
(2) A service provider shall, no later than July 1 of each even-numbered year, provide information to the division that describes how the service provider complies with Subsection (1)(a).
(3) The division shall:
(a) publish on the division's website a compilation of the information the division receives under Subsection (2); and
(b) update the compilation described in Subsection (3)(a) by July 1 of each odd-numbered year.
(4)
(a) A service provider may comply with Subsection (1)(a) by providing in-network filtering to prevent the receipt of material harmful to minors, provided that the filtering does not affect or interfere with access to internet content for consumers who do not request filtering under Subsection (1)(a).
(b) A service provider may comply with Subsection (1)(a) by engaging a third party to provide or referring a consumer to a third party that provides a commercially reasonable method of filtering to block the receipt of material harmful to minors.
(c) A service provider may charge a consumer a commercially reasonable fee for providing filtering under this Subsection (4).
(5) If the attorney general determines that a service provider violates Subsection (1), the attorney general shall:
(a) notify the service provider that the service provider is in violation of Subsection (1); and
(b) notify the service provider that the service provider has 90 days to comply with the provision being violated or be subject to the civil penalties described in Subsection (6).
(6)
(a) A service provider that intentionally or knowingly violates Subsection (1)(a) is subject to a civil fine of $2,500 for each separate violation of Subsection (1)(a), up to $15,000 per day.
(b) A service provider that intentionally or knowingly violates Subsection (1)(c) is subject to a civil fine up to $10,000.
(7) Only the attorney general may bring an action to impose a civil fine under Subsection (6).

Amended by Chapter 95, 2026 General Session

76-5c-403 Content providers -- Material harmful to minors.
(1) A content provider that is domiciled in Utah, or generates or hosts content in Utah, shall restrict access to material harmful to minors.
(2) If the attorney general determines that a content provider violates Subsection (1), the attorney general shall:
(a) notify the content provider that the content provider is in violation of Subsection (1); and
(b) notify the content provider that the content provider has 30 days to comply with Subsection (1) or be subject to the civil penalties described in Subsection (3).
(3)
(a) If a content provider intentionally or knowingly violates this section more than 30 days after receiving the notice provided under Subsection (2), the content provider is subject to a civil fine of $2,500 for each separate violation of Subsection (1), up to $10,000 per day.

(b) A proceeding to impose the civil fine under this section may be brought only by the attorney general.
(4) The Division of Consumer Protection shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish acceptable rating methods to be implemented by a content provider under Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 5d
Prostitution

Part 1
General Provisions

76-5d-101 Definitions.

As used in this chapter:
(1) "Adult" is an individual who is 18 years old or older.
(2) "Child" is an individual younger than 18 years old.
(3) "Female breast" means the undeveloped, partially developed, or developed breast of a female individual.
(4) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV) infection determined by current medical standards and detected by any of the following:
(a) presence of antibodies to HIV, verified by a positive confirmatory test, such as Western blot with an interpretation based on criteria currently recommended by the Association of State and Territorial Public Health Laboratory Directors or another confirmatory test approved by the Utah State Health Laboratory;
(b) presence of HIV antigen;
(c) isolation of HIV; or
(d) demonstration of HIV proviral DNA.
(5) "HIV positive individual" means an individual who has an HIV infection.
(6) "Local law enforcement agency" means an agency responsible for investigating violations of offenses in Part 2, General Offenses, the filing of charges that may lead to convictions, and the conducting of, or obtaining the results of, tests for HIV infection.
(7) "Positive" means an indication of HIV infection.
(8) "Prostituted individual" means an individual engaged in prostitution or sexual solicitation.
(9) "Prostitution" means engaging in sexual activity with another individual in exchange for a fee or the functional equivalent of a fee.
(10) "Public place" means a place to which the public or any substantial group of the public has access.
(11) "Sexual activity" means, regardless of the gender of either participant:
(a) an act of masturbation, sexual intercourse, or any sexual act involving the genitals of one individual and the mouth or anus of another individual; or
(b) the touching of the genitals, female breast, or anus of one individual with any other body part of another individual with the intent to sexually arouse or gratify either individual.

(12) "Sexual solicitation" means the conduct described in Section 76-5d-209, sexual solicitation by an actor offering to engage in sexual activity for compensation.
(13) "Test" means a test for HIV infection in accordance with standards recommended by the Department of Health and Human Services.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-102 Local ordinance consistent with code provisions.

An ordinance adopted by a local authority governing the matters covered by this chapter is required to be consistent with the provisions of this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-103 Mandatory testing -- Retention of medical file -- Civil liability.

(1) An individual who has entered a plea of guilty, a plea of no contest, a plea of guilty with a mental condition, or been found guilty of a violation of Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 is required to submit before sentencing to a mandatory test to determine if the individual is an HIV positive individual.
(2)
  (a) If the mandatory test described in Subsection (1) has not been conducted before sentencing, and the convicted individual is already confined in a county jail or state prison, the individual is required to be tested while in confinement.
  (b) For an individual described in Subsection (1) who is confined in a county jail, the local law enforcement agency shall cause the individual's blood specimen to be taken and tested.
  (c) For an individual described in Subsection (1) who is confined in a state prison, the Department of Corrections shall cause the individual's blood specimen to be taken and tested.
(3)
  (a) The local law enforcement agency shall collect and retain in the individual's medical file the following data:
    (i) the HIV infection test results;
    (ii) a copy of the written notice as provided in Section 76-5d-104;
    (iii) photographic identification; and
    (iv) fingerprint identification.
  (b) The local law enforcement agency shall classify the medical file described in Subsection (3)(a) as a private record pursuant to Subsection 63G-2-302(1)(b) or a controlled record pursuant to Section 63G-2-304.
(4)
  (a) An individual required to be tested under this section is responsible for the costs of testing, unless the individual is indigent.
  (b) If an individual is indigent, the costs for the testing will be paid by the local law enforcement agency or the Department of Corrections from the General Fund.
(5)
  (a) The laboratory performing testing shall report test results to only designated officials in the Department of Corrections, the Department of Health and Human Services, and the local law enforcement agency submitting the blood specimen.

(b) Each department or agency shall designate the officials described in Subsection (5)(a) by written policy.
(c) Designated officials may release information identifying an individual under Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 who has tested HIV positive as provided under Subsection 63G-2-202(1) and for purposes of prosecution pursuant to Section 76-5d-212.
(6)
(a) An employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services who discloses the HIV test results under this section is not civilly liable except when disclosure constitutes fraud or willful misconduct under Section 63G-7-202.
(b) An employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services who discloses the HIV test results under this section is not civilly or criminally liable, except when disclosure constitutes a knowing violation of Section 63G-2-801.
(7) When a medical file is released as provided in Section 63G-2-803, the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services, or an officer or employee of the local law enforcement agency, the Department of Corrections, or the Department of Health and Human Services, is not liable for damages for release of the medical file.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-104 Notice to a convicted individual of HIV positive test results.
(1) An individual convicted under Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211 who has tested positive for the HIV infection shall be notified of the test results in person by:
(a) the local law enforcement agency;
(b) the Department of Corrections, for an individual confined in a state prison;
(c) the Department of Health and Human Services; or
(d) an authorized representative of an agency listed in Subsections (1)(a) through (c).
(2) The notice described in Subsection (1) shall contain the signature of the HIV positive individual, indicating the individual's receipt of the notice, the name and signature of the individual providing the notice, and:
(a) the date of the test;
(b) the positive test results;
(c) the name of the HIV positive individual; and
(d) the following language:

"An individual who has been convicted of engaging in prostitution under Section 76-5d-202, patronizing a prostituted individual who is an adult under Section 76-5d-203, patronizing a prostituted individual who is a child under Section 76-5d-204, entering or remaining in a place of prostitution under Section 76-5d-205, sexual solicitation by an actor offering to engage in sexual activity for compensation under Section 76-5d-209, sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity under Section 76-5d-210, or sexual solicitation by an actor offering compensation to a child in exchange for sexual activity under Section 76-5d-211, after being tested and diagnosed as an HIV positive individual and either had actual knowledge that the individual is an HIV positive

individual or the individual has previously been convicted of any of the criminal offenses listed above is guilty of a third degree felony under Section 76-5d-212."

(3) Failure to provide the notice described in Subsection (1), or to provide the notice in the manner or form prescribed under this section, does not:

(a) create any civil liability; or

(b) create a defense to a prosecution under this chapter.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-105 Examination of testing procedures and results in legal proceedings.

(1) Employees of a laboratory who conduct laboratory analysis of blood samples for presence of antibody to HIV provided pursuant to a request by a law enforcement agency or the Department of Corrections under Section 76-5d-103, may be examined in a legal proceeding of any kind or character as to:

(a) the nature of the testing;

(b) the validity of the testing;

(c) the results of the test;

(d) the HIV positivity or negativity of the individual tested;

(e) the evidentiary chain of custody; and

(f) other factors relevant to the prosecution, subject to the court's ruling.

(2) This section applies only to the criminal investigation and prosecution under Section 76-5d-212, engaging in prostitution or sexual solicitation as an HIV positive offender.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-106 Safe harbor for children as victims in commercial sex or sexual solicitation.

(1) As used in this section:

(a) "Child engaged in commercial sex or sexual solicitation" means a child who:

(i) engages, offers, or agrees to engage in any sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee;

(ii) takes steps in arranging a meeting through any form of advertising, agreeing to meet, and meeting at an arranged place for the purpose of sexual activity in exchange for receiving a fee or the functional equivalent of a fee;

(iii) loiters in or within view of any public place for the purpose of being hired to engage in sexual activity; or

(iv) engages in sexual solicitation.

(b) "Division" means the Division of Child and Family Services created in Section 80-2-201.

(c) "Juvenile receiving center" means the same as that term is defined in Section 80-1-102.

(2) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall:

(a) conduct an investigation regarding possible human trafficking of the child pursuant to Sections 76-5-308, 76-5-308.1, 76-5-308.5, and 76-5-308.6;

(b) refer the child to the division;

(c) bring the child to a juvenile receiving center, if available; and

(d) contact the child's parent or guardian, if practicable.

(3) When law enforcement refers a child to the division under Subsection (2)(b), the division shall provide services to the child under Title 80, Chapter 2, Child Welfare Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

Amended by Chapter 247, 2026 General Session

Part 2
General Offenses

76-5d-201 Definitions.

As used in this part, "place of prostitution" means a place or business where prostitution or promotion of prostitution is arranged, regularly carried on, or attempted by one or more individuals under the control, management, or supervision of another individual.

Enacted by Chapter 173, 2025 General Session

76-5d-202 Engaging in prostitution.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) An actor commits the offense of engaging in prostitution if the actor:

(a) is 18 years old or older; and

(b) engages in sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee.

(3)

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

(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of:

(i) a violation of Subsection (2);

(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or

(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).

(4) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the following offenses, or an attempt to commit any of the following offenses, and the actor reports the offense or attempt to law enforcement in good faith:

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

(b) aggravated assault as described in Section 76-5-103;

(c) mayhem as described in Section 76-5-105;

(d) aggravated murder, murder, manslaughter, negligent homicide, child abuse homicide, or homicide by assault as described in Chapter 5, Part 2, Criminal Homicide;

(e) kidnapping, child kidnapping, aggravated kidnapping, human trafficking or aggravated human trafficking, human smuggling or aggravated human smuggling, or human trafficking of a child as described in Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;

(f) rape as described in Section 76-5-402;

(g) rape of a child as described in Section 76-5-402.1;

(h) object rape as described in Section 76-5-402.2;
(i) object rape of a child as described in Section 76-5-402.3;
(j) forcible sodomy as described in Section 76-5-403;
(k) sodomy on a child as described in Section 76-5-403.1;
(l) forcible sexual abuse as described in Section 76-5-404;
(m) sexual abuse of a child as described in Section 76-5-404.1, or aggravated sexual abuse of a child, Section 76-5-404.3;
(n) aggravated sexual assault as described in Section 76-5-405;
(o) sexual exploitation of a minor as described in Section 76-5b-201;
(p) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
(q) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
(r) possession of apparent child sexual abuse material as described in Section 76-5b-207;
(s) distribution of apparent child sexual abuse material as described in Section 76-5b-208;
(t) unlawful activity regarding obscene material depicting the sexual abuse of a minor as described in Section 76-5b-209;
(u) burglary of a dwelling as described in Subsection 76-6-202(3)(b);
(v) aggravated burglary as described in Section 76-6-203;
(w) robbery as described in Section 76-6-301;
(x) aggravated robbery as described in Section 76-6-302; or
(y) theft by extortion as described in Section 76-6-406 under the circumstances described in Subsection 76-6-406(1)(a)(i) or (ii).

(5) A violation under this section that is a class A misdemeanor may be prosecuted by an attorney of a city or a town as well as by prosecutors authorized in the code to prosecute a violation under this section.

Amended by Chapter 358, 2026 General Session

76-5d-203 Patronizing a prostituted individual who is an adult.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits the offense of patronizing a prostituted individual who is an adult if:
(a) the actor pays, offers to pay, or agrees to pay an adult prostituted individual, or an adult individual the actor believes to be a prostituted individual, a fee, or the functional equivalent of a fee; and
(b) the payment, offer of payment, or agreement for payment described in Subsection (2)(a) is for the purpose of engaging in an act of sexual activity.
(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 has previously been convicted two or more times of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and

(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-204 Patronizing a prostituted individual who is a child.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) An actor commits patronizing a prostituted individual who is a child if:

(a) the actor is 12 years old or older;

(b) the actor pays, offers to pay, or agrees to pay a prostituted individual, or an individual the actor believes to be a prostituted individual, a fee, or the functional equivalent of a fee;

(c) the payment, offer of payment, or agreement for payment described in Subsection (2)(b) is for the purpose of engaging in an act of sexual activity; and

(d) the prostituted individual, or the individual the actor believes to be a prostituted individual, described in Subsection (2)(b) is:

(i) a child; or

(ii) believed by the actor to be a child.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony with a mandatory fine of not less than $20,000.

(b) If the actor is under 18 years old at the time of the offense, a violation of Subsection (2) is:

(i) a third degree felony if:

(A) the actor is 17 years old and the prostituted individual is 13 years old or younger; or

(B) the actor is 16 years old and the prostituted individual is 12 years old or younger;

(ii) a class A misdemeanor if:

(A) the actor is 17 years old and the prostituted individual is 14 years old;

(B) the actor is 16 years old and the prostituted individual is 13 years old;

(C) the actor is 15 years old and the prostituted individual is 12 years old or younger; or

(D) the actor is 14 years old and the prostituted individual is 11 years old or younger;

(iii) a class B misdemeanor if:

(A) the actor is 17 years old and the prostituted individual is 15 years old;

(B) the actor is 16 years old and the prostituted individual is 14 years old;

(C) the actor is 15 years old and the prostituted individual is 13 years old;

(D) the actor is 14 years old and the prostituted individual is 12 years old;

(E) the actor is 13 years old and the prostituted individual is 11 years old or younger; or

(F) the actor is 12 years old and the prostituted individual is 10 years old or younger; or

(iv) a class C misdemeanor if:

(A) the actor is 17 years old and the prostituted individual is 16 or 17 years old;

(B) the actor is 16 years old and the prostituted individual is 15 years old or older;

(C) the actor is 15 years old and the prostituted individual is 14 years old or older;

(D) the actor is 14 years old and the prostituted individual is 13 years old or older;

(E) the actor is 13 years old and the prostituted individual is 12 years old or older; or

(F) the actor is 12 years old and the prostituted individual is 11 years old or older.

(4) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this section that the actor mistakenly believed the individual described in Subsection (2) to be 18 years old or older at the time of the offense or was unaware of the individual's true age.

(5) If the violation of Subsection (2) amounts to an offense that is subject to a greater penalty under another provision of law, this section does not prohibit prosecution and sentencing for the more serious offense.
(6) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and
(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Enacted by Chapter 173, 2025 General Session

76-5d-205 Entering or remaining in a place of prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits entering or remaining in a place of prostitution if the actor enters or remains in a place of prostitution for the purpose of engaging in sexual activity.
(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 has previously been convicted two or more times of:
(i) a violation of Subsection (2); or
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order:
(a) the maximum fine amount and may not waive or suspend the fine; and
(b) the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.

Enacted by Chapter 173, 2025 General Session

76-5d-206 Aiding prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits aiding prostitution if the actor:
(a)
(i) solicits an individual to patronize a prostituted individual, or to patronize an individual the actor believes to be a prostituted individual;
(ii) procures or attempts to procure a prostituted individual, or an individual the actor believes to be a prostituted individual, for a patron;
(iii) leases, operates, or otherwise permits a place controlled by the actor, alone or in association with another individual, to be used for prostitution or the promotion of prostitution; or
(iv) provides a service or commits an act that enables another individual to commit a violation of this Subsection (2) or facilitates another individual's ability to commit a violation of this Subsection (2); or
(b) solicits, receives, or agrees to receive a benefit for committing any of the acts prohibited by Subsection (2)(a).
(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 has previously been convicted of:
(i) a violation of Subsection (2);
(ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the same or similar type of violation to the violation described in Subsection (2); or
(iii) a criminal violation in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to the violation described in Subsection (2).
(4) Upon a conviction for a violation of this section, the court shall order a fine of not less than $10,000 and may not waive or suspend the fine.
(5) A violation under this section that is a class A misdemeanor may be prosecuted by an attorney of a city or a town as well as by prosecutors authorized in the code to prosecute a violation under this section.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-207 Exploitation of prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits exploitation of prostitution if the actor:
(a) procures an individual for a place of prostitution;
(b) encourages, induces, or otherwise purposely causes another individual to become or remain a prostituted individual;
(c) transports an individual into or within this state with the purpose to promote the individual's engagement in prostitution;
(d) procures or pays for an individual's transportation with the purpose of promoting the individual's engagement in prostitution;
(e) not being a child or legal dependent of a prostituted individual, shares the proceeds of prostitution with a prostituted individual, or an individual the actor believes to be a prostituted individual, pursuant to the actor's and prostituted individual's understanding that the actor is to share in the proceeds of the prostitution; or
(f) owns, controls, manages, supervises, or otherwise keeps, alone or in association with another individual, a place of prostitution or a business where prostitution occurs or is arranged, encouraged, supported, or promoted.
(3) A violation of Subsection (2) is a third degree felony.
(4) Upon a conviction for a violation of this section, the court shall order the maximum fine amount and may not waive or suspend the fine.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-208 Aggravated exploitation of prostitution.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits aggravated exploitation of prostitution if:
(a) in committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor uses any force, threat, or fear against any individual;
(b) the individual whom the actor procured, transported, or persuaded or with whom the actor shares the proceeds of prostitution, is a child or is the spouse of the actor; or

(c) in the course of committing an act of exploitation of prostitution as described in Section 76-5d-207, the actor commits human trafficking or human smuggling in violation of Section 76-5-308, 76-5-308.1, 76-5-308.5, 76-5-308.6, 76-5-310, 76-5-310.2, 76-5-311, 76-5-312, 76-5-316, or 76-5-317.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.

(b) A violation of Subsection (2) is a first degree felony if the violation involves a child.

(4) Upon a conviction for a violation of this section, the court shall order the maximum fine amount and may not waive or suspend the fine.

Amended by Chapter 247, 2026 General Session

76-5d-209 Sexual solicitation by an actor offering to engage in sexual activity for compensation.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) An actor commits the offense of sexual solicitation by an actor offering to engage in sexual activity for compensation if the actor:

(a) is 18 years old or older; and

(b)

(i) offers or agrees to commit any sexual activity with another individual in exchange for receiving a fee, or the functional equivalent of a fee;

(ii)

(A) takes steps to arrange a meeting with another individual through any form of advertising or agreement to meet;

(B) meets the individual at an arranged place; and

(C) arranged and met the individual for the purpose of being hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee;

(iii) loiters in, or within view of, a public place for the purpose of being hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee; or

(iv) with intent to be hired to engage in sexual activity in exchange for receiving a fee, or the functional equivalent of a fee, engages in, or offers or agrees to engage in, any of the following acts:

(A) exposure or touching of an individual's genitals, buttocks, anus, pubic area, or female breast below the top of the areola;

(B) masturbation; or

(C) any act of lewdness.

(3) A violation of Subsection (2) or under a local ordinance adopted in compliance with Section 76-5d-102 is:

(a) a class B misdemeanor on a first or second violation; or

(b) a class A misdemeanor on a third or subsequent violation.

(4) An intent to be hired to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b)(iv) under the totality of the existing circumstances.

(5)

(a) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall follow the procedure described in Subsection 76-5d-106(2).

(b) A child engaged in commercial sex or sexual solicitation shall be referred to the Division of Child and Family Services for services and may not be subjected to delinquency proceedings.
(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.
(7) As part of a sentence imposed under Subsection (3), the court may lower, waive, or suspend a fine if the actor completes a court-approved program that provides information or services intended to help an individual no longer engage in prostitution.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

76-5d-210 Sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits the offense of sexual solicitation by an actor offering compensation in exchange for sexual activity if the actor:
(a) pays, offers to pay, or agrees to pay a fee or the functional equivalent of a fee to an adult to hire the adult to commit any sexual activity; or
(b) with intent to pay an adult to be hired to commit any sexual activity for a fee or the functional equivalent of a fee, requests or directs the adult to engage in any of the following acts:
(i) exposure or touching of an adult's genitals, buttocks, anus, pubic area, or female breast below the top of the areola;
(ii) masturbation; or
(iii) any act of lewdness.
(3) A violation of Subsection (2) or under a local ordinance adopted in compliance with Section 76-5d-102 is:
(a) a class A misdemeanor on a first or second violation; or
(b) a third degree felony on a third or subsequent violation.
(4) As part of a sentence imposed under Subsection (3), the court shall order the actor to pay for and complete a court-approved educational program about the negative effects on an individual involved with prostitution or human trafficking.
(5) The actor's intent to hire an adult to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b) under the totality of the existing circumstances.
(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.

Enacted by Chapter 173, 2025 General Session

76-5d-211 Sexual solicitation by an actor offering compensation to a child in exchange for sexual activity.
(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

(2) Under circumstances not amounting to an offense described in Subsection (4), an actor commits the offense of sexual solicitation by an actor offering compensation to a child in exchange for sexual activity if the actor:
(a) is 12 years old or older; and
(b)
(i) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee, to a child to hire the child to commit any sexual activity; or
(ii) with intent to pay a child to be hired to commit any sexual activity for a fee, or the functional equivalent of a fee, requests or directs the child to engage in any of the following acts:
(A) exposure or touching of the child's genitals, the buttocks, the anus, the pubic area, or the female breast below the top of the areola;
(B) masturbation; or
(C) any act of lewdness.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.
(b) If the actor is under 18 years old at the time of the offense, a violation of Subsection (2) is:
(i) a third degree felony if:
(A) the actor is 17 years old and the child is 13 years old or younger; or
(B) the actor is 16 years old and the child is 12 years old or younger;
(ii) a class A misdemeanor if:
(A) the actor is 17 years old and the child is 14 years old;
(B) the actor is 16 years old and the child is 13 years old;
(C) the actor is 15 years old and the child is 12 years old or younger; or
(D) the actor is 14 years old and the child is 11 years old or younger;
(iii) a class B misdemeanor if:
(A) the actor is 17 years old and the child is 15 years old;
(B) the actor is 16 years old and the child is 14 years old;
(C) the actor is 15 years old and the child is 13 years old;
(D) the actor is 14 years old and the child is 12 years old;
(E) the actor is 13 years old and the child is 11 years old or younger; or
(F) the actor is 12 years old and the child is 10 years old or younger; or
(iv) a class C misdemeanor if:
(A) the actor is 17 years old and the child is 16 or 17 years old;
(B) the actor is 16 years old and the child is 15 years old or older;
(C) the actor is 15 years old and the child is 14 years old or older;
(D) the actor is 14 years old and the child is 13 years old or older;
(E) the actor is 13 years old and the child is 12 years old or older; or
(F) the actor is 12 years old and the child is 11 years old or older.
(4) The offenses referred to in Subsection (2) are:
(a) human trafficking for labor as described in Section 76-5-308;
(b) human trafficking for commercial sexual exploitation as described in Section 76-5-308.1;
(c) human trafficking of a child for commercial sexual exploitation under Section 76-5-308.6;
(d) aggravated human trafficking for commercial sexual exploitation as described in Section 76-5-310.2;
(e) human smuggling as described in Section 76-5-316; and
(f) aggravated human smuggling as described in Section 76-5-317.

(5) The actor's intent to hire a child to engage in sexual activity for a fee may be inferred from an actor engaging in, offering or agreeing to engage in, or requesting or directing another to engage in any of the acts described in Subsection (2)(b) under the totality of the existing circumstances.
(6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor engages in a violation of Subsection (2) at or near the time the actor witnesses or is a victim of any of the offenses, or an attempt to commit any of the offenses, described in Subsection 76-5d-202(4), and the actor reports the offense or attempt to law enforcement in good faith.
(7)
(a) Upon encountering a child engaged in commercial sex or sexual solicitation, a law enforcement officer shall follow the procedure described in Subsection 76-5d-106(2).
(b) A child engaged in commercial sex or sexual solicitation shall be referred to the Division of Child and Family Services for services and may not be subjected to delinquency proceedings.

Amended by Chapter 247, 2026 General Session

76-5d-212 Engaging in prostitution or sexual solicitation as an HIV positive offender.

(1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
(2) An actor commits engaging in prostitution or sexual solicitation as an HIV positive offender if the actor:
(a) is an HIV positive individual;
(b) is convicted of:
(i) engaging in prostitution under Section 76-5d-202;
(ii) patronizing a prostituted individual who is an adult under Section 76-5d-203;
(iii) patronizing a prostituted individual who is a child under Section 76-5d-204;
(iv) entering or remaining in a place of prostitution under Section 76-5d-205;
(v) sexual solicitation by an actor offering to engage in sexual activity for compensation under Section 76-5d-209;
(vi) sexual solicitation by an actor offering compensation to an adult in exchange for sexual activity under Section 76-5d-210; or
(vii) sexual solicitation by an actor offering compensation to a child in exchange for sexual activity under Section 76-5d-211; and
(c)
(i) has actual knowledge that the actor is an HIV positive individual; or
(ii) has previously been convicted of a violation of Section 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, 76-5d-210, or 76-5d-211.
(3) A violation of Subsection (2) is a third degree felony.
(4) Upon conviction under this section, and as a condition of probation, the actor shall receive treatment and counseling for HIV infection and drug abuse as provided in Title 26B, Chapter 5, Health Care - Substance Use and Mental Health.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 174, 2025 General Session

Chapter 6
Offenses Against Property

Part 1
Property Destruction

76-6-101 Definitions.

(1) As used in this part:

(a) "Etching" means defacing, damaging, or destroying hard surfaces by means of an abrasive object, a knife, or an engraving device, or a chemical action which uses any caustic cream, gel, liquid, or solution.

(b) "Fire" means a flame, heat source capable of combustion, or material capable of combustion that is caused, set, or maintained by a person for any purpose.

(c) "Graffiti" means any form of unauthorized printing, writing, spraying, scratching, painting, affixing, etching, or inscribing on the property of another regardless of the content or the nature of the material used in the commission of the act.

(d) "Habitable structure" means a structure that has the apparent purpose of or is used for lodging or assembling persons or conducting business whether a person is actually present or not.

(e) "Property" means:

(i) any form of real property or tangible personal property which is capable of being damaged or destroyed and includes a habitable structure; and

(ii) the property of another, if anyone other than the actor has a possessory or proprietary interest in any portion of the property.

(f) "Value" means:

(i) the market value of the property, if totally destroyed, at the time and place of the offense, or where cost of replacement exceeds the market value; or

(ii) where the market value cannot be ascertained, the cost of repairing or replacing the property within a reasonable time following the offense.

(2) Terms defined in Section 76-1-101.5 apply to this part.

(3) If the property damaged has a value that cannot be ascertained by the criteria set forth in Subsection (1)(f), the property shall be considered to have a value less than $500.

Amended by Chapter 102, 2023 General Session
Amended by Chapter 111, 2023 General Session

76-6-102 Arson.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits arson if, under circumstances not amounting to aggravated arson, the person by means of fire or explosives unlawfully and intentionally damages:

(a) any property with intention of defrauding an insurer; or

(b) the property of another.

(3)

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

(b) A violation of Subsection (2)(b) is a second degree felony if:

(i) the damage caused is or exceeds $5,000 in value;

(ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers serious bodily injury as defined in Section 76-1-101.5;
(iii)
(A) the damage caused is or exceeds $1,500 but is less than $5,000 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).
(c) A violation of Subsection (2)(b) is a third degree felony if:
(i) the damage caused is or exceeds $1,500 but is less than $5,000 in value;
(ii) as a proximate result of the fire or explosion, any person not a participant in the offense suffers substantial bodily injury as defined in Section 76-1-101.5;
(iii) the fire or explosion endangers human life; or
(iv)
(A) the damage caused is or exceeds $500 but is less than $1,500 in value; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).
(d) A violation of Subsection (2)(b) is a class A misdemeanor if the damage caused:
(i) is or exceeds $500 but is less than $1,500 in value; or
(ii)
(A) is less than $500; and
(B) at the time of the offense the actor has been previously convicted of a violation of this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the commission of the violation of Subsection (2)(b).
(e) A violation of Subsection (2)(b) is a class B misdemeanor if the damage caused is less than $500.

Amended by Chapter 111, 2023 General Session

76-6-103 Aggravated arson.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits aggravated arson if by means of fire or explosives the actor intentionally and unlawfully damages:
(a) a habitable structure; or
(b) any structure or vehicle when any person not a participant in the offense is in the structure or vehicle.
(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

76-6-104 Reckless burning.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits reckless burning if the actor:
(a) recklessly starts a fire or causes an explosion which endangers human life;
(b) having started a fire, whether recklessly or not, and knowing that it is spreading and will endanger the life or property of another, either fails to take reasonable measures to put out or control the fire or fails to give a prompt fire alarm;

(c) builds or maintains a fire without taking reasonable steps to remove all flammable materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or
(d) damages the property of another by reckless use of fire or causing an explosion.
(3)
(a) A violation of Subsection (2)(a) or (b) is a class A misdemeanor.
(b) A violation of Subsection (2)(c) is a class B misdemeanor.
(c) A violation of Subsection (2)(d) is:
(i) a class A misdemeanor if damage to property is or exceeds $1,500 in value;
(ii) a class B misdemeanor if the damage to property is or exceeds $500 but is less than $1,500 in value; and
(iii) a class C misdemeanor if the damage to property is or exceeds $150 but is less than $500 in value.
(d) Any other violation under Subsection (2)(d) is an infraction.

Amended by Chapter 111, 2023 General Session

76-6-104.5 Abandonment of a fire -- Penalties.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits abandonment of a fire if, under circumstances not amounting to the offense of arson, aggravated arson, or causing a catastrophe, the actor leaves a fire:
(a) without first completely extinguishing it; and
(b) with the intent to not return to the fire.
(3) A violation of Subsection (2):
(a) is a class C misdemeanor if there is no property damage;
(b) is a class B misdemeanor if property damage is less than $1,000 in value; and
(c) is a class A misdemeanor if property damage is or exceeds $1,000 in value.
(4) An actor does not commit a violation of Subsection (2) if the actor leaves a fire to report an uncontrolled fire.
(5) If a violation of Subsection (2) involves a wildland fire, the actor is also liable for suppression costs under Section 65A-3-4.
(6) A fire spreading or reigniting is prima facie evidence that the actor did not completely extinguish the fire as required by Subsection (2)(a).

Amended by Chapter 111, 2023 General Session

76-6-105 Causing a catastrophe -- Penalties.
(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits causing a catastrophe if the actor causes widespread injury or damage to persons or property by:
(a) use of a weapon of mass destruction as defined in Section 76-15-301; or
(b) explosion, fire, flood, avalanche, collapse of a building, or other harmful or destructive force or substance that is not a weapon of mass destruction.
(3) A violation of Subsection (2) is:
(a) a first degree felony if the actor causes the catastrophe knowingly and by the use of a weapon of mass destruction;
(b) a second degree felony if the actor causes the catastrophe knowingly and by a means other than a weapon of mass destruction; and
(c) a class A misdemeanor if the actor causes the catastrophe recklessly.

(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 173, 2025 General Session

76-6-106 Criminal mischief.

(1)
(a) As used in this section, "critical infrastructure" includes:
(i) financial and banking systems;
(ii) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed guideways, or other transportation systems intended for the transportation of persons or property;
(iii) health care facilities as listed in Section 26B-2-201, and emergency fire, medical, and law enforcement response systems;
(iv) public health facilities and systems;
(v) food distribution systems; and
(vi) other government operations and services.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits criminal mischief if the actor:
(a) intentionally and unlawfully tampers with the property of another and as a result:
(i) recklessly endangers:
(A) human life; or
(B) human health or safety; or
(ii) recklessly causes or threatens a substantial interruption or impairment of any critical infrastructure; or
(b) recklessly or willfully shoots or propels a missile or other object at or against a motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving or standing.
(3)
(a) A violation of Subsection (2)(a)(i)(A) is a class A misdemeanor.
(b) A violation of Subsection (2)(a)(i)(B) is a class B misdemeanor.
(c) A violation of Subsection (2)(a)(ii) is a second degree felony.
(d) Any other violation of this section is a:
(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.
(4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.
(5) In addition to any other penalty authorized by law, a court shall order an actor convicted of any violation of this section to reimburse any federal, state, or local unit of government, or any

private business, organization, individual, or entity for all expenses incurred in responding to a violation of Subsection (2)(a)(ii), unless the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 179, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-6-106.1 Property damage or destruction.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage or destruction if the actor under circumstances not amounting to arson or criminal mischief:
  (a) damages or destroys property with the intention of defrauding an insurer; or
  (b) intentionally damages, defaces, or destroys the property of another.
(3)
  (a)
    (i) Except as provided in Subsection (3)(a)(ii), a violation of Subsection (2)(a) is a third degree felony.
    (ii) A violation of Subsection (2)(a) is a second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000.
  (b) A violation of Subsection (2)(b) is a:
    (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;
    (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;
    (iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and
    (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.
(4) In determining the value of damages under this section, or for computer crimes under Section 76-6-703, the value of any item, computer, computer network, computer property, computer services, software, or data includes the measurable value of the loss of use of the items and the measurable cost to replace or restore the items.

Enacted by Chapter 111, 2023 General Session

76-6-106.2 Property damage or destruction by a trespasser on real property.

(1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage or destruction by a trespasser on real property if, under circumstances not amounting to burglary as defined in Section 76-6-202 or 76-6-203, the actor:
  (a) enters or remains unlawfully on real property; and
  (b) causes damage or pecuniary loss equal to or in excess of $1,500.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 295, 2025 General Session

76-6-106.3 Destruction or tampering with a critical infrastructure facility -- Penalty.

(1)

(a) As used in this section:
(i) "Critical infrastructure facility" means:
(A) a petroleum or alumina refinery;
(B) critical electric infrastructure, as defined in 18 C.F.R. Sec. 388.113, including an electrical power generating facility, substation, switching station, electrical control center, or electric power lines and associated equipment infrastructure;
(C) a chemical, polymer, or rubber manufacturing facility;
(D) a water facility as defined in Section 73-1-14, water intake structure, water storage facility, water treatment facility, wastewater treatment plant, wastewater pumping facility, or pump station;
(E) a natural gas compressor station;
(F) a liquid natural gas terminal or storage facility;
(G) a telecommunications switching, routing, or regeneration office or facility;
(H) wireless telecommunications infrastructure, including cell towers;
(I) telecommunications equipment, facilities, or infrastructure used for the transmission or distribution of a communications service;
(J) a port, railroad switching yard, railroad tracks, trucking terminal, or other freight transportation facility;
(K) a gas processing plant, including a plant used in the processing, treatment, or fractionation of natural gas or natural gas liquids;
(L) a transmission facility used by a federally licensed radio or television station;
(M) a steelmaking facility that uses an electric arc furnace to make steel;
(N) a facility identified and regulated by the Chemical Facility Anti-Terrorism Standards program under 6 U.S.C. Sec. 622;
(O) a natural gas distribution utility facility, including natural gas distribution and transmission mains and services, pipeline interconnections, a city gate or town border station, metering station, meters, aboveground piping and facilities, a regulator station, and a natural gas storage facility;
(P) a crude oil or refined products production, storage, and distribution facility, including a wellhead and associated production and collection infrastructure, valve sites, pipeline interconnection, pump station, metering station, below or aboveground pipeline or piping, and truck loading or offloading facility;
(Q) a grain mill or processing facility;
(R) a generation, transmission, or distribution system of broadband Internet access; or
(S) an aboveground portion of an oil, gas, hazardous liquid or chemical production facility including the wellhead and associated production and collection infrastructure, pipeline, tank, railroad facility, or other storage facility that is enclosed by a physical barrier or is marked with signs prohibiting trespassing if the enclosures or signs are designed to exclude intruders.
(ii) "Critical infrastructure facility" includes a facility described in Subsection (1)(a)(i) that is:
(A) under construction; or
(B) operational.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor is guilty of destruction or tampering with a critical infrastructure facility if the actor, by physical, cyber, or other means, causes widespread injury or damage to persons or property by:
(a) destroying or substantially damaging:
(i) a critical infrastructure facility; or

(ii) a critical infrastructure facility's equipment; or
(b) substantially tampering with, inhibiting, or impeding the operation of a critical infrastructure facility.
(3)
(a) A violation of Subsection (2) is a first degree felony if done intentionally or knowingly.
(b) A violation of Subsection (2) is a second degree felony if done recklessly.

Enacted by Chapter 179, 2023 General Session

76-6-106.4 Destroying, tampering with, or unlawfully interacting with rescue tracking equipment.
(1)
(a) As used in this section, "rescue tracking equipment" means property that:
(i) is located in a public place; and
(ii) is designed to allow an individual to take possession of an item, or take a similar action, that will:
(A) notify law enforcement that the individual is in need of emergency assistance; and
(B) assist law enforcement to track the location of the individual in order to render emergency assistance.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits destroying, tampering with, or unlawfully interacting with rescue tracking equipment if the actor:
(a) destroys rescue tracking equipment;
(b)
(i) damages, disables, removes, or tampers with rescue tracking equipment; and
(ii) the conduct described in Subsection (2)(b)(i) inhibits or impedes the proper use or functioning of the rescue tracking equipment; or
(c) interacts with a piece of rescue tracking equipment knowing that the action will result in a false report to a law enforcement agency of an individual who is in need of emergency assistance.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 328, 2026 General Session

76-6-107 Defacement by graffiti defined -- Penalties -- Removal costs -- Reimbursement liability -- Victim liability.
(1)
(a) As used in this section, "victim" means the person whose property is defaced or damaged by the use of graffiti and who bears the expense for removal of the graffiti.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits defacement by graffiti if the actor, without permission, defaces or damages the property of another by graffiti.
(3) A violation of Subsection (2) is a:
(a) second degree felony if the damage caused is in excess of $5,000;
(b) third degree felony if the damage caused is equal to or in excess of $1,000 but less than or equal to $5,000;
(c) class A misdemeanor if the damage caused is equal to or in excess of $300 but less than $1,000; and

(d) class B misdemeanor if the damage caused is less than $300.
(4) Damages under Subsection (3) include removal costs, repair costs, or replacement costs, whichever is less.
(5) The court shall order an individual convicted under Subsection (3) to pay restitution to the victim in an amount equal to the costs incurred by the victim as a result of the graffiti.
(6) An additional amount of $1,000 in restitution shall be added to removal costs if the graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in order to remove it, or the entity responsible for the area in which the clean-up is to take place must provide assistance in order for the removal to take place safely.
(7) An individual who voluntarily, at the individual's own expense, and with the consent of the property owner, removes graffiti for which the individual is responsible may be credited for the removal costs against restitution ordered by a court.
(8) Before an authorized government agency may issue a citation or assess a fine to a victim for the victim's failure to remove graffiti from the victim's property, the agency shall:
(a) provide written notice to the victim alerting the victim of the graffiti;
(b) allow the victim one week after the day on which the agency provides written notice of the graffiti to remove the graffiti; and
(c) provide the victim with a list of resources available to assist the victim with removal of the graffiti.
(9)
(a) After receiving notification of graffiti under Subsection (8)(a), a victim who is unable to remove the graffiti due to physical or financial hardship may alert the agency that provided notice under Subsection (8)(a) of the hardship.
(b) If an authorized government agency finds a victim has demonstrated that the victim would experience significant hardship in removing the graffiti, the agency:
(i) may not issue a citation or assess a fee to the victim for failure to remove the graffiti; and
(ii) shall provide, or hire an outside entity to provide, the assistance necessary to remove the graffiti from the victim's property.
(c) An authorized government agency that provides, or hires an outside agency to provide, assistance under Subsection (9)(b)(ii), may request reimbursement from a restitution order, under Subsection (5), against an individual who used graffiti to damage the property that the agency removed, or paid another to remove.

Amended by Chapter 111, 2023 General Session

76-6-107.5 Defacing by graffiti, damage, or destruction on public lands.
(1)
(a) As used in this section:
(i)
(A) "Archaeological feature" means a non-portable element created or used by humans that provides insights into past human activities or organization at a site.
(B) "Archaeological feature" includes a petroglyph, a pictograph, a habitation cave or rock shelter, and other marks or carvings on rock or elsewhere that are of archaeological interest.
(ii) "Natural feature" means a unique rock formation or feature, geological formation or feature, or another naturally occurring formation or feature, such as a hoodoo, cave, stalactite, or stalagmite.

(iii) "Public lands" means state or federally owned property that is held substantially in the property's natural state, including canyons, parks owned or managed by the state, national parks, land managed by the Bureau of Land Management, and other lands owned or maintained by a government entity for outdoor recreational use.

(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

(2) An actor commits defacing by graffiti, damage, or destruction on public lands if the actor:

(a) creates, or assists in creating, graffiti on any public lands or state-owned object permanently located on public lands; or

(b) damages or destroys:

(i) a natural feature on public lands;

(ii) an archaeological feature on public lands; or

(iii) a state-owned object permanently located on public lands.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor; or

(b) if the individual was previously convicted of violating this section, a class A misdemeanor.

(4) If an actor is convicted of a violation of this section, in addition to any other sentence imposed by the court, the court shall sentence the actor to a term of community service as follows:

(a) for a first conviction, the court shall sentence the actor to 100 hours of community service, to be completed within 90 days after the day on which the court issues the order;

(b) for a second conviction, the court shall sentence the actor to 200 hours of community service, to be completed within 180 days after the day on which the court issues the order; or

(c) for a third or subsequent conviction, the court shall sentence the actor to 300 hours of community service, to be completed within 270 days after the day on which the court issues the order.

(5) If an actor is enrolled in school or maintains full or part-time employment, the ordered community service may not be scheduled at a time the actor is scheduled to be in school or performing the individual's employment duties.

(6) A sentence of community service described in Subsection (4) shall, to the greatest extent possible, be for the benefit of public lands.

(7)

(a) If an actor is convicted of a violation of this section, the court may:

(i) impose a fine up to the full amount of the estimated cost to restore the damage caused by the actor's violation of this section; or

(ii) order the actor to pay restitution for the damage caused by the actor's violation of this section.

(b) The court may order that restitution under Subsection (7)(a) be deposited into the Public Lands Restoration and Protection Fund created in Section 9-8a-207.

(8) An actor who voluntarily, at the actor's own expense, and with the consent of the property owner, removes graffiti for which the actor is responsible shall be credited for the fees or restitution ordered by the court under Subsection (7).

Amended by Chapter 376, 2026 General Session

76-6-108 Damage to or interruption of a communication device -- Penalty.

(1)

(a) As used in this section:

(i) "Communication device" means any device, including a telephone, cellular telephone, computer, or radio, which may be used in an attempt to summon police, fire, medical, or other emergency aid.
(ii) "Emergency aid" means aid or assistance, including law enforcement, fire, or medical services, commonly summoned by persons concerned with imminent or actual:
(A) jeopardy to any person's health or safety; or
(B) damage to any person's property.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits damage to or interruption of a communication device if the actor attempts to prohibit or interrupt, or prohibits or interrupts, another person's use of a communication device when the other person is attempting to summon emergency aid or has communicated a desire to summon emergency aid, and in the process the actor:
(a) uses force, intimidation, or any other form of violence;
(b) destroys, disables, or damages a communication device; or
(c) commits any other act in an attempt to prohibit or interrupt the person's use of a communication device to summon emergency aid.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-111 Wanton destruction of livestock -- Penalties -- Restitution criteria -- Seizure and disposition of property.

(1)
(a) As used in this section:
(i) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(ii) "Livestock" means a domestic animal or fur bearer raised or kept for profit or as an asset, including:
(A) cattle;
(B) sheep;
(C) goats;
(D) swine;
(E) horses;
(F) mules;
(G) poultry;
(H) domesticated elk as defined in Section 4-39-102; and
(I) livestock guardian dogs.
(iii) "Livestock guardian dog" means a dog that is being used to live with and guard livestock, other than itself, from predators.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) Unless authorized by Section 4-25-201, 4-25-202, 4-25-401, 4-39-401, or 18-1-3, an actor commits wanton destruction of livestock if the actor:
(a) injures, physically alters, releases, or causes the death of livestock; and
(b) does so:
(i) intentionally or knowingly; and
(ii) without the permission of the owner of the livestock.
(3) A violation of Subsection (2) is a:
(a) class B misdemeanor if the aggregate value of the livestock is $250 or less;

(b) class A misdemeanor if the aggregate value of the livestock is more than $250, but does not exceed $750;
(c) third degree felony if the aggregate value of the livestock is more than $750, but does not exceed $5,000; and
(d) second degree felony if the aggregate value of the livestock is more than $5,000.
(4) For purposes of this section, a livestock guardian dog is presumed to belong to an owner of the livestock with which the livestock guardian dog was living at the time of an alleged violation of Subsection (2).
(5) When a court orders an actor who is convicted of wanton destruction of livestock to pay restitution under Title 77, Chapter 38b, Crime Victims Restitution Act, the court shall consider the restitution guidelines in Subsection (6) when setting the amount of restitution under Section 77-38b-205.
(6) The minimum restitution value for cattle and sheep is the sum of the following, unless the court states on the record why it finds the sum to be inappropriate:
(a) the fair market value of the animal, using as a guide the market information obtained from the Department of Agriculture and Food created under Section 4-2-102; and
(b) 10 years times the average annual value of offspring, for which average annual value is determined using data obtained from the National Agricultural Statistics Service within the United States Department of Agriculture, for the most recent 10-year period available.
(7) A material, device, or vehicle used in violation of Subsection (2) is subject to forfeiture under the procedures and substantive protections established in Title 77, Chapter 11b, Forfeiture of Seized Property.
(8) A peace officer may seize a material, device, or vehicle used in violation of Subsection (2):
(a) upon notice and service of process issued by a court having jurisdiction over the property; or
(b) without notice and service of process if:
(i) the seizure is incident to an arrest under:
(A) a search warrant; or
(B) an inspection under an administrative inspection warrant;
(ii) the material, device, or vehicle has been the subject of a prior judgment in favor of the state in a criminal injunction or forfeiture proceeding under this section; or
(iii) the peace officer has probable cause to believe that the property has been used in violation of Subsection (2).
(9)
(a) A material, device, or vehicle seized under this section is not repleviable but is in custody of the law enforcement agency making the seizure, subject only to the orders and decrees of a court or official having jurisdiction.
(b) A peace officer who seizes a material, device, or vehicle under this section may:
(i) place the property under seal;
(ii) remove the property to a place designated by the warrant under which it was seized; or
(iii) take custody of the property and remove it to an appropriate location for disposition in accordance with law.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

76-6-112 Agricultural operation interference -- Penalties.
(1)

(a) As used in this section, "agricultural operation" means private property used for the production of livestock, poultry, livestock products, or poultry products.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits agricultural operation interference if the actor:
(a) without consent from the owner of the agricultural operation, or the owner's agent, knowingly or intentionally records an image of, or sound from, the agricultural operation by leaving a recording device on the agricultural operation;
(b) obtains access to an agricultural operation under false pretenses;
(c)
(i) applies for employment at an agricultural operation with the intent to record an image of, or sound from, the agricultural operation;
(ii) knows, at the time that the actor accepts employment at the agricultural operation, that the owner of the agricultural operation prohibits the employee from recording an image of, or sound from, the agricultural operation; and
(iii) while employed at, and while present on, the agricultural operation, records an image of, or sound from, the agricultural operation; or
(d) without consent from the owner of the operation or the owner's agent, knowingly or intentionally records an image of, or sound from, an agricultural operation while the person is committing criminal trespass, as described in Section 76-6-206, on the agricultural operation.
(3)
(a) A violation of Subsection (2)(a) is a class A misdemeanor.
(b) A violation of Subsection (2)(b), (c), or (d) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-113 Property damage resulting in economic interruption -- Enhanced penalties.
(1)
(a) As used in this section:
(i) "Business" means an enterprise carried on for the purpose of gain or economic profit.
(ii) "Governmental entity" means the state, a county, a municipality, a special district, a special service district, a school district, a state institution of higher education, or any other political subdivision or administrative unit of the state.
(iii) "Economic interruption" means any disruption or cessation to the operations of a business or governmental entity that results in:
(A) the business or governmental entity ceasing operations for at least one day; or
(B) the employees of the business or governmental entity being unable to perform labor for the business or governmental entity for at least one day.
(iv) "Private postsecondary educational institution" means the same as that term is defined in Section 53H-1-101.
(b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
(2) An actor commits property damage resulting in economic interruption if:
(a) the actor intentionally, knowingly, recklessly, or negligently damages, defaces, or destroys a business's, private postsecondary educational institution's, or governmental entity's property; and
(b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business, private postsecondary educational institution, or governmental entity.
(3) A violation of Subsection (2) is a class A misdemeanor.

(4) It is not a defense under this section that the actor did not know that the victim is a business, private postsecondary educational institution, or governmental entity.
(5) If the trier of facts finds that the actor committed a violation of Subsection (2), the actor is guilty of:
  (a) a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2); and
  (b) a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).
(6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction that is from a separate criminal episode than:
  (a) the most recent violation of Subsection (2); and
  (b) any other prior conviction that is used to enhance the penalty for the most recent violation of Subsection (2).
(7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (5).

Amended by Chapter 183, 2026 General Session

Part 2
Burglary and Criminal Trespass

76-6-201 Definitions.

As used in this part:
(1)
  (a) "Building," in addition to its ordinary meaning, means any watercraft, aircraft, trailer, or other structure or vehicle adapted for overnight accommodation of persons or for carrying on business and includes:
    (i) each separately secured or occupied portion of the structure or vehicle; and
    (ii) each structure appurtenant to or connected with the structure or vehicle.
  (b) "Building" does not include a railroad car.
(2) "Dwelling" means a building which is usually occupied by a person lodging in the building at night, whether or not a person is actually present.
(3) "Enter or remain unlawfully" means a person enters or remains in or on any premises when:
  (a) at the time of the entry or remaining, the premises or any portion of the premises are not open to the public; and
  (b) the actor is not otherwise licensed or privileged to enter or remain on the premises or any portion of the premises.
(4) "Enter" means:
  (a) intrusion of any part of the body; or
  (b) intrusion of any physical object under control of the actor.
(5) "Railroad car":
  (a) in addition to its ordinary meaning, includes a sleeping car or any container or trailer that is on a railroad car; and

(b) includes only a railroad car that is operable and part of an ongoing railroad operation.
(6)
(a) "State property" means real property owned by or leased to the state.
(b) "State property" includes real property owned by, leased to, or managed by the School and Institutional Trust Lands Administration created in Section 53C-1-201.
(c) "State property" does not include property owned by or leased to a political subdivision of the state.

Amended by Chapter 504, 2025 General Session

76-6-202 Burglary.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary if the actor enters or remains unlawfully in a building or any portion of a building with intent to commit:
(a) a felony;
(b) theft;
(c) an assault on any person;
(d) lewdness, in violation of Section 76-5-419;
(e) sexual battery, in violation of Section 76-5-418;
(f) lewdness involving a child, in violation of Section 76-5-420;
(g) voyeurism, in violation of Section 76-12-306;
(h) recorded or photographed voyeurism, in violation of Section 76-12-307; or
(i) distribution of images obtained through voyeurism, in violation of Section 76-12-308.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the violation is committed in a dwelling.
(4) A violation of this section is a separate offense from any of the offenses listed in Subsections (2)(a) through (i), and which may be committed by the actor while in the building.

Amended by Chapter 324, 2026 General Session

76-6-202.2 Interruption of a connected service in the commission of a burglary.
(1)
(a) As used in this section:
(i) "Burglary" means an offense under Section 76-6-202.
(ii) "Connected service" means electrical, Internet, or telephone service.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits interruption of a connected service in the commission of a burglary if, in attempting, committing, or fleeing from a burglary, the actor knowingly damages, disables, or interrupts a connected service.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 326, 2024 General Session

76-6-203 Aggravated burglary.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

(2) An actor commits aggravated burglary if in attempting, committing, or fleeing from a burglary the actor or another participant in the crime:
(a) causes bodily injury to any person who is not a participant in the crime;
(b) uses or threatens the immediate use of a dangerous weapon against any person who is not a participant in the crime; or
(c) possesses or attempts to use any explosive or dangerous weapon.
(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

76-6-204 Burglary of a vehicle -- Charge of other offense.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary of a vehicle if the actor unlawfully enters any vehicle with intent to commit a felony or theft.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) A charge against an actor for a violation of Subsection (2) does not preclude a charge for a commission of any other offense.

Amended by Chapter 111, 2023 General Session

76-6-204.5 Burglary of a railroad car -- Charge of other offenses.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits burglary of a railroad car if the actor breaks the lock or seal on any railroad car, with the intent to commit a felony or theft.
(3) A violation of Subsection (2) is a third degree felony.
(4) Charging a person for a violation of Subsection (2) does not preclude charging the person for any other offense.

Amended by Chapter 111, 2023 General Session

76-6-205 Manufacture or possession of instrument for burglary or theft.
(1) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits manufacture or possession of an instrument for burglary or theft if the actor manufactures or possesses any instrument, tool, device, article, or other thing adapted, designed, or commonly used in advancing or facilitating the commission of any offense under circumstances manifesting an intent to use or knowledge that another person intends to use the same in the commission of a burglary or theft.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 111, 2023 General Session

76-6-206 Criminal trespass.
(1)
(a) As used in this section:
(i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
(ii) "Graffiti" means the same as that term is defined in Section 76-6-101.
(iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means remaining on or over private property when:

(A) the private property or any portion of the private property is not open to the public; and
(B) the person operating the unmanned aircraft is not otherwise authorized to fly the unmanned aircraft over the private property or any portion of the private property.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass if, under circumstances not amounting to burglary as defined in Section 76-6-202, 76-6-203, or 76-6-204, a violation of Section 76-6-106.2, or a violation of Section 76-9-113 regarding commercial obstruction or Section 76-9-114 regarding aggravated commercial obstruction:
(a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter and remain unlawfully over property and:
(i) intends to cause annoyance or injury to any person or damage to any property, including the use of graffiti;
(ii) intends to commit any crime, other than theft or a felony; or
(iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause fear for the safety of another;
(b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor enters or remains on or causes an unmanned aircraft to enter or remain unlawfully over property to which notice against entering is given by:
(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
(ii) fencing or other enclosure obviously designed to exclude intruders; or
(iii) posting of signs reasonably likely to come to the attention of intruders;
(c) the actor enters a condominium unit in violation of Section 57-8-7(8); or
(d) the actor enters a sex-designated changing room in violation of Subsection 63G-31-302(3).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or (d) is a class B misdemeanor.
(b) The following is a class A misdemeanor:
(i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;
(ii) if a violation of Subsection (2)(d) is committed while also committing the offense of:
(A) lewdness under Section 76-5-419;
(B) lewdness involving a child under Section 76-5-420;
(C) voyeurism under Section 76-12-306;
(D) recorded or photographed voyeurism under Section 76-12-307;
(E) distribution of images obtained through voyeurism under Section 76-12-308; or
(F) loitering in a privacy space under Section 76-12-309; or
(iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy space, as defined in Section 76-12-309, that is not designated for individuals of the actor's sex.
(c) A violation of Subsection (2)(c) is an infraction.
(4) It is a defense to prosecution under this section that:
(a) the property was at the time open to the public; and
(b) the defendant complied with all lawful conditions imposed on access to or remaining on the property.
(5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2) or $500, whichever is greater; and
(b) reasonable attorney fees not to exceed $250, and court costs.

(6) Civil damages under Subsection (5) may be collected in a separate action by the property owner or the owner's assignee.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 295, 2025 General Session

76-6-206.1 Criminal trespass of abandoned or inactive mines.

(1)
(a) For purposes of this section:
(i) "Abandoned or inactive mine" means an underground mine which is no longer open for access or no longer under excavation and has been clearly marked as closed or protected from entry.
(ii) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
(iii) "Enter" means intrusion of the entire body.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

(2) An actor commits criminal trespass of an abandoned or inactive mine if, under circumstances not amounting to burglary, the actor:
(a) intentionally enters and remains unlawfully in the underground workings of an abandoned or inactive mine; or
(b) intentionally and without authority removes, destroys, or tampers with any warning sign, covering, fencing, or other method of protection from entry placed on, around, or over any mine shaft, mine portal, or other abandoned or inactive mining excavation property.

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

Amended by Chapter 111, 2023 General Session

76-6-206.2 Criminal trespass on state park lands.

(1)
(a) As used in this section:
(i) "Authorization" means specific written permission by, or contractual agreement with, the Division of State Parks.
(ii) "Criminal trespass" means the elements of the crime of criminal trespass, as set forth in Section 76-6-206.
(iii) "Division" means the Division of State Parks created in Section 79-4-201.
(iv) "State park lands" means all lands administered by the division.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

(2) An actor commits criminal trespass on state park lands and is liable for the civil damages prescribed in Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization, the actor:
(a) constructs improvements or structures on state park lands;
(b) uses or occupies state park lands for more than 30 days after the cancellation or expiration of authorization;
(c) knowingly or intentionally uses state park lands for commercial gain;
(d) intentionally or knowingly grazes livestock on state park lands, except as provided in Section 72-3-112; or

(e) remains, after being ordered to leave by a person with actual authority to act for the division, or by a law enforcement officer.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) A person does not commit criminal trespass if that person enters onto state park lands:
(a) without first paying the required fee; and
(b) for the sole purpose of pursuing recreational activity.
(5)
(a) In addition to an order for restitution under Section 77-38b-205, an actor who commits any act described in Subsection (2) may also be liable for civil damages in the amount of three times the value of:
(i) damages resulting from a violation of Subsection (2);
(ii) the water, mineral, vegetation, improvement, or structure on state park lands that is removed, destroyed, used, or consumed without authorization;
(iii) the historical, prehistorical, archaeological, or paleontological resource on state park lands that is removed, destroyed, used, or consumed without authorization; or
(iv) the consideration which would have been charged by the division for unauthorized use of the land and resources during the period of trespass.
(b) Civil damages awarded under Subsection (5)(a):
(i) may be collected in a separate action by the division; and
(ii) shall be deposited into the State Parks Restricted Account as established in Section 79-4-402.

Amended by Chapter 153, 2025 General Session

76-6-206.3 Criminal trespass on agricultural land or range land.
(1)
(a) As used in this section:
(i) "Agricultural or range land" and "land" mean land as defined under Subsections (1)(a)(iv) and (v).
(ii) "Authorization" means specific written permission by, or contractual agreement with, the owner or manager of the property.
(iii) "Criminal trespass" means the elements of the crime of criminal trespass under Section 76-6-206.
(iv) "Land in agricultural use" has the same meaning as in Section 59-2-502.
(v)
(A) "Range land" means privately owned land that is not fenced or divided into lots and that is generally unimproved.
(B) "Range land" includes land used for livestock.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor commits criminal trespass on agricultural or range land and is liable for the civil damages under Subsection (5) if, under circumstances not amounting to a greater offense, and without authorization or a right under state law, the actor enters or remains on agricultural or range land regarding which notice prohibiting entry is given by:
(a) personal communication to the actor by the owner of the land, an employee of the owner, or a person with apparent authority to act for the owner;
(b) fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders; or

(c) posted signs or markers that would reasonably be expected to be seen by persons in the area of the borders of the land.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to an order for restitution under Section 77-38b-205, an actor who commits any violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of three times the value of damages resulting from the violation of Subsection (2) or $500, whichever is greater;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.
(5) Civil damages under Subsection (4) may be collected in a separate action by the owner of the agricultural or range land or the owner's assignee.

Amended by Chapter 111, 2023 General Session

76-6-206.4 Criminal trespass by long-term guest to a residence.
(1)
(a) As used in this section:
(i) "Burglary" means an offense described in Section 76-6-202, 76-6-203, or 76-6-204.
(ii) "Long-term guest" means an individual who is not a tenant, nor the immediate family member of an owner or tenant, but who is given express or implied permission by an owner or tenant of the residence or someone with apparent authority to act for an owner or tenant to enter a portion of a residence or temporarily occupy a portion of a residence:
(A) for a period of time longer than 48 hours; and
(B) without providing the owner or tenant of the residence compensation or entering into an agreement that the individual provide labor in lieu of providing the owner or primary occupant compensation for occupying the residence.
(iii) "Residence" means an improvement to real property used or occupied as a primary or secondary dwelling.
(iv) "Tenant" means a person who has the right to occupy a residence under a rental agreement or lease, or has a tenancy by operation of law.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2)
(a) Except as provided in Subsection (2)(b), a long-term guest commits criminal trespass of a residence if the long-term guest, in circumstances not amounting to burglary, remains in a residence after receiving notice to leave the residence from:
(i) an owner;
(ii) a tenant; or
(iii) someone with apparent authority to act for an owner or a tenant.
(b) A long-term guest does not commit criminal trespass if:
(i) the long-term guest has express permission to remain in the residence from a separate owner or tenant; and
(ii) the express permission is not:
(A) revoked by the owner or tenant described in Subsection (2)(b)(i); or
(B) rendered void under Subsection (2)(c).
(c) The express permission described in Subsection (2)(b) is void if:
(i) the long-term guest or a visitor of the long-term guest:
(A) uses or distributes illegal drugs at the residence;
(B) distributes alcohol to a minor at the residence;

(C) commits a crime against a person or property at the residence; or
(D) commits a behavior that threatens or substantially endangers the security, safety, well-being, or health of other persons at the residence or threatens or damages property at the residence; or
(ii) the long-term guest commits a felony after occupying the residence, regardless of whether the long-term guest enters into a plea agreement for a lower offense and regardless of where the felony takes place.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Before a law enforcement officer escorts a long-term guest from a residence for a violation of Subsection (2), the law enforcement officer shall provide the long-term guest a reasonable time for the long-term guest to collect the long-term guest's personal belongings.

Amended by Chapter 223, 2024 General Session

76-6-206.5 Cutting, destroying, or rendering ineffective fencing of agricultural or range land.
(1) Terms defined in Sections 76-1-101.5, 76-6-201, and 76-6-206.3 apply to this section.
(2) An actor commits cutting, destroying, or rendering ineffective the fencing of agricultural or range land if the person willfully cuts, destroys, or renders ineffective any fencing or other form of enclosure a reasonable person would recognize as intended to exclude intruders.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to an order for restitution under Section 77-38b-205, an actor who commits a violation of Subsection (2) may also be liable for:
(a) statutory damages in the amount of $500;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.
(5) Civil damages under Subsection (4) may be collected in a separate action by the owner of the agricultural or range land or the owner's assignee.

Enacted by Chapter 111, 2023 General Session

76-6-206.6 Criminal trespass on private property for recreational purposes related to use of public waters.
(1)
(a) As used in this section:
(i) "Bank" means the land within three feet of a public water.
(ii) "Private property" means the bed or bank of a non-navigable freshwater stream or river that flows through privately owned land and is privately owned.
(iii) "Private property to which access is restricted" means the same as that term is defined in Section 73-29-102.
(iv) "Recreational purpose" includes one or more of the following:
(A) hunting;
(B) fishing;
(C) swimming;
(D) skiing;
(E) snowshoeing;
(F) camping;
(G) picnicking;
(H) hiking;

(I) studying nature;
(J) engaging in water sports;
(K) mountain biking; or
(L) viewing or enjoying historical, archaeological, scenic, or scientific sites.
(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
(2) An actor is guilty of criminal trespass if for recreational purposes, under circumstances not amounting to a greater offense, and without authorization or a right under state law:
(a) the actor touches or remains unlawfully on private property to which access is restricted in violation of Section 73-29-201 and:
(i) intends to cause annoyance or injury to a person or damage to property;
(ii) intends to commit a crime, other than theft or a felony; or
(iii) is reckless as to whether the actor's presence will cause fear for the safety of another; or
(b) knowing the actor's touching or presence is unlawful, the actor touches or remains on private property to which notice against entering is given by:
(i) personal communication to the actor by the owner or someone with apparent authority to act for the owner;
(ii) fencing or other enclosure obviously designed to exclude intruders; or
(iii) posting of signs reasonably likely to come to the attention of intruders.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) It is a defense to prosecution under this section that:
(a)
(i) the private property was at the time open to the public; and
(ii) the actor complied with all lawful conditions imposed on access to or remaining on the private property;
(b) the actor acted in compliance with an express easement; or
(c) the actor touched the private property as allowed by Section 73-29-202.
(5) In addition to an order for restitution under Section 77-38b-205, an actor who violates Subsection (2) is also liable for:
(a) statutory damages in the amount of the greater of:
(i) three times the value of damages resulting from the violation of Subsection (2); or
(ii) $500;
(b) reasonable attorney fees not to exceed $250; and
(c) court costs.
(6) Civil damages under Subsection (5) may be collected in a separate action by the private property owner or the owner's assignee.

Enacted by Chapter 474, 2023 General Session

76-6-207 Burglary of a research facility -- Penalties.
(1)
(a) As used in this section:
(i) "Building," in addition to its commonly-accepted meaning, means any watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodations of individuals or for carrying on business and includes:
(A) each separately secured or occupied portion of the building or vehicle; and
(B) each structure appurtenant or connected to the building or vehicle.
(ii) "Enter" means:
(A) an intrusion of any part of the body; or

(B) the intrusion of any physical object, sound wave, light ray, electronic signal, or other means of intrusion under the control of the actor.

(iii) "Research" means studious and serious inquiry, examination, investigation, or experimentation aimed at the discovery, examination, or accumulation of facts, data, devices, theories, technologies, or applications done for any public, governmental, proprietorial, or teaching purpose.

(iv) "Research facility" means a building, or separately secured yard, pad, pond, laboratory, pasture, pen, or corral which is not open to the public, the major use of which is to conduct research, to house research subjects, to store supplies, equipment, samples, specimens, records, data, prototypes, or other property used in or generated from research.

(b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

(2) An actor commits burglary of a research facility if the actor enters or remains unlawfully in a research facility with the intent to:

(a) obtain unauthorized control over any property, sample, specimen, record, data, test result, or proprietary information in the facility;

(b) alter or eradicate any sample, specimen, record, data, test result, or proprietary information in the facility;

(c) damage, deface, or destroy any property in the facility;

(d) release from confinement or remove any animal or biological vector in the facility regardless of whether or not that animal or vector is dangerous;

(e) commit an assault on an individual;

(f) commit any other felony; or

(g) interfere with the personnel or operations of a research facility through conduct that does not constitute an assault.

(3)

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

(b) A violation of Subsection (2)(a), (b), (c), (d), (e), or (f) is a second degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-6-208 Unsanctioned camping on state property.

(1)

(a) As used in this section, "camping" means:

(i) erecting or occupying structures, including tents, temporary structures, recreational vehicles, travel trailers, or motor vehicles, for camping or other living accommodation activities, including sleeping, for any period of time;

(ii) using camping-related items, including cots, beds, sleeping bags, or hammocks, for sleeping or other living accommodation activities; or

(iii) cooking using a camp fire, propane stove, or other heat-producing portable cooking equipment.

(b) Terms defined in Sections 76-1-105.1 and 76-1-201 apply to this section.

(2) An actor commits unsanctioned camping if the actor is camping on state property unless the state expressly authorizes camping on the state property.

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

Enacted by Chapter 504, 2025 General Session

Part 3
Robbery

76-6-301 Robbery.

(1)
(a) As used in this section, an act is considered to be "in the course of committing a theft or unauthorized possession of property" if the act occurs:
(i) in the course of an attempt to commit theft or unauthorized possession of property;
(ii) in the commission of theft or unauthorized possession of property; or
(iii) in the immediate flight after the attempt or commission.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits robbery if the actor:
(a) unlawfully and intentionally takes or attempts to take personal property in the possession of an individual from the individual's person, or immediate presence, against the individual's will, by means of force or fear, and with a purpose or intent to deprive the individual permanently or temporarily of the personal property; or
(b) intentionally or knowingly uses force or fear of immediate force against an individual in the course of committing a theft or unauthorized possession of property.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 111, 2023 General Session

76-6-302 Aggravated robbery.

(1)
(a) As used in this section, an act is considered to be "in the course of committing a robbery" if the act occurs in an attempt to commit, during the commission of, or in the immediate flight after the attempt or commission of a robbery.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated robbery if in the course of committing a robbery, the actor:
(a) uses or threatens to use a dangerous weapon;
(b) causes serious bodily injury to another individual; or
(c) takes or attempts to take an operable motor vehicle.
(3) A violation of Subsection (2) is a first degree felony.

Amended by Chapter 111, 2023 General Session

Part 4
Theft

76-6-401 Definitions.

As used in this part:
(1) "Deception" occurs when a person intentionally:
(a) creates or confirms by words or conduct an impression of law or fact that is false and that the actor does not believe to be true and that is likely to affect the judgment of another in the transaction;

(b) fails to correct a false impression of law or fact that the actor previously created or confirmed by words or conduct that is likely to affect the judgment of another and that the actor does not now believe to be true;
(c) prevents another person from acquiring information likely to affect the person's judgment in the transaction;
(d) sells or otherwise transfers or encumbers property without disclosing a lien, security interest, adverse claim, or other legal impediment to the enjoyment of the property, regardless of whether the lien, security interest, claim, or impediment is valid or is a matter of official record; or
(e) promises performance that is likely to affect the judgment of another in the transaction, which performance the actor does not intend to perform or knows will not be performed, except that failure to perform the promise in issue without other evidence of intent or knowledge is not sufficient proof that the actor did not intend to perform or knew the promise would not be performed.

(2) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.
(3) "Obtain" means, in relation to property, to bring about a transfer of possession or of some other legally recognized interest in property, whether to the obtainer or another; in relation to labor or services, to secure performance thereof; and in relation to a trade secret, to make any facsimile, replica, photograph, or other reproduction.
(4) "Obtain or exercise unauthorized control" means conduct originally defined or known as common-law larceny by trespassory taking, larceny by conversion, larceny by bailee, or embezzlement.
(5) "Property" means anything of value, including real estate, tangible and intangible personal property, captured or domestic animals and birds, written instruments or other writings representing or embodying rights concerning real or personal property, labor, services, or otherwise containing anything of value to the owner, commodities of a public utility nature such as telecommunications, gas, electricity, steam, or water, and trade secrets, meaning the whole or any portion of any scientific or technical information, design, process, procedure, formula, or invention which the owner intends to be available only to persons selected by the owner.
(6) "Purpose to deprive" means to have the conscious object:
(a) to withhold property permanently or for so extended a period or to use under such circumstances that a substantial portion of its economic value, or of the use and benefit thereof, would be lost;
(b) to restore the property only upon payment of a reward or other compensation; or
(c) to dispose of the property under circumstances that make it unlikely that the owner will recover it.

Amended by Chapter 57, 2021 General Session

76-6-402 Presumptions and defenses.

The following presumption shall be applicable to this part:
(1) Possession of property recently stolen, when no satisfactory explanation of such possession is made, shall be deemed prima facie evidence that the person in possession stole the property.
(2) It is not a defense under this part that the actor:
(a) has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, unless the interest is a security interest for the repayment of a debt or obligation; or

(b) takes livestock, as defined in Section 76-3-203.16, from the owner because the livestock is sick, injured, or a liability to the owner.

(3) It is a defense under this part that the actor:

(a) acted under an honest claim of right to the property or service involved;

(b) acted in the honest belief that the actor had the right to obtain or exercise control over the property or service in the manner the actor obtained or exercised control; or

(c) obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

(4) A livestock guardian dog is presumed to belong to an owner of the livestock with which the livestock guardian dog is living at the time of an alleged violation of this part.

Amended by Chapter 121, 2023 General Session

76-6-402.5 Defense regarding metal dealers.

It is a defense against a charge of theft under this part and a defense against a civil claim for conversion if any dealer as defined in Section 76-6-1402 has acted in compliance with Title 76, Chapter 6, Part 14, Regulation of Metal Dealers.

Amended by Chapter 187, 2013 General Session

76-6-403 Theft -- Evidence to support accusation.

Conduct denominated theft in this part constitutes a single offense embracing the separate offenses such as those heretofore known as larceny, larceny by trick, larceny by bailees, embezzlement, false pretense, extortion, blackmail, receiving stolen property. An accusation of theft may be supported by evidence that it was committed in any manner specified in this part, subject to the power of the court to ensure a fair trial by granting a continuance or other appropriate relief where the conduct of the defense would be prejudiced by lack of fair notice or by surprise.

Amended by Chapter 111, 2023 General Session

76-6-404 Theft -- Elements.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft if the actor obtains or exercises unauthorized control over another person's property with a purpose to deprive the person of the person's property.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the:

(i) value of the property is or exceeds $5,000;

(ii) property stolen is a firearm or an operable motor vehicle; or

(iii) property is stolen from the person of another;

(b) a third degree felony if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of property is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) A court shall impose the mandatory jail sentence described in Subsection (4)(b), and may not suspend any portion of the jail sentence or grant early release, if:
(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of this section;
(ii)
(A) the violation is the actor's second or subsequent conviction for any level of offense under this section; or
(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of this section; and
(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.
(b) The mandatory jail sentences referred to in Subsection (4)(a) are:
(i) for a felony or a class A misdemeanor, 360 days in jail;
(ii) for a class B misdemeanor, 180 days in jail; and
(iii) for a class C misdemeanor, 90 days in jail.
(c)
(i) Except as provided in Subsection (4)(c)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and

Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(b).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(b).

Amended by Chapter 434, 2025 General Session

76-6-404.5 Unauthorized possession of property.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unauthorized possession of property if the actor obtains or exercises unauthorized control over another person's property, without the consent of the property's owner or legal custodian, and with the intent to temporarily appropriate, possess, or use the property or to temporarily deprive the property's owner or legal custodian of possession of the property.

(3) A violation of Subsection (2) is:

(a) a third degree felony if:

(i) the value of the property is or exceeds $5,000;

(ii) the property is a firearm or an operable motor vehicle; or

(iii) the property is taken from the person of another;

(b) a class A misdemeanor if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

(B) 25 pounds or more of a suspect metal item is defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;

(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);

(iv)

(A) the value of property is or exceeds $500 but is less than $1,500;

(B) the unauthorized possession of property occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class B misdemeanor if:

(i) the value of the property is or exceeds $500 but is less than $1,500;

(ii)
(A) the value of property is less than $500;
(B) the unauthorized possession of property occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class C misdemeanor if the value of the property is less than $500 and the unauthorized possession of property is not an offense under Subsection (3)(c).
(4) Unauthorized possession of property is a lesser included offense of the offense of theft under Section 76-6-404.
(5) The consent of the owner or legal custodian of the property to the property's control by the actor is not presumed or implied because of the owner's or legal custodian's consent on a previous occasion to the control of the property by any person.

Amended by Chapter 178, 2025 General Session

76-6-404.7 Theft of motor vehicle fuel.
(1)
(a) As used in this section, "motor vehicle fuel" means any combustible gas, liquid, matter, or substance that is used in an internal combustion engine for the generation of power.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of motor vehicle fuel if the actor:
(a) causes a motor vehicle to leave any premises where motor vehicle fuel is offered for retail sale when motor fuel has been dispensed into:
(i) the fuel tank of the motor vehicle; or
(ii) any other container that is then removed from the premises by means of the motor vehicle; and
(b) commits the act under Subsection (2)(a) with the intent to deprive the owner or operator of the premises of the motor vehicle fuel without making full payment for the fuel.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the motor vehicle fuel is or exceeds $5,000;
(b) a third degree felony if:
(i) the value of the motor vehicle fuel is or exceeds $1,500 but is less than $5,000;
(ii) the value of the motor vehicle fuel is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);
(iii)

(A) the value of the motor vehicle fuel is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the motor vehicle fuel is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the motor vehicle fuel is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the motor vehicle fuel is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) In addition to the penalties described in Subsection (3), the sentencing court may order the suspension of the driver license of an actor convicted of theft of motor vehicle fuel.
(b) The suspension described in Subsection (4)(a) may not be for more than 90 days as provided in Section 53-3-220.

Amended by Chapter 178, 2025 General Session

76-6-405 Theft by deception.
(1)
(a) As used in this section, "puffing" means an exaggerated commendation of wares or worth in a communication addressed to an individual, group, or the public.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor commits theft by deception if the actor obtains or exercises control over property of another person:
(i) by deception; and
(ii) with a purpose to deprive the other person of property.
(b) The deception described in Subsection (2)(a)(i) and the deprivation described in Subsection (2)(a)(ii) may occur at separate times.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000; or
(ii) property stolen is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of property is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4) Theft by deception does not occur when there is only:
(a) falsity as to matters having no pecuniary significance; or
(b) puffing by statements unlikely to deceive an ordinary person in the group addressed.

Amended by Chapter 434, 2025 General Session

76-6-406 Theft by extortion.
(1)
(a) As used in this section, extortion occurs when an actor threatens to:
(i) cause physical harm in the future to the person threatened, to any other person, or to property at any time;
(ii) subject the person threatened or any other person to physical confinement or restraint;
(iii) engage in other conduct constituting a crime;
(iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;
(v) reveal any information sought to be concealed by the person threatened;

(vi) testify, provide information, or withhold testimony or information with respect to a person's legal claim or defense;
(vii) take action as an official against anyone or anything, or withhold official action, or cause such action or withholding;
(viii) bring about or continue a strike, boycott, or other similar collective action to obtain property that is not demanded or received for the benefit of the group that the actor purports to represent; or
(ix) do any other act which would not in itself substantially benefit the actor but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft by extortion if the actor obtains or exercises control over the property of another person by extortion and with a purpose to deprive the person of the person's property.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000;
(ii) property stolen is a firearm or an operable motor vehicle; or
(iii) property is stolen from the person of another;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of property is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

(4)

(a) A person who is adversely impacted by the conduct prohibited in Subsection (2) may bring a civil action for equitable relief and damages.

(b) In accordance with Section 78B-2-305, a person who brings an action under Subsection (4)(a) shall commence the action within three years after the day on which the cause of action arises.

Amended by Chapter 434, 2025 General Session

76-6-407 Theft of lost, mislaid, or mistakenly delivered property.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft of lost, mislaid, or mistakenly delivered property if the actor:

(a) obtains another person's property and knows the property to have been lost or mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the nature or amount of the property, without taking reasonable measures to return the property to the owner; and

(b) has the purpose to deprive the owner of the property when the actor obtains the property or at any time before taking the measures described in Subsection (2)(a).

(3) A violation of Subsection (2) is:

(a) a second degree felony if the:

(i) value of the property is or exceeds $5,000;

(ii) property stolen is a firearm or an operable motor vehicle; or

(iii) property is stolen from the person of another;

(b) a third degree felony if:

(i) the value of the property is or exceeds $1,500 but is less than $5,000;

(ii) the property is:

(A) a catalytic converter as defined under Section 76-6-1402; or

(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;

(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud;

(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C);

(iv)

(A) the value of property is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of property is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session

76-6-408 Theft by receiving stolen property -- Duties of pawnbrokers, secondhand businesses, coin dealers, and catalytic converter purchasers.

(1)
(a) As used in this section:
(i) "Catalytic converter purchaser" means the same as that term is defined in Section 13-32a-102.
(ii) "Coin dealer" means the same as that term is defined in Section 13-32a-102.
(iii) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.
(iv) "Receives" means acquiring possession, control, title, or lending on the security of the property.
(v) "Scrap metal processor" means the same as that term is defined in Section 76-6-1402.
(vi) "Secondhand actor" means:
(A) a pawnbroker;
(B) a person who has or operates a business dealing in or collecting used or secondhand merchandise or personal property; or
(C) an agent, employee, or representative of a pawnbroker or person who buys, receives, or obtains property.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft by receiving stolen property if the actor receives, retains, or disposes of the property of another knowing that the property is stolen, or believing that the property is probably stolen, or who conceals, sells, withholds, or aids in concealing, selling, or withholding the property from the owner, knowing or believing the property to be stolen, intending to deprive the owner of the property.

(3) A violation of Subsection (2) is:
(a) a second degree felony if:
(i) the value of the property is or exceeds $5,000; or
(ii) the property is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the property is:
(A) a catalytic converter as defined under Section 76-6-1402; or
(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less the $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;
(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property is or exceeds $500 but is less than $1,500; or
(ii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property is less than $500 and the theft is not an offense under Subsection (3)(c).
(4) Except as provided in Subsection (5), the knowledge or belief required under Subsection (2) is presumed in the case of an actor who:
(a) is found in possession or control of other property stolen on a separate occasion; or
(b) has received other stolen property within the year preceding the receiving offense charged.
(5)
(a) The knowledge or belief required under Subsection (2) may only be presumed of a secondhand actor if the secondhand actor does not substantially comply with the material requirements of Section 13-32a-104.
(b) The knowledge or belief required under Subsection (2) may only be presumed of a coin dealer or an employee of a coin dealer if the coin dealer or the employee of the coin dealer does not substantially comply with the requirements of Section 13-32a-104.5.
(c) The knowledge or belief required under Subsection (2) may only be presumed of a catalytic converter purchaser if the catalytic converter purchaser does not substantially comply with the material requirements of Section 13-32a-104.7.
(6) Unless acting as a catalytic converter purchaser, Subsection (5)(c) does not apply to a scrap metal processor.

(7) This section does not preclude the admission of evidence in accordance with the Utah Rules of Evidence.
(8) An actor who violates Subsection (2) is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Amended by Chapter 178, 2025 General Session

76-6-409 Theft of service.

(1)
(a) As used in this section, "service" includes:
(i) labor, professional service, a public utility or transportation service, restaurant, hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of equipment, a tool, a vehicle, or a trailer for temporary use, telegraph service, steam, admission to entertainment, an exhibition, a sporting event, or other event for which a charge is made;
(ii) gas, electricity, water, sewer, or cable television service, only if the service is obtained by threat, force, or a form of deception not described in Section 76-6-409.3; and
(iii) telephone service, only if the service is obtained by threat, force, or a form of deception not described in Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of service if:
(a) the actor, by deception, threat, force, or another means designed to avoid due payment, obtains a service that the actor knows is available only for compensation; or
(b) the actor:
(i) has control over the disposition of another person's service; and
(ii)
(A) diverts the other person's service to the benefit of the actor, knowing that the actor is not entitled to the service; or
(B) diverts the other person's service to the benefit of a third person, knowing that the third person is not entitled to the service.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the service is or exceeds $5,000;
(b) except as provided in Subsection (3)(a), a third degree felony if:
(i) the value of the service is or exceeds $1,500 but is less than $5,000;
(ii) the value of the service is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
(iii)
(A) the value of the service is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iv)
(A) the service is a service other than a public transportation service; and
(B) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) except as provided in Subsection (3)(a) or (b), a class A misdemeanor if:
(i) the value of the service stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the service is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) except as provided in Subsection (3)(a), (b), or (c), a class B misdemeanor if the value of the service is less than $500.

Amended by Chapter 261, 2026 General Session

76-6-409.1 Unlawful device for theft of service -- Seizure and destruction -- Civil actions for damages.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful device for theft of service if the actor:
(a) makes or possesses an instrument, apparatus, equipment, or device for the use of, or for the purpose of, committing or attempting to commit theft under Section 76-6-409 or 76-6-409.3; or
(b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another person:
(i) an instrument, apparatus, equipment, or device; or
(ii) any information, plan, or instruction for obtaining, making, or assembling an instrument, apparatus, equipment, or device, with intent that the instrument, apparatus, equipment, or device be used, or caused to be used, to commit or attempt to commit theft under Section 76-6-409 or 76-6-409.3.

(3)
(a) A violation of Subsection (2) is a class A misdemeanor.
(b) Any instrument, apparatus, equipment, device, information, plan, or instruction referred to in Subsection (2) may be seized pursuant to a court order, lawful search and seizure, lawful arrest, or other lawful process.
(c) Upon the conviction of an actor for a violation of this section, the sheriff of the county in which the actor was convicted shall destroy as contraband any instrument, apparatus, equipment, device, information, plan, or instruction.

(4) A criminal prosecution under this section does not affect any person's right of civil action for redress for damages suffered as a result of a violation of this section.

Amended by Chapter 111, 2023 General Session

76-6-409.3 Theft of utility or cable television services -- Restitution -- Civil action for damages.

(1)

(a) As used in this section:

(i) "Cable television service" means an audio, video, or data service provided for payment by a cable television company over the cable company's cable system facilities, but does not include the use of a satellite dish or antenna.

(ii) "Occupant" includes a person, including the owner, who occupies the whole or part of a building, whether alone or with others.

(iii) "Owner" includes a partial owner, joint owner, tenant in common, joint tenant, or tenant by the entirety of the whole or a part of a building and the property on which the building is located.

(iv) "Person" means an individual, firm, partnership, corporation, company, association, or other legal entity.

(v) "Tenant" includes a person, including the owner, who occupies the whole or part of any building, whether alone or with others.

(vi) "Utility" means any public utility, municipally owned utility, or cooperative utility that provides electricity, gas, water, or sewer, or any combination of electricity, gas, water, or sewer, for sale to consumers.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft of a utility or cable television service if, with intent to avoid due payment to the utility or cable television company, the actor makes gas, electricity, water, sewer, or cable television available to a tenant or occupant, including to the actor, by committing any of the following acts:

(a) connecting a tube, pipe, wire, cable, or other instrument with any meter, device, or other instrument used for conducting gas, electricity, water, sewer, or cable television in a manner as permits the use of the gas, electricity, water, sewer, or cable television without the gas, electricity, water, sewer, or cable television passing through a meter or other instrument recording the usage for billing;

(b) altering, injuring, or preventing the normal action of a meter, valve, stopcock, or other instrument used for measuring quantities of gas, electricity, water, or sewer service, or making or maintaining any modification or alteration to any device installed with the authorization of a cable television company for the purpose of intercepting or receiving any program or other service carried by the company that the actor is not authorized by the company to receive;

(c) reconnecting a gas, electricity, water, sewer, or cable television connection or otherwise restoring service when one or more of those utilities or cable service has been lawfully disconnected or turned off by the provider of the utility or cable service;

(d) intentionally breaking, defacing, or causing to be broken or defaced a seal, locking device, or other part of a metering device for recording usage of gas, electricity, water, or sewer service, or a security system for the recording device, or a cable television control device;

(e) removing a metering device designed to measure quantities of gas, electricity, water, or sewer service;

(f) transferring from one location to another location a metering device for measuring quantities of public utility services of gas, electricity, water, or sewer service;

(g) changing the indicated consumption, jamming the measuring device, bypassing the meter or measuring device with a jumper so that it does not indicate use or registers use incorrectly, or otherwise obtaining quantities of gas, electricity, water, or sewer service from the utility

without the gas, electricity, water, or sewer service passing through a metering device for measuring quantities of consumption for billing purposes;

(h) using a metering device belonging to the utility that has not been assigned to the location and installed by the utility;

(i) fabricating or using a device to pick or otherwise tamper with the locks used to deter utility service diversion, meter tampering, meter thefts, and unauthorized cable television service;

(j) assisting or instructing a person in obtaining or attempting to obtain any cable television service without payment of all lawful compensation to the company providing the service;

(k) making or maintaining a connection or connections, whether physical, electrical, mechanical, acoustical, or by other means, with a cable, wire, component, or other device used for the distribution of cable television services without authority from the cable television company; or

(l) possessing without authority any device or printed circuit board designed in whole or in part to receive any cable television programming or service offered for sale over a cable television system, unless the device or printed circuit board includes the use of a satellite dish or antenna, with the intent that the device or printed circuit be used for the reception of the cable television company's services without payment.

(3)

(a) A violation of Subsection (2), if the violation is a theft of a utility service, is:

(i) a second degree felony if:

(A) the value of the gas, electricity, water, or sewer service is or exceeds $5,000; or

(B) if the actor previously has been convicted of a violation of this section;

(ii) a third degree felony if the value of the gas, electricity, water, or sewer service is or exceeds $1,500 but is not more than $5,000;

(iii) a class A misdemeanor if the value of the gas, electricity, water, or sewer service is or exceeds $500 but is not more than $1,500; or

(iv) a class B misdemeanor if the value of the gas, electricity, water, or sewer service is less than $500.

(b) A violation of Subsection (2), if the violation is a theft of a cable television service, is:

(i) a second degree felony if the value of the service is or exceeds $5,000;

(ii) a third degree felony if:

(A) the value of the service is or exceeds $1,500 but is less than $5,000;

(B) the value of the service is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(I) any theft, any robbery, or any burglary with intent to commit theft;

(II) any offense under Part 5, Fraud;

(III) any attempt to commit any offense under Subsection (3)(b)(ii)(B)(I) or (II); or

(IV) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(B)(I), (II), or (III); or

(C) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(B)(I) through (IV), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(iii) a class A misdemeanor if:

(A) the value of the service stolen is or exceeds $500 but is less than $1,500; or

(B) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(B)(I) through (IV), if each prior offense was committed within 10 years before the

date of the current conviction or the date of the offense upon which the current conviction is based; or

(iv) a class B misdemeanor if the value of the service is less than $500 and the theft is not an offense under Subsection (3)(b)(iii).

(c)

(i) An actor who violates this section shall make restitution to the utility or cable television company for the value of the gas, electricity, water, sewer, or cable television service consumed in violation of this section plus all reasonable expenses and costs incurred on account of the violation of this section.

(ii) Reasonable expenses and costs include expenses and costs for investigation, disconnection, reconnection, service calls, employee time, and equipment use.

(4)

(a) The presence on property in the possession of an actor of a device or alteration that permits the diversion or use of utility or cable service to avoid the registration of the use by or on a meter installed by the utility or to otherwise avoid the recording of use of the service for payment or otherwise avoid payment gives rise to an inference that the actor in possession of the property installed the device or caused the alteration if:

(i) the presence of the device or alteration can be attributed only to a deliberate act in furtherance of an intent to avoid payment for utility or cable television service; and

(ii) the actor charged has received the direct benefit of the reduction of the cost of the utility or cable television service.

(b) An actor who aids or abets in a prohibited act is a party to the offense under Section 76-2-202.

(5)

(a) Criminal prosecution under this section does not affect the right of a utility or cable television company to bring a civil action for redress for damages suffered as a result of the commission of any of the acts prohibited by this section.

(b) This section does not abridge or alter any other right, action, or remedy otherwise available to a utility or cable television company.

Amended by Chapter 178, 2025 General Session

76-6-409.5 Definitions.

As used in this section and Sections 76-6-409.6, 76-6-409.7, 76-6-409.8, 76-6-409.9, and 76-6-409.10:

(1) "Access device" means any telecommunication device including the telephone calling card number, electronic serial number, account number, mobile identification number, or personal identification number that can be used to obtain telephone service.

(2) "Clone cellular telephone" or "counterfeit cellular telephone" means a cellular telephone whose electronic serial number has been altered from the electronic serial number that was programmed in the telephone by the manufacturer by someone other than the manufacturer.

(3) "Cloning paraphernalia" means materials that, when possessed in combination, are capable of the creation of a cloned cellular telephone. These materials include scanners to intercept the electronic serial number and mobile identification number, cellular telephones, cables, EPROM chips, EPROM burners, software for programming the cloned telephone with a false electronic serial number and mobile identification number combination, a computer containing such software, and lists of electronic serial number and mobile identification number combinations.

(4) "Electronic serial number" means the unique number that:

(a) was programmed into a cellular telephone by its manufacturer;
(b) is transmitted by the cellular telephone; and
(c) is used by cellular telephone providers to validate radio transmissions to the system as having been made by an authorized device.

(5) "EPROM" or "Erasable programmable read-only memory" means an integrated circuit memory that can be programmed from an external source and erased, for reprogramming, by exposure to ultraviolet light.

(6) "Intercept" means to electronically capture, record, reveal, or otherwise access, the signals emitted or received during the operation of a cellular telephone without the consent of the sender or receiver, by means of any instrument, device or equipment.

(7) "Manufacture of an unlawful telecommunication device" means to produce or assemble an unlawful telecommunication device, or to modify, alter, program, or reprogram a telecommunication device to be capable of acquiring or facilitating the acquisition of telecommunication service without the consent of the telecommunication service provider.

(8) "Mobile identification number" means the cellular telephone number assigned to the cellular telephone by the cellular telephone carrier.

(9) "Possess" means to have physical possession or otherwise to exercise control over tangible property.

(10) "Sell" means to offer to, agree to offer to, or to sell, exchange, give, or dispose of an unlawful telecommunications device to another.

(11) "Telecommunication device" means:
(a) any type of instrument, device, machine, or equipment which is capable of transmitting or receiving telephonic, electronic, or radio communications; or
(b) any part of an instrument, device, machine, or equipment, or other computer circuit, computer chip, electronic mechanism, or other component, which is capable of facilitating the transmission or reception of telephonic or electronic communications within the radio spectrum allocated to cellular radio telephony.

(12) "Telecommunication service" includes any service provided for a charge or compensation to facilitate the origination, transmission, emission, or reception of signs, signals, writings, images, and sounds or intelligence of any nature by telephone, including cellular telephones, wire, radio, television optical or other electromagnetic system.

(13) "Telecommunication service provider" means any person or entity providing telecommunication service including a cellular telephone or paging company or other person or entity which, for a fee, supplies the facility, cell site, mobile telephone switching office, or other equipment or telecommunication service.

(14) "Unlawful telecommunication device" means any telecommunication device that is capable of, or has been altered, modified, programmed, or reprogrammed, alone or in conjunction with another access device, so as to be capable of, acquiring or facilitating the acquisition of a telecommunication service without the consent of the telecommunication service provider. Unlawful devices include tumbler phones, counterfeit phones, tumbler microchips, counterfeit microchips, and other instruments capable of disguising their identity or location or of gaining access to a communications system operated by a telecommunication service provider.

Amended by Chapter 111, 2023 General Session

76-6-409.6 Use of telecommunication device to avoid lawful charge for service.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.

(2) An actor commits use of a telecommunication device to avoid lawful charge for service if the actor uses a telecommunication device:
(a) with the intent to avoid the payment of a lawful charge for telecommunication service; or
(b) with the knowledge that the use of the telecommunication device was to avoid the payment of a lawful charge for telecommunication service.
(3)
(a) A violation of Subsection (2) is:
(i) a class B misdemeanor, if the value of the telecommunication service is less than $300 or cannot be ascertained;
(ii) a class A misdemeanor, if the value of the telecommunication service charge is or exceeds $300 but is not more than $1,000;
(iii) a third degree felony, if the value of the telecommunication service is or exceeds $1,000 but is not more than $5,000; or
(iv) a second degree felony, if:
(A) the value of the telecommunication service is or exceeds $5,000;
(B) the cloned cellular telephone was used to facilitate the commission of a felony; or
(C) the actor previously has been convicted of a violation of this section.
(b) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.7 Possession of unlawful telecommunication device.
(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.
(2) An actor commits possession of unlawful telecommunication device if the actor knowingly possesses an unlawful telecommunication device.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor knowingly possesses five or more unlawful telecommunication devices in the same criminal episode.
(c) A violation of Subsection (2) is a second degree felony if the actor:
(i) knowingly and unlawfully possesses an instrument capable of intercepting electronic serial number and mobile identification number combinations under circumstances evidencing an intent to clone; or
(ii) knowingly and unlawfully possesses cloning paraphernalia under circumstances evidencing an intent to clone.
(d) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.8 Sale of an unlawful telecommunication device.
(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.
(2) An actor commits sale of unlawful telecommunication device if the actor intentionally sells an unlawful telecommunication device or material, including hardware, data, computer software,

or other information or equipment, knowing that the purchaser or a third person intends to use such material in the manufacture of an unlawful telecommunication device.

(3)

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

(b) A violation of Subsection (2) is a second degree felony if the offense involves the intentional sale of five or more unlawful telecommunication devices within a six-month period.

(c) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.9 Manufacture of an unlawful telecommunication device.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.

(2) An actor commits manufacture of unlawful telecommunication device if the actor intentionally manufactures an unlawful telecommunication device.

(3)

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

(b) A violation of Subsection (2) is a second degree felony if the offense involves the intentional manufacture of five or more unlawful telecommunication devices within a six-month period.

(c) An actor who violates this section is subject to the restitution and civil action provisions described in Section 76-6-409.10.

Amended by Chapter 111, 2023 General Session

76-6-409.10 Payment of restitution -- Civil action -- Other remedies retained.

(1) Terms defined in Sections 76-1-101.5 and 76-6-409.5 apply to this section.

(2)

(a)

(i) An actor who violates Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9 shall make restitution to the telecommunication service provider for the value of the telecommunication service consumed in the violation plus all reasonable expenses and costs incurred on account of the violation.

(ii) Reasonable expenses and costs include expenses and costs for investigation, service calls, employee time, and equipment use.

(b) A criminal prosecution under Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9 does not affect the right of a telecommunication service provider to bring a civil action for redress for damages suffered as a result of the commission of any of the acts prohibited by Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.

(3) This section does not abridge or alter any other right, action, or remedy otherwise available to a telecommunication service provider.

Amended by Chapter 111, 2023 General Session

76-6-410 Theft by custodian of property pursuant to repair or rental agreement.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits theft by custodian of property pursuant to repair or rental agreement if:

(a)

(i) the actor has custody of property pursuant to an agreement between the actor or another person and the property's owner;
(ii) the actor or another person is to perform for compensation a specific service for the property's owner involving the maintenance, repair, or use of the owner's property; and
(iii) the actor intentionally uses or operates the owner's property, without the consent of the owner, for the actor's own purposes in a manner constituting a gross deviation from the agreed purpose; or

(b)
(i) the actor has custody of any property pursuant to a rental or lease agreement in which the property is to be returned in a specified manner or at a specified time; and
(ii) the actor intentionally fails to comply with the terms of the agreement concerning return so as to render such failure a gross deviation from the agreement.

(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) value of the property is or exceeds $5,000; or
(ii) property stolen is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the property is:
(A) a catalytic converter as defined under Section 76-6-1402; or
(B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if the value is less than $5,000 and the suspect metal is made of or contains aluminum or copper and is not a lead battery;
(iii) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(iii)(A), (B), or (C); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the property stolen is or exceeds $500 but is less than $1,500; or
(ii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 178, 2025 General Session

76-6-410.5 Theft of a rental vehicle.

(1)
(a) As used in this section:
(i) "Motor vehicle" means a self-propelled vehicle that is intended primarily for use and operation on the highways.
(ii) "Rental agreement" means a written agreement stating the terms and conditions governing the use of a motor vehicle provided by a rental company.
(iii) "Rental company" means a person or organization in the business of providing motor vehicles to the public.
(iv) "Renter" means a person or organization obtaining the use of a motor vehicle from a rental company under the terms of a rental agreement.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits theft of a rental vehicle if the actor:
(a) is a renter; and
(b) without notice to and permission of the rental company, knowingly fails without good cause to return the vehicle within 72 hours after the time established for the return in the rental agreement.
(3) A violation of Subsection (2) is a second degree felony.
(4) If a motor vehicle is not rented on a periodic tenancy basis, the rental company shall include the following information, legibly written, as part of the terms of the rental agreement:
(a) the date and time the motor vehicle is required to be returned; and
(b) the maximum penalties under state law if the motor vehicle is not returned within 72 hours from the date and time stated in compliance with Subsection (4)(a).

Amended by Chapter 111, 2023 General Session

76-6-412.1 Civil remedy for animal theft.

In addition to a criminal penalty under this chapter, an actor who commits theft of a stallion, mare, colt, gelding, cow, heifer, steer, ox, bull, calf, sheep, goat, mule, jack, jenny, swine, poultry, a fur-bearing animal raised for commercial purposes, or a livestock guardian dog, is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Enacted by Chapter 111, 2023 General Session

76-6-413 Release of a fur-bearing animal -- Finding.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits release of a fur-bearing animal if the actor intentionally and without permission of the owner releases a fur-bearing animal raised for commercial purposes.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the value of the property is or exceeds $5,000.
(4) The Legislature finds that the release of a fur-bearing animal raised for commercial purposes subjects the animal to unnecessary suffering through deprivation of food and shelter and compromises the animal's genetic integrity, thereby permanently depriving the owner of substantial value.
(5) An actor who violates Subsection (2) is civilly liable for three times the amount of actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney fees.

Amended by Chapter 111, 2023 General Session

76-6-414 Theft resulting in economic interruption.

(1)
(a) As used in this section:
(i) "Business" means the same as that term is defined in Section 76-6-113.
(ii) "Governmental entity" means the same as that term is defined in Section 76-6-113.
(iii) "Economic interruption" means the same as that term is defined in Section 76-6-113.
(b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.

(2) An actor commits theft resulting in economic interruption if:
(a) the actor intentionally, knowingly, recklessly, or negligently obtains or exercises unauthorized control over a business's or governmental entity's property with the intent to deprive the business or governmental entity of the property; and
(b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business or governmental entity.

(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class A misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).
(c) A violation of Subsection (2) is a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).

(4) It is not a defense under this section that the actor did not know that the victim is a business or governmental entity.

(5) A prior conviction used for a penalty enhancement under Subsection (3)(b) or (c) is a conviction that is from a separate criminal episode than:
(a) the most recent violation of Subsection (2); and
(b) any other prior conviction that is used to enhance the penalty for the most recent violation of Subsection (2).

(6) The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (3)(b) or (c).

Amended by Chapter 173, 2025 General Session

76-6-415 Metal or catalytic converter theft.

(1)
(a) As used in this section:
(i) "Catalytic converter" means the same as that term is defined in Section 76-6-1402.
(ii) "Ferrous metal" means the same as that term is defined in Section 76-6-1402.
(iii)
(A) "Metal" means nonferrous metal, ferrous metal, or regulated metal.
(B) "Metal" includes suspect metal items.
(C) "Metal" does not include jewelry.
(iv) "Nonferrous metal" means the same as that term is defined in Section 76-6-1402.

(v) "Regulated metal" means the same as that term is defined in Section 76-6-1402.
(vi) "Suspect metal items" means the same as that term is defined in Section 76-6-1402.
(b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.
(2) An actor commits metal or catalytic converter theft if the actor obtains or exercises unauthorized control over another person's metal or catalytic converter with a purpose to deprive the person of the person's metal or catalytic converter.
(3) A violation of Subsection (2) is:
(a) a second degree felony if:
(i) the value of the metal is or exceeds $5,000; or
(ii) the metal is stolen from the person of another;
(b) a third degree felony if:
(i) the value of the property is or exceeds $1,500 but is less than $5,000;
(ii) the property is:
(A) a catalytic converter; or
(B) 25 pounds or more of a suspect metal item if the value is less than $5,000 and the suspect metal item is made of or contains aluminum or copper and is not a lead battery;
(iii) the value of the metal is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
(iv)
(A) the value of the metal is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the actor has committed any theft within the past five years; and
(C) the actor has received written notice from the merchant prohibiting the actor from entering the property pursuant to Subsection 78B-3-108(4); or
(v) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the metal stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the metal is less than $500;
(B) the theft occurs on a property where the actor has committed any theft within the past five years; and
(C) the actor has received written notice from the merchant prohibiting the actor from entering the property pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the metal stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Enacted by Chapter 434, 2025 General Session

Part 5
Fraud

76-6-501 Definitions -- Forgery.

(1)

(a) As used in this section:

(i) "Authentication feature" means any hologram, watermark, certification, symbol, code, image, sequence of numbers or letters, or other feature that either individually or in combination with another feature is used by the issuing authority on an identification document, document-making implement, or means of identification to determine if the document is counterfeit, altered, or otherwise falsified.

(ii) "Document-making implement" means any implement, impression, template, computer file, computer disc, electronic device, computer hardware or software, or scanning, printing, or laminating equipment that is specifically configured or primarily used for making an identification document, a false identification document, or another document-making implement.

(iii) "False authentication feature" means an authentication feature that:

(A) is genuine in origin but that, without the authorization of the issuing authority, has been tampered with or altered for purposes of deceit;

(B) is genuine, but has been distributed, or is intended for distribution, without the authorization of the issuing authority and not in connection with a lawfully made identification document, document-making implement, or means of identification to which the authentication feature is intended to be affixed or embedded by the issuing authority; or

(C) appears to be genuine, but is not.

(iv) "False identification document" means a document of a type intended or commonly accepted for the purposes of identification of individuals, and that:

(A) is not issued by or under the authority of a governmental entity or was issued under the authority of a governmental entity but was subsequently altered for purposes of deceit; and

(B) appears to be issued by or under the authority of a governmental entity.

(v) "Governmental entity" means the United States government, a state, a political subdivision of a state, a foreign government, a political subdivision of a foreign government, an international governmental organization, or a quasi-governmental organization.

(vi) "Identification document" means a document made or issued by or under the authority of a governmental entity, which, when completed with information concerning a particular individual, is of a type intended or commonly accepted for the purpose of identification of individuals.

(vii) "Issuing authority" means:

(A) any governmental entity that is authorized to issue identification documents, means of identification, or authentication features; or

(B) a business organization or financial institution or its agent that issues a financial transaction card as defined in Section 76-6-506.

(viii) "Means of identification" means any name or number that may be used, alone or in conjunction with any other information, to identify a specific individual, including:
(A) name, social security number, date of birth, government issued driver license or identification number, alien registration number, government passport number, or employer or taxpayer identification number;
(B) unique biometric data, such as fingerprint, voice print, retina or iris image, or other unique physical representation; or
(C) unique electronic identification number, address, or routing code.
(ix) "Personal identification card" means an identification document issued by a governmental entity solely for the purpose of identification of an individual.
(x) "Produce" includes altering, authenticating, or assembling.
(xi) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States.
(xii) "Traffic" means to:
(A) transport, transfer, or otherwise dispose of an item to another, as consideration for anything of value; or
(B) make or obtain control of with intent to transport, transfer, or otherwise dispose of an item to another.
(xiii) "Writing" includes printing, electronic storage or transmission, or any other method of recording valuable information including forms such as:
(A) checks, tokens, stamps, seals, credit cards, badges, trademarks, money, and any other symbols of value, right, privilege, or identification;
(B) a security, revenue stamp, or any other instrument or writing issued by a government or any agency; or
(C) a check, an issue of stocks, bonds, or any other instrument or writing representing an interest in or claim against property, or a pecuniary interest in or claim against any person or enterprise.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits forgery if, with purpose to defraud anyone, or with knowledge that the actor is facilitating a fraud to be perpetrated by anyone, the actor:
(a) alters any writing of another person without the person's authority or utters the altered writing; or
(b) makes, completes, executes, authenticates, issues, transfers, publishes, or utters any writing so that the writing or the making, completion, execution, authentication, issuance, transference, publication, or utterance:
(i) purports to be the act of another person, whether the person is existent or nonexistent;
(ii) purports to be an act on behalf of another party with the authority of that other party; or
(iii) purports to have been executed at a time or place or in a numbered sequence other than was in fact the case, or to be a copy of an original when an original did not exist.
(3) A violation of Subsection (2) is a third degree felony.
(4) It is not a defense to a charge of forgery under Subsection (2)(b)(ii) if an actor signs his own name to the writing if the actor does not have authority to make, complete, execute, authenticate, issue, transfer, publish, or utter the writing on behalf of the party for whom the actor purports to act.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11b, Forfeiture of Seized Property.
(7) The court shall order, in addition to the penalty prescribed for any person convicted of a violation of this section, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, false transaction cards, document-making implements, or means of identification.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

76-6-501.5 Producing or transferring false identification.
(1) Terms defined in Sections 76-1-101.5 and 76-6-501 apply to this section.
(2) An actor commits producing or transferring a false identification document if the actor:
(a) knowingly and without lawful authority produces, attempts, or conspires to produce an identification document, authentication feature, or a false identification document that is or appears to be issued by or under the authority of an issuing authority;
(b) transfers, or possesses with intent to transfer, an identification document, authentication feature, or a false identification document knowing that the document or feature was stolen or produced without lawful authority;
(c) produces, transfers, or possesses a document-making implement or authentication feature with the intent that the document-making implement or the authentication feature be used in the production of a false identification document or another document-making implement or authentication feature; or
(d) traffics in false or actual authentication features for use in false identification documents, document-making implements, or means of identification.
(3) A violation of Subsection (2) is a second degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.
(6) The court shall order, in addition to the penalty prescribed for a person convicted of a violation of this section, the forfeiture and destruction or other disposition of all illicit authentication features, identification documents, false transaction cards, document-making implements, or means of identification.

Enacted by Chapter 111, 2023 General Session

76-6-502 Possession of forged writing or device for a forgery writing.
(1)
(a) As used in this section:
(i) "Device" means any equipment, mechanism, material, or program.
(ii) "Writing" means the same as that term is defined in Section 76-6-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor who, with intent to defraud, knowingly possesses a writing that is a forgery under Section 76-6-501 or 76-6-501.5, or who with intent to defraud knowingly possesses a device for

making a writing that is a forgery under Section 76-6-501 or 76-6-501.5, commits possession of a forged writing or device for making a forgery writing.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-503.5 Wrongful liens.
(1)
(a) As used in this section, "lien" means:
(i) an instrument or document filed pursuant to Section 70A-9a-516;
(ii) a nonconsensual common law document as defined in Section 38-9-102;
(iii) a wrongful lien as defined in Section 38-9-102; or
(iv) any instrument or document that creates or purports to create a lien or encumbrance on an owner's interest in real or personal property or a claim on another's assets.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits the crime of wrongful lien if the actor knowingly makes, utters, records, or files a lien:
(a) having no objectively reasonable basis to believe that the actor has a present and lawful property interest in the property or a claim on the assets; or
(b) if the actor files the lien in violation of a civil wrongful lien injunction pursuant to Title 38, Chapter 9a, Wrongful Lien Injunctions.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) If an actor has been previously convicted of an offense under this section or Section 76-6-503.6, a violation of Subsection (2) is a second degree felony.
(4) This section does not prohibit prosecution for any act in violation of Section 76-8-414 or for any offense greater than an offense under this section.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-503.6 Fraudulent handling of recordable writings.
(1) Terms defined in Sections 76-1-101.5 and 76-6-503.5 apply to this section.
(2) An actor commits fraudulent handling of recordable writings if the actor:
(a) has intent to deceive or injure; and
(b) falsifies, destroys, removes, records, or conceals any will, deed, mortgage, security instrument, lien, or other writing for which the law provides public recording.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) If an actor has been previously convicted of an offense under this section or Section 76-6-503.5, a violation of Subsection (2) is a second degree felony.
(4) This section does not prohibit prosecution for any act in violation of Section 76-8-414 or for any offense greater than an offense under this section.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-503.7 Records filed with intent to harass or defraud.
(1)
(a) As used in this section, "filing office" means the same as that term is defined in Section 70A-9a-513.5.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits filing a record with intent to harass or defraud if:
(a) the actor causes a record to be communicated to the filing office for filing;
(b) the actor is not authorized to file the record under Section 70A-9a-509, 70A-9a-708, or 70A-9a-807;
(c) the record is not related to an existing or anticipated transaction that is or will be governed by Title 70A, Chapter 9a, Uniform Commercial Code - Secured Transactions; and
(d) the record is filed knowingly or intentionally to:
(i) harass the person identified as the debtor in the record; or
(ii) defraud the person identified as the debtor in the record.
(3)
(a) A violation of Subsections (2)(a), (b), (c), and (d)(i) is a class B misdemeanor for a first offense and a class A misdemeanor for a second or subsequent offense.
(b) A violation of Subsections (2)(a), (b), (c), and (d)(ii) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-504 Tampering with records.
(1)
(a) As used in this section, "writing" means the same as that term is defined in Section 76-6-501.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits tampering with records if the actor:

(a) having no privilege to do so, knowingly falsifies, destroys, removes, or conceals any writing, other than the writings enumerated in Section 76-6-503.5 for which the law provides public recording or any record, public or private; and
(b) executes an action described in Subsection (2)(a) with intent to:
(i) deceive or injure any person; or
(ii) conceal any wrongdoing.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-505 Issuing a bad check or draft -- Presumption.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a)
(i) An actor commits issuing a bad check or draft if:
(A) the actor issues or passes a check or draft for the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value or paying for any services, wages, salary, labor, or rent;
(B) the actor knows the check or draft will not be paid by the drawee; and
(C) payment is refused by the drawee.
(ii) For purposes of this Subsection (2)(a), an actor who issues a check or draft for which payment is refused by the drawee is presumed to know the check or draft would not be paid if the actor had no account with the drawee at the time of issue.
(b) An actor commits issuing a bad check or draft if:
(i) the actor issues or passes a check or draft for:
(A) the payment of money, for the purpose of obtaining from any person, firm, partnership, or corporation, any money, property, or other thing of value; or
(B) paying for any services, wages, salary, labor, or rent;
(ii) payment of the check or draft is legally refused by the drawee; and
(iii) the actor fails to make good and actual payment to the payee in the amount of the refused check or draft within 14 days of the actor receiving actual notice of the check or draft's nonpayment.
(3) A violation of Subsection (2)(a) or (b) is punished as follows:
(a) if the check or draft or series of checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is less than $500, the offense is a class B misdemeanor;
(b) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $500 but is less than $1,500, the offense is a class A misdemeanor;
(c) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $1,500 but is less than $5,000, the offense is a third degree felony; or

(d) if the check or draft or checks or drafts made or drawn in this state within a period not exceeding six months amounts to a sum that is or exceeds $5,000, the offense is a second degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506 Financial transaction card offenses -- Definitions.

As used in Sections 76-6-506.2, 76-6-506.3, 76-6-506.6, 76-6-506.8, and 76-6-506.9:

(1) "Authorized credit card merchant" means a person who is authorized by an issuer to furnish money, goods, services, or anything else of value upon presentation of a financial transaction card by a card holder and to present valid credit card sales drafts to the issuer for payment.

(2) "Automated banking device" means any machine which, when properly activated by a financial transaction card or a personal identification code, may be used for any of the purposes for which a financial transaction card may be used.

(3) "Card holder" means any person or organization named on the face of a financial transaction card to whom or for whose benefit a financial transaction card is issued.

(4) "Credit card sales draft" means any sales slip, draft, or other written or electronic record of a sale of money, goods, services, or anything else of value made or purported to be made to or at the request of a card holder with a financial transaction card, financial transaction card credit number, or personal identification code, whether the record of the sale or purported sale is evidenced by a sales draft, voucher, or other similar document in writing or electronically recorded and transmitted.

(5) "Financial transaction card" means:

(a) any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the card holder in obtaining money, goods, services, or anything else of value on credit, or in certifying or guaranteeing to a person or business the availability to the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check payable to the order of the person or business;

(b) any instrument or device used in providing the card holder access to a demand or time deposit account for the purpose of making deposits of money or checks in the account, or withdrawing funds from the account in the form of money, money orders, travelers' checks, or other form representing value, or transferring funds from any demand or time deposit account to any credit card account in full or partial satisfaction of any outstanding balance existing in the credit card account; or

(c) a card, code, or device that is:

(i) issued to a consumer on a prepaid basis in a specified amount, regardless of whether that amount may be increased or reloaded in exchange for payment;

(ii) activated or inactivated; and

(iii) redeemable upon presentation:

(A) by a consumer at a single merchant or group of affiliated merchants; or

(B) at multiple unaffiliated merchants for goods or services within the payment card network.

(6) "Issuer" means a business organization or financial institution or its agent that issues a financial transaction card.
(7) "Personal identification code" means any numerical or alphabetical code assigned to a card holder by the issuer to permit the authorized electronic use of the holder's financial transaction card.

Amended by Chapter 178, 2025 General Session

76-6-506.2 Unlawful use of financial transaction card.
(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits unlawful use of financial transaction card if the actor:
(a) knowingly uses a revoked, expired, stolen, or fraudulently obtained financial transaction card to obtain or attempt to obtain credit, goods, property, or services;
(b) knowingly, with the intent to defraud, uses a financial transaction card, credit number, personal identification code, or any other information contained on the card or in the account from which the card is issued, to obtain or attempt to obtain credit, goods, or services;
(c) knowingly, with the intent to defraud, uses a financial transaction card to willfully exceed an authorized credit line by $500 or more, or by 50% or more of the line of credit, whichever is greater; or
(d) knowingly, with the intent to defraud, presents or causes to be presented to the issuer or an authorized credit card merchant, for payment or collection, any credit card sales draft, if:
(i) the draft is counterfeit or fictitious;
(ii) the purported sales evidenced by any credit card sales draft did not take place;
(iii) the purported sale was not authorized by the card holder; or
(iv) the items or services purported to be sold as evidenced by the credit card sales drafts are not delivered or rendered to the card holder or person intended to receive them.
(3)
(a) A violation of Subsection (2) is:
(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.
(b) Multiple violations of Subsection (2)(a) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.
(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.3 Unlawful acquisition, possession, or transfer of financial transaction card.

(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.

(2) An actor commits unlawful acquisition, possession, or transfer of a financial transaction card if the actor:

(a) under circumstances that do not constitute a violation of Subsection (2)(b):

(i) acquires a financial transaction card from another without the consent of the card holder or the issuer;

(ii) receives a financial transaction card with intent to use the financial transaction card in violation of Section 76-6-506.2;

(iii) sells or transfers a financial transaction card to a person with knowledge that the financial transaction card will be used in violation of Section 76-6-506.2;

(iv)

(A) acquires a financial transaction card that the individual knows was lost, mislaid, stolen, or delivered under a mistake as to the identity or address of the card holder; and

(B)

(I) retains possession with intent to use the financial transaction card in violation of Section 76-6-506.2; or

(II) sells or transfers the financial transaction card to a person with knowledge that the financial transaction card will be used in violation of Section 76-6-506.2; or

(v) possesses, sells, or transfers any information necessary for the use of a financial transaction card, including the credit number of the card, the expiration date of the card, or the personal identification code related to the card:

(A)

(I) without the consent of the card holder or the issuer; or

(II) with knowledge that the information has been acquired without consent of the card holder or the issuer; and

(B) with intent to use the information in violation of Section 76-6-506.2; or

(b) possesses, sells, or transfers any information necessary for the use of 100 or more financial transaction cards, including the credit number of a card, the expiration date of a card, or the personal identification code related to a card:

(i) with intent to use the information in violation of Section 76-6-506.2; or

(ii) with knowledge that the information will be used by another in violation of Section 76-6-506.2.

(3)

(a) A violation of Subsection (2)(a) is a third degree felony.

(b) A violation of Subsection (2)(b) is a second degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.6 Financial transaction card offenses -- Unauthorized factoring of credit card sales drafts.

(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.

(2) An actor commits an unauthorized factoring of credit card sales draft if the actor acts:

(a) knowingly, with intent to defraud;

(b) without the express authorization of the issuer; and

(c) to employ, solicit, or otherwise cause an authorized credit card merchant, or for the authorized credit card merchant himself or herself, to present any credit card sales draft to the issuer:

(i) for payment pertaining to any sale or purported sale of goods or services; and

(ii) the sale or purported sale was not made by the authorized credit card merchant in the ordinary course of business.

(3)

(a) A violation of Subsection (2) is:

(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;

(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or

(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.

(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.

(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.

(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.7 Obtaining encoded information on a financial transaction card with the intent to defraud the issuer, holder, or merchant.

(1)

(a) As used in this section:

(i) "Card holder" means the same as that term is defined in Section 76-6-506.

(ii) "Financial transaction card" or "card" means any credit card, credit plate, bank services card, banking card, check guarantee card, debit card, telephone credit card, or any other card, issued by an issuer for the use of the card holder in:

(A) obtaining money, goods, services, or anything else of value on credit; or

(B) certifying or guaranteeing to a merchant the availability to the card holder of the funds on deposit that are equal to or greater than the amount necessary to honor a draft or check as the instrument for obtaining, purchasing, or receiving goods, services, money, or any other thing of value from the merchant.

(iii)
(A) "Merchant" means an owner or operator of any retail mercantile establishment or any agent, employee, lessee, consignee, officer, director, franchisee, or independent contractor of the owner or operator.
(B) "Merchant" also means a person:
(I) who receives from a card holder, or a third person the merchant believes to be the card holder, a financial transaction card or information from a financial transaction card, or what the merchant believes to be a financial transaction card or information from a card; and
(II) who accepts the financial transaction card or information from a card under Subsection (1)(a)(ii)(B) as the instrument for obtaining, purchasing, or receiving goods, services, money, or any other thing of value from the merchant.
(iv) "Reencoder" means an electronic device that places encoded information from the magnetic strip or stripe of a financial transaction card onto the magnetic strip or stripe of a different financial transaction card.
(v) "Scanning device" means a scanner, reader, or any other electronic device used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a financial transaction card.
(b) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits obtaining encoded information on a financial transaction card with the intent to defraud the issuer, holder, or merchant if the actor uses:
(a) a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on the magnetic strip or stripe of a financial transaction card:
(i) without the permission of the card holder; and
(ii) with intent to defraud the card holder, the issuer, or a merchant; or
(b) a reencoder to place information encoded on the magnetic strip or stripe of a financial transaction card onto the magnetic strip or stripe of a different card:
(i) without the permission of the authorized user of the card from which the information is being reencoded; and
(ii) with the intent to defraud the card holder, the issuer, or a merchant.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) An actor who has been convicted previously of an offense under Subsection (2) is guilty of a second degree felony upon a second conviction and any subsequent conviction for the offense.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-506.8 False application for financial transaction card.
(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits false application for a card if the actor:
(a) knowingly, with the intent to defraud:

(i) makes application for a financial transaction card to an issuer; and
(ii) makes or causes to be made a false statement or report of the actor's name, occupation, financial condition, assets, or personal identifying information; or
(b) willfully and substantially undervalues or understates any indebtedness for the purposes of influencing the issuer to issue the financial transaction card.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.
(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-506.9 Use of fraudulent financial transaction card.
(1) Terms defined in Sections 76-1-101.5 and 76-6-506 apply to this section.
(2) An actor commits fraudulent use of a financial transaction card if the actor knowingly uses a false, fictitious, altered, or counterfeit financial transaction card to obtain or attempt to obtain credit, goods, property, or services.
(3)
(a) A violation of Subsection (2) is:
(i) a class B misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the property, money, or thing obtained or attempted to be obtained is or exceeds $5,000.
(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all property, money, or things obtained or attempted to be obtained through the multiple violations.
(4) The court shall make appropriate findings in any prosecution under this section that the card holder did not commit the crime.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Enacted by Chapter 111, 2023 General Session

76-6-507 Deceptive business practices.

(1)
(a) As used in this section:
(i) "Adulterated" means varying from the standard of composition or quality prescribed, or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.
(ii) "Mislabeled" means varying from the standard of truth or disclosure in labeling prescribed by or pursuant to any statute providing criminal penalties for a variance, or set by established commercial usage.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits deceptive business practices if the actor, in the course of business:
(a) uses or possesses for use a false weight or measure, or any other device for falsely determining or recording any quality or quantity;
(b) takes or attempts to take more than the represented quantity of any commodity or service when as buyer the actor furnishes the weight or measure; or
(c) sells, offers, or exposes for sale adulterated or mislabeled commodities.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) It is an affirmative defense to prosecution under this section that the defendant's conduct was not knowing or reckless.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-508 Bribery of or receiving bribe by person in the business of selection, appraisal, or criticism of goods or services.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits bribery or receiving a bribe if the actor:
(a) without the consent of the employer or principal, and contrary to the interests of the employer or principal:
(i) confers, offers, or agrees to confer upon the employee, agent, or fiduciary of an employer or principal any benefit with the purpose of influencing the conduct of the employee, agent, or fiduciary in relating to his employer's or principal's affairs; or
(ii) as an employee, agent, or fiduciary of an employer or principal, solicits, accepts, or agrees to accept any benefit from another upon an agreement or understanding that such benefit will influence the actor's conduct in relation to the actor's, employer's, or principal's affairs; or

(b)
(i) holds the actor's self out to the public as being engaged in the business of making disinterested selection, appraisal, or criticism of goods or services; and
(ii) solicits, accepts, or agrees to accept any benefit to influence the actor's selection, appraisal, or criticism.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section does not apply to inducements made or accepted solely for the purpose of causing a change in employment by an employee, agent, or fiduciary.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-509 Bribery of a labor official.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits bribery of a labor official if the actor:
(a) offers, confers, or agrees to confer upon a labor official any benefit; and
(b) has intent to influence the labor official in respect to any of the labor official's acts, decisions, or duties as a labor official.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-510 Receiving a bribe by a labor official.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) A labor official commits receiving a bribe by a labor official if the labor official solicits, accepts, or agrees to accept any benefit from another person upon an agreement or understanding that the benefit will influence the labor official in any of the labor official's acts, decisions, or duties as a labor official.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-511 Defrauding of creditors.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits defrauding of creditors if the actor:

(a) destroys, removes, conceals, encumbers, transfers, or otherwise deals with property subject to a security interest with a purpose to:

(i) hinder enforcement of the security interest; and

(ii) deprive the secured party of lawful possession of the property; or

(b) knowing that proceedings have been or are about to be instituted for the appointment of a person entitled to administer property for the benefit of creditors:

(i) destroys, removes, conceals, encumbers, transfers, or otherwise deals with any property with a purpose to defeat or obstruct the claim of any creditor, or otherwise to obstruct the operation of any law relating to administration of property for the benefit of creditors; or

(ii) presents to any creditor or to an assignee for the benefit of creditors, orally or in writing, any statement relating to the debtor's estate, knowing that a material part of such statement is false.

(3)

(a) A violation of Subsection (2)(a) or (2)(b)(i) is:

(i) a class A misdemeanor if the unpaid balance owed to the creditor on the property at the time of the act described in Subsection (2) is less than $10,000; or

(ii) a third degree felony if the unpaid balance owed to the creditor on the property at the time of the act described in Subsection (2) is or exceeds $10,000; or

(b) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.

(4) This section does not impose criminal or civil liability on a law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 201, 2025 General Session

76-6-512 Acceptance of deposit by insolvent financial institution.

(1)

(a) As used in this section, "financial institution" means the same as that term is defined in Section 7-1-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits acceptance of a deposit by an insolvent financial institution if:

(a) as an officer, manager, or other person participating in the direction of a financial institution, as defined in Section 7-1-103, the actor receives or permits receipt of a deposit or other investment knowing that the institution is or is about to become unable, from any cause, to pay its obligations in the ordinary course of business; and

(b) the actor knows that the person making the payment to the institution is unaware of such present or prospective inability.

(3) A violation of Subsection (2) is a third degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-513 Unlawful dealing of property by a fiduciary.

(1)
(a) As used in this section:
(i) "Fiduciary" means the same as that term is defined in Section 75A-1-201.
(ii) "Financial institution" means "depository institution" and "trust company" as defined in Section 7-1-103.
(iii) "Governmental entity" is as defined in Section 63G-7-102.
(iv) "Person" does not include a financial institution whose fiduciary functions are supervised by the Department of Financial Institutions or a federal regulatory agency.
(v) "Property" means the same as that term is defined in Section 76-6-401.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawfully dealing with property by a fiduciary if the actor:
(a) deals with property:
(i) that has been entrusted to the actor as a fiduciary, or property of a governmental entity, public money, or of a financial institution; and
(ii) in a manner which:
(A) the actor knows is a violation of the actor's duty; and
(B) involves substantial risk of loss or detriment to the property owner or to a person for whose benefit the property was entrusted; or
(b) acting as a fiduciary pledges:
(i) as collateral for a personal loan, or as collateral for the benefit of some party, other than the owner or the person for whose benefit the property was entrusted, the property that has been entrusted to the fiduciary; and
(ii) without permission of the owner of the property or some other authorized person.
(3)
(a) A violation of Subsection (2)(a) is:
(i) a second degree felony if the:
(A) value of the property is or exceeds $5,000; or
(B) property is stolen from the person of another;
(ii) a third degree felony if:
(A) the value of the property is or exceeds $1,500 but is less than $5,000;
(B) the value of the property is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(I) any theft, any robbery, or any burglary with intent to commit theft;
(II) any offense under Part 5, Fraud; or
(III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II); or
(C) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was committed

within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(iii) a class A misdemeanor if:

(A) the value of the property stolen is or exceeds $500 but is less than $1,500; or

(B) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(iv) a class B misdemeanor if the value of the property stolen is less than $500 and the theft is not an offense under Subsection (3)(a)(iii)(B).

(b) A violation of Subsection (2)(b) is:

(i) a second degree felony if the value of the property wrongfully pledged is or exceeds $5,000;

(ii) a third degree felony if the value of the property wrongfully pledged is or exceeds $1,500 but is less than $5,000;

(iii) a class A misdemeanor if the value of the property is or exceeds $500, but is less than $1,500 or the actor has been twice before convicted of theft, robbery, burglary with intent to commit theft, or unlawful dealing with property by a fiduciary; or

(iv) a class B misdemeanor if the value of the property is less than $500.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 364, 2024 General Session

76-6-514 Unlawful influence of a contest.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful influence of a contest if the actor:

(a) with a purpose to influence any participant or prospective participant not to give the participant's or prospective participant's best efforts in a publicly exhibited contest, confers or offers or agrees to confer any benefit upon or threatens any injury to a participant or prospective participant;

(b) with a purpose to influence an official in a publicly exhibited contest to perform the official's duties improperly, confers or offers or agrees to confer any benefit upon or threatens any injury to such official;

(c) with a purpose to influence the outcome of a publicly exhibited contest, tampers with any person, animal, or thing contrary to the rules and usages purporting to govern the contest; or

(d) knowingly solicits, accepts, or agrees to accept any benefit, the giving of which would be criminal under Subsection (2)(a) or (b).

(3) A violation of Subsection (2) is a third degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-515 Using or making slugs.

(1)

(a) As used in this section:

(i) "Coin machine" means any mechanical or electronic device or receptacle designed to receive a coin or bill of a certain denomination, or a token made for the purpose, and, in return for the insertion or deposit thereof, automatically to offer, provide, assist in providing or permit the acquisition of property or a public or private service.

(ii) "Slug" means any object which, by virtue of its size, shape, or other quality, is capable of being inserted, deposited, or otherwise used in a coin machine as an improper substitute for a genuine coin, bill, or token.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits using or making slugs if the actor:

(a) with a purpose to defraud the supplier of property or a service offered or sold by means of a coin machine, inserts, deposits, or uses a slug in that machine; or

(b) makes, possesses, or disposes of a slug with the purpose of enabling a person to use it fraudulently in a coin machine.

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

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-516 Fraudulent conveyance of marital real estate.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits fraudulent conveyance of marital real estate if the actor:

(a) is married;

(b) falsely represents the actor as unmarried; and

(c) knowingly conveys or mortgages real estate situated in this state, without the assent or concurrence of the actor's spouse when such consent or concurrence is necessary to relinquish the spouse's inchoate statutory interest.

(3) A violation of Subsection (2) is a third degree felony.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-517 Making a false credit report.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits making a false credit report if the actor knowingly makes a materially false or misleading written statement to obtain property or credit for himself or another.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-518 Criminal simulation.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal simulation if, with intent to defraud another, the actor:
  (a) makes or alters an object in whole or in part so that it appears to have value because of age, antiquity, rarity, source, or authorship that it does not have;
  (b) sells, passes, or otherwise utters an object so made or altered;
  (c) possesses an object so made or altered with intent to sell, pass, or otherwise utter it; or
  (d) authenticates or certifies an object so made or altered as genuine or as different from what it is.
(3) A violation of Subsection (2) is punishable as follows:
  (a) if the value defrauded or intended to be defrauded is less than $500, the offense is a class B misdemeanor;
  (b) if the value defrauded or intended to be defrauded is or exceeds $500 but is less than $1,500, the offense is a class A misdemeanor;
  (c) if the value defrauded or intended to be defrauded is or exceeds $1,500 but is less than $5,000, the offense is a third degree felony; or
  (d) if the value defrauded or intended to be defrauded is or exceeds $5,000, the offense is a second degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-520 Criminal usury.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits criminal usury if the actor knowingly engages in, or directly or indirectly provides financing for, the business of making loans at a higher rate of interest or consideration therefor than is authorized by law.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.

(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-521 Insurance fraud.

(1)
(a) As used in this section, "runner" means the same as that term is defined in Section 31A-31-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits a fraudulent insurance act if the actor with intent to deceive or defraud:
(a) presents or causes to be presented any oral or written statement or representation knowing that the statement or representation contains false or fraudulent information concerning any fact material to an application for the issuance or renewal of an insurance policy, certificate, or contract, as part of or in support of:
(i) obtaining an insurance policy the insurer would otherwise not issue on the basis of underwriting criteria applicable to the person;
(ii) a scheme or artifice to avoid paying the premium that an insurer charges on the basis of underwriting criteria applicable to the person; or
(iii) a scheme or artifice to file an insurance claim for a loss that has already occurred;
(b) presents, or causes to be presented, any oral or written statement or representation:
(i)
(A) as part of or in support of a claim for payment or other benefit pursuant to an insurance policy, certificate, or contract; or
(B) in connection with any civil claim asserted for recovery of damages for personal or bodily injuries or property damage; and
(ii) knowing that the statement or representation contains false, incomplete, or fraudulent information concerning any fact or thing material to the claim;
(c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
(d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees for professional services, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions;
(e) knowingly employs, uses, or acts as a runner for the purpose of committing a fraudulent insurance act;
(f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent insurance act;
(g) knowingly supplies false or fraudulent material information in any document or statement required by the Department of Insurance; or
(h) knowingly fails to forward a premium to an insurer in violation of Section 31A-23a-411.1.
(3)
(a) A violation of Subsection (2)(a)(i) is a class A misdemeanor.
(b) A violation of Subsections (2)(a)(ii) or (2)(b) through (2)(h) is:
(i) a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $5,000.
(c) A violation of Subsection (2)(a)(iii) is:
(i) a class A misdemeanor if the value of the loss is less than $1,500 or unable to be determined;
(ii) a third degree felony when the value of the loss is or exceeds $1,500 but is less than $5,000; or
(iii) a second degree felony when the value of the loss is or exceeds $5,000.
(4) A corporation or association is guilty of the offense of insurance fraud under the same conditions as those set forth in Section 76-2-204.
(5) The determination of the degree of any offense under Subsections (2)(a)(ii) and (2)(b) through (2)(h) shall be measured by the total value of all property, money, or other things obtained or sought to be obtained by the fraudulent insurance act or acts described in Subsections (2)(a)(ii) and (2)(b) through (2)(h).
(6) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(7) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-522 Equity skimming of a vehicle.
(1)
(a) As used in this section:
(i) "Actor" means a broker, dealer, or a person in collusion with a dealer or broker.
(ii) "Broker" means any person who, for compensation of any kind, arranges for the sale, lease, sublease, or transfer of a vehicle.
(iii) "Dealer" means any person engaged in the business of selling, leasing, or exchanging vehicles for compensation of any kind.
(iv) "Lease" means any grant of use or possession of a vehicle for consideration, with or without an option to buy.
(v) "Security interest" means an interest in a vehicle that secures payment or performance of an obligation.
(vi) "Transfer" means any delivery or conveyance of a vehicle to another from one person to another.
(vii) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, or through the air or water, or over land and includes a manufactured home or mobile home as defined in Section 41-1a-102.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits equity skimming of a vehicle if the actor:
(a)
(i) transfers or arranges the transfer of a vehicle for consideration or profit; and
(ii) has not first obtained written authorization of the lessor or holder of the security interest; and
(b) knows or should have known the vehicle is subject to a lease or security interest.

(3) A violation of Subsection (2) is a third degree felony.
(4) It is a defense to a violation of Subsection (2) if the defendant proves by a preponderance of the evidence that the lease obligation or security interest has been satisfied within 30 days following the transfer of the vehicle.
(5) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(6) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-523 Obstruction of the leasing of real property for natural resource or agricultural production.

(1)
(a) As used in this section:
(i) "Competitive process" includes public auction or other public competitive bidding process.
(ii) "Natural resource or agricultural production" means:
(A) the extraction or production of oil, gas, hydrocarbons, or other minerals;
(B) production for commercial purposes of crops, livestock, and livestock products, including grazing; or
(C) activities similar in purpose to those listed in Subsections (1)(a)(ii)(A) and (B).
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits obstruction of the leasing of real property for natural resource or agricultural production if the actor:
(a) bids for a lease as part of a competitive process for the lease;
(b) does not intend to pay for the lease at the time the actor makes the bid described in Subsection (2)(a); and
(c) does not pay the lessor in full for the lease as required by the lease agreement.
(3) A violation of Subsection (2) is:
(a) a third degree felony; and
(b) subject to a minimum fine of not less than $7,500.
(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-524 Falsifying information for preconstruction lien purposes.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits falsifying information for the purpose of obtaining priority of a preconstruction lien if the actor knowingly falsifies information for the purpose of obtaining priority of a preconstruction lien under Title 38, Chapter 1a, Preconstruction and Construction Liens.
(3) A violation of Subsection (2) is a class B misdemeanor.

(4) This section may not be construed to impose criminal or civil liability on any law enforcement officer acting within the scope of a criminal investigation.
(5) The forfeiture of property under this section, including any seizure and disposition of the property and any related judicial or administrative proceeding, shall be conducted in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter 11c, Retention of Evidence.

Amended by Chapter 111, 2023 General Session

76-6-525 Communications fraud.

(1)
(a) As used in this section, "sensitive personal identifying information" means information regarding an individual's:
(i) social security number;
(ii) driver license number or other government-issued identification number;
(iii) financial account number or credit or debit card number;
(iv) password or personal identification number or other identification required to gain access to a financial account or a secure website;
(v) automated or electronic signature;
(vi) unique biometric data; or
(vii) any other information that can be used to gain access to an individual's financial accounts or to obtain goods or services.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits communications fraud if the actor has devised any scheme or artifice to defraud another or to obtain from another money, property, or anything of value by means of false or fraudulent pretenses, representations, promises, or material omissions, and who communicates directly or indirectly with any person by any means for the purpose of executing or concealing the scheme or artifice.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000;
(d) a second degree felony when the value of the property, money, or thing obtained or sought to be obtained is or exceeds $5,000; and
(e) a second degree felony when the object or purpose of the scheme or artifice to defraud is the obtaining of sensitive personal identifying information, regardless of the value.
(4) The determination of the degree of an offense under Subsection (2) is measured by the total value of all property, money, or things obtained or sought to be obtained by the scheme or artifice described in Subsection (2) except as provided in Subsection (3)(e).
(5)
(a) Reliance on the part of any person is not a necessary element of the offense described in Subsection (2).
(b) An intent on the part of the actor of any offense described in Subsection (2) to permanently deprive any person of property, money, or thing of value is not a necessary element of the offense.

(c) Each separate communication made for the purpose of executing or concealing a scheme or artifice described in Subsection (2) is a separate act and offense of communication fraud.

(6)

(a) To communicate as described in Subsection (2) means to:

(i) bestow, convey, make known, recount, or impart;

(ii) give by way of information;

(iii) talk over; or

(iv) transmit information.

(b) Means of communication include use of the mail, telephone, telegraph, radio, television, newspaper, computer, and spoken and written communication.

(7) An actor may not be convicted under this section unless the pretenses, representations, promises, or material omissions made or omitted were made or omitted intentionally, knowingly, or with a reckless disregard for the truth.

Renumbered and Amended by Chapter 173, 2025 General Session

76-6-526 Fraudulent advertisement, sale, lease, or mortgaging of real property.

(1) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits fraudulent advertisement, sale, lease, or mortgaging of real property if the actor knowingly:

(a)

(i) lists or advertises residential real property for sale; or

(ii) sells, leases, or mortgages real property; and

(b) does not have legal title to the property or authority to advertise, sell, lease, or mortgage the real property.

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

Enacted by Chapter 295, 2025 General Session

Part 6
Retail Theft

76-6-601 Definitions.

As used in this part:

(1) "Merchandise" means any personal property displayed, held, or offered for sale by a merchant.

(2) "Merchant" means an owner or operator of any retail mercantile establishment where merchandise is displayed, held, or offered for sale and includes the merchant's employees, servants, or agents.

(3) "Minor" means any unmarried person under 18 years of age.

(4) "Peace officer" has the same meaning as provided in Title 53, Chapter 13, Peace Officer Classifications.

(5) "Premises of a retail mercantile establishment" includes, but is not limited to, the retail mercantile establishment; any common use areas in shopping centers and all parking lots or areas set aside for the benefit of those patrons of the retail mercantile establishment.

(6) "Retail mercantile establishment" means any place where merchandise is displayed, held, or offered for sale to the public.

(7) "Retail value" means the merchant's stated or advertised price of the merchandise.
(8) "Shopping cart" means those push carts of the types which are commonly provided by grocery stores, drug stores, or other mercantile establishments, or markets for the use of the public in transporting commodities in stores and markets from the store to a place outside the store.
(9) "Under-ring" means to cause the cash register or other sales recording device to reflect less than the retail value of the merchandise.

Amended by Chapter 111, 2023 General Session

76-6-602 Retail theft.
(1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.
(2) An actor commits retail theft if the actor knowingly:
(a) takes possession of, conceals, carries away, transfers or causes to be carried away or transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment with the intention of:
(i) retaining the merchandise without paying the retail value of the merchandise; or
(ii) depriving the merchant permanently of the possession, use or benefit of such merchandise without paying the retail value of the merchandise;
(b)
(i) alters, transfers, or removes any label, price tag, marking, indicia of value, or any other markings which aid in determining value of any merchandise displayed, held, stored, or offered for sale, in a retail mercantile establishment; and
(ii) attempts to purchase the merchandise described in Subsection (2)(b)(i) personally or in consort with another at less than the retail value with the intention of depriving the merchant of the retail value of the merchandise;
(c) transfers any merchandise displayed, held, stored, or offered for sale in a retail mercantile establishment from the container in or on which the merchandise is displayed to any other container with the intention of depriving the merchant of the retail value of the merchandise;
(d) under-rings with the intention of depriving the merchant of the retail value of the merchandise; or
(e) removes a shopping cart from the premises of a retail mercantile establishment with the intent of depriving the merchant of the possession, use, or benefit of the shopping cart.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the:
(i) retail value of the merchandise or shopping cart is or exceeds $5,000;
(ii) merchandise stolen is a firearm or an operable motor vehicle;
(b) a third degree felony if:
(i) the retail value of the merchandise is or exceeds $1,500 but is less than $5,000;
(ii) the retail value of the merchandise or shopping cart is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud;
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
(D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);

(iii)
(A) the retail value of merchandise or shopping cart is or exceeds $500 but is less than $1,500;
(B) the theft occurs in a retail mercantile establishment or on the premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the retail value of the merchandise or shopping cart stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the retail value of merchandise or shopping cart is less than $500;
(B) the theft occurs in a retail mercantile establishment or premises of a retail mercantile establishment where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the merchant prohibiting the offender from entering the retail mercantile establishment or premises of a retail mercantile establishment pursuant to Subsection 78B-3-108(4); or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (D), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the retail value of the merchandise or shopping cart stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) A court shall impose the mandatory jail sentence described in Subsection (4)(b), and may not suspend any portion of the jail sentence or grant early release, if:
(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of this section;
(ii)
(A) the violation is the actor's second or subsequent conviction for any level of offense under this section; or
(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of this section; and
(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.
(b) The mandatory jail sentences referred to in Subsection (4)(a) are:
(i) for a felony or a class A misdemeanor, 360 days in jail;
(ii) for a class B misdemeanor, 180 days in jail; and
(iii) for a class C misdemeanor, 90 days in jail.
(c)
(i) Except as provided in Subsection (4)(c)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and

Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(b).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(b).

Amended by Chapter 261, 2026 General Session

76-6-603 Detention of suspected violator by merchant -- Purposes.

(1) Any merchant who has probable cause to believe that a person has committed retail theft may detain such person, on or off the premises of a retail mercantile establishment, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:

(a) to make reasonable inquiry as to whether such person has in his possession unpurchased merchandise and to make reasonable investigation of the ownership of such merchandise;

(b) to request identification;

(c) to verify such identification;

(d) to make a reasonable request of such person to place or keep in full view any merchandise such individual may have removed, or which the merchant has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, purchase, or for any other reasonable purpose;

(e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer;

(f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of that minor immediately, if possible, of this detention and to surrender custody of such minor to such person.

(2) A merchant may make a detention as permitted herein off the premises of a retail mercantile establishment only if such detention is pursuant to an immediate pursuit of such person.

Amended by Chapter 306, 2007 General Session

76-6-604 Defense to action by person detained.

In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by the merchant, it shall be a defense to such action that the merchant detaining such person had probable cause to believe that the person had committed retail theft and that the merchant acted reasonably under all circumstances.

Enacted by Chapter 78, 1979 General Session

76-6-607 Report of arrest to division.

Any arrest made for a violation of this part shall be reported by the appropriate jurisdiction to the Criminal Investigations and Technical Services Division of the Department of Public Safety, established in Section 53-10-103, which shall keep a record of the arrest together with the disposition of the arrest for purposes of inquiry by any law enforcement agency.

Amended by Chapter 263, 1998 General Session

76-6-608 Theft detection shielding devices prohibited.

(1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.
(2) An actor commits the unlawful shielding of a theft detection device if the actor knowingly:
  (a) makes or possesses any container or device used for, intended for use for, or represented as having the purpose of shielding merchandise from any electronic or magnetic theft alarm sensor, with the intent to commit a theft of merchandise;
  (b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another any container or device intended for use for or represented as having the purpose of shielding merchandise from any electronic or magnetic theft alarm sensor;
  (c) possesses any tool or instrument designed to remove any theft detection device from any merchandise, with the intent to use the tool or instrument to remove any theft detection device from any merchandise without the permission of the merchant or the person owning or in possession of the merchandise; or
  (d) intentionally removes a theft detection device from merchandise prior to purchase and without the permission of the merchant.
(3)
  (a) A violation of Subsection (2)(a), (b), or (c) is a class A misdemeanor.
  (b) A violation of Subsection (2)(d) is a:
    (i) class B misdemeanor if the retail value of the merchandise from which the theft detection device is removed is less than $500; or
    (ii) class A misdemeanor if the retail value of the merchandise from which the theft detection device is removed is or exceeds $500.
(4) A violation of Subsection (2) is a separate offense from any offense listed in Part 4, Theft, or Part 6, Retail Theft.
(5) Criminal prosecutions under this section do not affect any person's right of civil action for redress for damages suffered as a result of any violation of this section.

Amended by Chapter 178, 2025 General Session

Part 7
Utah Computer Crimes Act

76-6-702 Definitions.

As used in this part:
(1) "Access" means to directly or indirectly use, attempt to use, instruct, communicate with, cause input to, cause output from, or otherwise make use of any resources of a computer, computer system, computer network, or any means of communication with any of them.
(2) "Authorization" means having the express or implied consent or permission of the owner, or of the person authorized by the owner to give consent or permission to access a computer, computer system, or computer network in a manner not exceeding the consent or permission.
(3) "Computer" means any electronic device or communication facility that stores, processes, transmits, or facilitates the transmission of data.
(4) "Computer network" means:
  (a) the interconnection of communication or telecommunication lines between:
    (i) computers; or
    (ii) computers and remote terminals; or
  (b) the interconnection by wireless technology between:

(i) computers; or
(ii) computers and remote terminals.
(5) "Computer property" includes electronic impulses, electronically produced data, information, financial instruments, software, or programs, in either machine or human readable form, any other tangible or intangible item relating to a computer, computer system, computer network, and copies of any of them.
(6) "Computer system" means a set of related, connected or unconnected, devices, software, or other related computer equipment.
(7) "Computer technology" includes:
(a) a computer;
(b) a computer network;
(c) computer hardware;
(d) a computer system;
(e) a computer program;
(f) computer services;
(g) computer software; or
(h) computer data.
(8) "Confidential" means data, text, or computer property that is protected by a security system that clearly evidences that the owner or custodian intends that it not be available to others without the owner's or custodian's permission.
(9) "Critical infrastructure" includes:
(a) a financial or banking system;
(b) any railroad, airline, airport, airway, highway, bridge, waterway, fixed guideway, or other transportation system intended for the transportation of persons or property;
(c) any public utility service, including a power, energy, gas, or water supply system;
(d) a sewage or water treatment system;
(e) a health care facility, as that term is defined in Section 26B-2-201;
(f) an emergency fire, medical, or law enforcement response system;
(g) a public health facility or system;
(h) a food distribution system;
(i) a government computer system or network;
(j) a school; or
(k) other government facilities, operations, or services.
(10) "Denial of service attack" means an attack or intrusion that is intended to disrupt legitimate access to, or use of, a network resource, a machine, or computer technology.
(11) "Financial instrument" includes any check, draft, money order, certificate of deposit, letter of credit, bill of exchange, electronic fund transfer, automated clearing house transaction, credit card, or marketable security.
(12)
(a) "Identifying information" means a person's:
(i) social security number;
(ii) driver license number;
(iii) nondriver governmental identification number;
(iv) bank account number;
(v) student identification number;
(vi) credit or debit card number;
(vii) personal identification number;
(viii) unique biometric data;

(ix) employee or payroll number;
(x) automated or electronic signature; or
(xi) computer password.
(b) "Identifying information" does not include information that is lawfully available from publicly available information, or from federal, state, or local government records lawfully made available to the general public.
(13) "Information" does not include information obtained:
(a) through use of:
(i) an electronic product identification or tracking system; or
(ii) other technology used by a retailer to identify, track, or price goods; and
(b) by a retailer through the use of equipment designed to read the electronic product identification or tracking system data located within the retailer's location.
(14) "Interactive computer service" means an information service, system, or access software provider that provides or enables computer access by multiple users to a computer server, including a service or system that provides access to the Internet or a system operated, or services offered, by a library or an educational institution.
(15) "License or entitlement" includes:
(a) licenses, certificates, and permits granted by governments;
(b) degrees, diplomas, and grades awarded by educational institutions;
(c) military ranks, grades, decorations, and awards;
(d) membership and standing in organizations and religious institutions;
(e) certification as a peace officer;
(f) credit reports; and
(g) another record or datum upon which a person may be reasonably expected to rely in making decisions that will have a direct benefit or detriment to another.
(16) "Security system" means a computer, computer system, network, or computer property that has some form of access control technology implemented, such as encryption, password protection, other forced authentication, or access control designed to keep out unauthorized persons.
(17) "Services" include computer time, data manipulation, and storage functions.
(18) "Service provider" means a telecommunications carrier, cable operator, computer hardware or software provider, or a provider of information service or interactive computer service.
(19) "Software" or "program" means a series of instructions or statements in a form acceptable to a computer, relating to the operations of the computer, or permitting the functioning of a computer system in a manner designed to provide results including system control programs, application programs, or copies of any of them.

Amended by Chapter 330, 2023 General Session

76-6-703 Unlawful computer technology access or action or denial of service attack.
(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits unlawful computer technology access or action or denial of service attack if the actor:
(a) without authorization, or in excess of the actor's authorization, accesses or attempts to access computer technology if the access or attempt to access results in:
(i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure of computer technology;
(ii) interference with or interruption of:

(A) the lawful use of computer technology; or
(B) the transmission of data;
(iii) physical damage to or loss of real, personal, or commercial property;
(iv) audio, video, or other surveillance of another person; or
(v) economic loss to any person or entity;
(b) after accessing computer technology that the actor is authorized to access, knowingly takes or attempts to take unauthorized or unlawful action that results in:
(i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure of computer technology;
(ii) interference with or interruption of:
(A) the lawful use of computer technology; or
(B) the transmission of data;
(iii) physical damage to or loss of real, personal, or commercial property;
(iv) audio, video, or other surveillance of another person; or
(v) economic loss to any person or entity; or
(c) knowingly engages in a denial of service attack.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if:
(i) the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is less than $500; or
(ii) the information obtained is not confidential;
(b) a class A misdemeanor if the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if:
(i) the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000;
(ii) the property or benefit obtained or sought to be obtained is a license or entitlement;
(iii) the damage is to the license or entitlement of another person;
(iv) the information obtained is confidential or identifying information; or
(v) in gaining access the actor breaches or breaks through a security system; or
(d) a second degree felony if the economic loss or other loss or damage caused or the value of the money, property, or benefit obtained or sought to be obtained is or exceeds $5,000.
(4)
(a) It is an affirmative defense that the actor obtained access or attempted to obtain access:
(i) in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of computer technology whose security the actor is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose; or
(ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a search warrant.
(b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(c) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)

(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Amended by Chapter 111, 2023 General Session

76-6-703.3 Unlawful use of technology to defraud.

(1)
(a) As used in this section, "sensitive personal identifying information" means the same as that term is defined in Section 76-6-525.
(b) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits unlawful use of technology to defraud if the actor uses or knowingly allows another person to use a computer, computer network, computer property, or computer system, program, or software to devise or execute any artifice or scheme to defraud or to obtain money, property, a service, or other thing of value by a false pretense, promise, or representation.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if:
(i) the value of the money, property, service, or thing obtained or sought to be obtained is or exceeds $5,000; or
(ii) the object or purpose of the artifice or scheme to defraud is the obtaining of sensitive personal identifying information, regardless of the value.
(4)
(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(b) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.

(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Amended by Chapter 173, 2025 General Session

76-6-703.5 Interference or interruption of critical infrastructure.
(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits interference or interruption of critical infrastructure if the actor intentionally or knowingly, and without lawful authorization, interferes with or interrupts critical infrastructure.
(3) A violation of Subsection (2) is a third degree felony.
(4)
(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.
(b) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service is not guilty of violating this section if a person violates this section using the interactive computer service and the interactive computer service did not knowingly assist the person to commit the violation.
(b) A service provider is not guilty of violating this section for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Enacted by Chapter 111, 2023 General Session

76-6-703.7 Unlawful computer access.
(1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
(2) An actor commits unlawful computer access if:
(a) the actor intentionally or knowingly, and without authorization, gains or attempts to gain access to a computer, computer network, computer property, or computer system; and

(b) the circumstances of the violation of Subsection (2)(a) do not constitute an offense under Section 76-6-703, 76-6-703.3, 76-6-703.5, or 76-12-205.

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

(4)

(a) Notwithstanding Subsection (2), a retailer that uses an electronic product identification or tracking system, or other technology, to identify, track, or price goods is not guilty of a violation of this section if the equipment designed to read the electronic product identification or tracking system data and used by the retailer to identify, track, or price goods is located within the retailer's location.

(b) It is an affirmative defense to a violation under this section that the actor obtained access or attempted to obtain access:

(i) in response to, and for the purpose of protecting against or investigating, a prior attempted or successful breach of security of computer technology whose security the actor is authorized or entitled to protect, and the access attempted or obtained was no greater than reasonably necessary for that purpose; or

(ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a search warrant.

(c) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in this section may be construed to impose liability or culpability on, an interactive computer service for content provided by another person.

(d) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.

(5)

(a) An interactive computer service is not guilty of violating this section if an actor violates this section using the interactive computer service and the interactive computer service did not knowingly assist the actor to commit the violation.

(b) A service provider is not guilty of violating this section for:

(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or

(ii) action taken, including scanning and removing computer software, to detect or prevent the following:

(A) unauthorized or fraudulent use of a network, service, or computer software;

(B) illegal activity; or

(C) infringement of intellectual property rights.

Amended by Chapter 173, 2025 General Session

76-6-704 Attorney general, county attorney, or district attorney to prosecute -- Conduct violating other statutes.

(1) The attorney general, district attorney, or the county attorney shall prosecute suspected criminal violations of this part.

(2) Prosecution under this part does not prevent any prosecutions under any other law.

Amended by Chapter 38, 1993 General Session

76-6-705 Reporting violations.

(1) Each person who has reason to believe that a provision of Section 76-6-703, 76-6-703.3, 76-6-703.5, 76-6-703.7, or 76-12-205 is being or has been violated shall report the suspected violation to:

(a) the attorney general, or county attorney, or, if within a prosecution district, the district attorney of the county or prosecution district in which part or all of the violation occurred; or

(b) a state or local law enforcement agency.

(2) Subsection (1) does not apply to the extent that the person is prohibited from reporting by a statutory or common law privilege.

Amended by Chapter 173, 2025 General Session

Part 8
Library Theft

76-6-801 Library theft.

(1)

(a) As used in this section:

(i) "Library" means:

(A) a public library;

(B) a library of an educational or historical society;

(C) a museum; or

(D) a repository of public records.

(ii) "Library materials" means a book, plate, picture, photograph, engraving, painting, drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public record, microfilm, sound recording, audiovisual materials in any format, electronic data processing records, artifacts, or other documentary, written or printed materials regardless of physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a library.

(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits library theft if the actor:

(a) willfully, for the purpose of converting to personal use, and depriving the owner, conceals on the actor's person or among the actor's belongings library materials while on the premises of the library; or

(b) willfully and without authority removes library materials from the library building with the intention of converting them to the actor's own use.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the library materials is or exceeds $5,000;

(b) a third degree felony if:

(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;

(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
(iii)
(A) the value of the library materials is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library prohibiting the offender from entering the property if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the library materials is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the library materials stolen is less than $500 and the theft is not an offense under Subsection (3)(c).
(4)
(a) An actor who willfully conceals library materials on the actor's person or among the actor's belongings while on the premises of the library or in the library's immediate vicinity is prima facie presumed to have concealed library materials with the intention of converting the library materials to the actor's own use.
(b) If library materials are found concealed upon the actor's person or among the actor's belongings, or electronic security devices are activated by the actor's presence, it is prima facie evidence of willful concealment.

Amended by Chapter 111, 2023 General Session

76-6-803 Mutilation or damaging of library material.
(1)
(a) As used in this section:
(i) "Library" means the same as that term is defined in Section 76-6-801.
(ii) "Library materials" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor is guilty of mutilation or damage of library materials if the actor intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or otherwise damages library materials.
(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the library materials is or exceeds $5,000;
(b) a third degree felony if:
(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;
(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:
(A) any theft, any robbery, or any burglary with intent to commit theft;
(B) any offense under Part 5, Fraud; or
(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
(iii)
(A) the value of the library materials is or exceeds $500 but is less than $1,500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;
(c) a class A misdemeanor if:
(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;
(ii)
(A) the value of the library materials is less than $500;
(B) the theft occurs on a property where the offender has committed any theft within the past five years; and
(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or
(d) a class B misdemeanor if the value of the library materials stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 111, 2023 General Session

76-6-803.30 Failure to return library material -- Written notice.
(1)
(a) As used in this section:
(i) "Library" means the same as that term is defined in Section 76-6-801.
(ii) "Library materials" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2)
(a) An actor is guilty of failure to return library materials if the actor, having possession or having been in possession of library materials:

(i) fails to return the materials within 30 days after receiving written notice demanding return of the materials; or

(ii) if the materials are lost or destroyed, fails to pay the replacement value of the materials within 30 days after being notified.

(b) Written notice is considered received upon the sworn affidavit of the person delivering the notice with a statement as to the date, place, and manner of delivery, or upon proof that the notice was mailed postage prepaid, via the United States Postal Service, to the current address listed for the person in the library records.

(3) A violation of Subsection (2) is:

(a) a second degree felony if the value of the library materials is or exceeds $5,000;

(b) a third degree felony if:

(i) the value of the library materials is or exceeds $1,500 but is less than $5,000;

(ii) the value of the library materials is or exceeds $500 and the actor has been twice before convicted of any of the following offenses, if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based and at least one of those convictions is for a class A misdemeanor:

(A) any theft, any robbery, or any burglary with intent to commit theft;

(B) any offense under Part 5, Fraud; or

(C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

(iii)

(A) the value of the library materials is or exceeds $500 but is less than $1,500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

(iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based;

(c) a class A misdemeanor if:

(i) the value of the library materials stolen is or exceeds $500 but is less than $1,500;

(ii)

(A) the value of the library materials is less than $500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the library if the library has complied with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10 years before the date of the current conviction or the date of the offense upon which the current conviction is based; or

(d) a class B misdemeanor if the value of the library material stolen is less than $500 and the theft is not an offense under Subsection (3)(c).

Amended by Chapter 111, 2023 General Session

76-6-803.60 Detention of theft suspect by library employee -- Purposes.

(1)
(a) As used in this section:
(i) "Library" means the same as that term is defined in Section 76-6-801.
(ii) "Library materials" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) Any employee of the library who has probable cause to believe that a person has committed library theft may detain the person, on or off the premises of a library, in a reasonable manner and for a reasonable length of time for all or any of the following purposes:
(a) to make reasonable inquiry as to whether the person has in his possession concealed library materials;
(b) to request identification;
(c) to verify identification;
(d) to make a reasonable request of the person to place or keep in full view any library materials the individual may have removed, or which the employee has reason to believe he may have removed, from its place of display or elsewhere, whether for examination, or for any other reasonable purpose;
(e) to inform a peace officer of the detention of the person and surrender that person to the custody of a peace officer; or
(f) in the case of a minor, to inform a peace officer, the parents, guardian, or other private person interested in the welfare of the minor as soon as possible of this detention and to surrender custody of the minor to this person.
(3) An employee may make a detention under this section off the library premises only if the detention is pursuant to an immediate pursuit of the person.

Amended by Chapter 111, 2023 General Session

76-6-803.90 Liability -- Defense -- Probable cause -- Reasonableness.
(1)
(a) As used in this section, "library" means the same as that term is defined in Section 76-6-801.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) In any action for false arrest, false imprisonment, unlawful detention, defamation of character, assault, trespass, or invasion of civil rights brought by any person detained by an employee of the library, it is a defense to the action that the employee of the library detaining the person had probable cause to believe that the person had committed library theft and that the employee acted reasonably under all circumstances.

Amended by Chapter 111, 2023 General Session

Part 9
Cultural Sites Protection

76-6-901 Definitions.
As used in this part:
(1) "Antiquities" means:

(a) all material remains and their associations, recoverable through excavation or surface collection, that provide information pertaining to the historic or prehistoric peoples in the state; and
(b) vertebrate fossils and other exceptional fossils and fossil sites designated as state landmarks.
(2) "Landowner" includes the School and Institutional Trust Lands Administration with respect to lands sold by the School and Institutional Trust Lands Administration and upon which a restrictive deed covenant has been imposed by the School and Institutional Trust Lands Administration.
(3) "Persons" means an individual, corporation, partnership, trust, institution, association, or any other private entity or any officer, employee, agent, department, or instrumentality of the United States, of any Native American tribe, or of any state or political subdivision of any state.
(4) "State lands" means all lands owned by:
(a) Utah, including school and institutional trust lands and lands sold by the School and Institutional Trust Lands Administration subject to a restrictive deed covenant for the protection of antiquities; and
(b) political subdivisions.

Amended by Chapter 111, 2006 General Session

76-6-902 Antiquities alteration, removal, injury, or destruction.
(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
(2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:
(a) intentionally alters, removes, injures, or destroys antiquities from state lands or private lands without the landowner's consent; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902.1, or Section 76-6-902.2; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.
(4)
(a) For a violation of Subsection (2) on state lands, the court may:
(i) impose a fine up to the full amount described in Subsection (3)(c); or
(ii) order the actor to pay restitution for the damage caused by the actor's violation of this section.
(b) The court may order that restitution under Subsection (4)(a) be deposited into the Public Lands Restoration and Protection Fund created in Section 9-8a-207.

Amended by Chapter 376, 2026 General Session

76-6-902.1 Unlawful creation, labeling, or sale of reproduction of antiquities.

(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
(2) An actor commits unlawful reproduction, labeling, or sale of reproduction of antiquities if the actor:
(a) with the intent to represent one or more objects as original and genuine antiquities, intentionally:
(i) reproduces, reworks, or forges antiquities; or
(ii)
(A) makes an object, whether as a copy or not; or
(B) falsely labels, describes, identifies, or offers for sale or exchange an object; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902, or Section 76-6-902.2; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.

Enacted by Chapter 111, 2023 General Session

76-6-902.2 Unlawful sale or exchange of antiquities.
(1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
(2) An actor commits unlawful sale or exchange of antiquities if the actor:
(a) offers for sale or exchange an object that was collected or excavated in violation of Section 76-6-902; or
(b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the violation is the actor's second or subsequent violation of this section, Section 76-6-902, or Section 76-6-902.1; or
(ii) the amount at issue, as calculated under Subsection (3)(c), exceeds $500.
(c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
(i) the commercial or archaeological value of the antiquities involved in the violation; and
(ii) the cost of the restoration and repair of the antiquities involved in the violation.
(d) An actor shall surrender to the landowner all articles and material discovered, collected, excavated, or offered for sale or exchange in violation of this section.

Enacted by Chapter 111, 2023 General Session

Part 10
Mail Box Damage and Mail Theft

76-6-1001 Definitions.

As used in this part:

(1) "Common mail carrier" means a person engaged in or transacting the business of collecting, transporting, or delivering mail, other than the United States Postal Service.

(2) "Key" means any instrument used by the postal service and postal customer, and which is designed to operate the lock on a mail receptacle.

(3) "Mail" means any letter, card, parcel, or other material, along with its contents, that:

(a) has postage affixed by the postal customer or postal service;

(b) has been accepted for delivery by the postal service;

(c) the postal customer leaves for collection by the postal service; or

(d) the postal service delivers to the postal customer.

(4) "Mail receptacle" means a mail box, post office box, rural box, or any place or area intended or used by postal customers or a postal service for the collection or delivery of mail.

(5) "Personal identifying information" means the same as that term is defined in Section 76-6-1101.

(6) "Postage" means a postal service stamp, permit imprint, meter strip, or other indication of either prepayment for postal service provided or authorization by the postal service for collection and delivery of mail.

(7) "Postal service" means the United States Postal Service or a private common mail carrier.

Amended by Chapter 111, 2023 General Session

76-6-1002 Damage to mail receptacle.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.

(2) An actor commits damage to a mail receptacle if the actor knowingly damages the condition of a mail receptacle, including:

(a) taking, concealing, damaging, or destroying a key; or

(b) breaking open, tearing down, taking, damaging, or destroying a mail receptacle.

(3)

(a) A violation of Subsection (2) is a:

(i) second degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $5,000 in value;

(ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $1,500 but is less than $5,000 in value;

(iii) class A misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss equal to or in excess of $500 but is less than $1,500 in value; and

(iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary loss less than $500 in value.

(b) If the act committed amounts to an offense subject to a greater penalty, Subsection (3)(a) does not prohibit prosecution and sentencing for the more serious offense.

(4) The following presumptions and defenses shall be applicable to this section:

(a) possession of property recently stolen, when no satisfactory explanation of such possession is made, is prima facie evidence that the actor in possession stole the property;

(b) it is no defense under this part that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an

interest in property for purposes of this Subsection (4)(b) shall not include a security interest for the repayment of a debt or obligation; and

(c) it is a defense under this section that the actor:

(i) acted under an honest claim of right to the property or service involved;

(ii) acted in the honest belief that the actor had the right to obtain or exercise control over the property or service as the actor did; or

(iii) obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented.

Amended by Chapter 111, 2023 General Session

76-6-1003 Mail theft.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.

(2) An actor commits mail theft if the actor:

(a) knowingly, and with the intent to deprive another:

(i) takes, destroys, hides, or embezzles mail; or

(ii) obtains any mail by fraud or deception; or

(b) buys, receives, conceals, or possesses mail and knows or reasonably should have known that the mail was unlawfully taken or obtained.

(3) A violation of Subsection (2) is:

(a) a third degree felony;

(b) a class A misdemeanor, if the mail has no monetary value and does not include the name of an individual; or

(c) a second degree felony, if the mail contains the personal identifying information of 10 or more individuals.

(4) The following presumptions and defenses shall be applicable to this section:

(a) possession of property recently stolen, when no satisfactory explanation of such possession is made, is prima facie evidence that the actor in possession stole the property;

(b) it is no defense under this section that the actor has an interest in the property or service stolen if another person also has an interest that the actor is not entitled to infringe, provided an interest in property for purposes of this Subsection (4)(b) shall not include a security interest for the repayment of a debt or obligation; and

(c) it is a defense under this section that:

(i) the actor acted under an honest claim of right to the property or service involved;

(ii) the actor acted in the honest belief that the actor had the right to obtain or exercise control over the property or service as the actor did;

(iii) the actor obtained or exercised control over the property or service honestly believing that the owner, if present, would have consented;

(iv) the actor was unaware that the mail belonged to another person;

(v) the actor reasonably believed the actor was entitled to the mail or had a right to acquire or dispose of the mail as the actor did; or

(vi) the mail belonged to the actor's spouse, unless the parties were either legally separated or living in separate residences at the time of the alleged mail theft.

Amended by Chapter 111, 2023 General Session

Part 11
Identity Fraud Act

76-6-1101 Definitions.

(1) As used in this part:

(a) "Personal identifying information" may include:

(i) name;

(ii) birth date;

(iii) address;

(iv) telephone number;

(v) driver license number;

(vi) social security number;

(vii) place of employment;

(viii) employee identification numbers or other personal identification numbers;

(ix) mother's maiden name;

(x) electronic identification numbers;

(xi) electronic signatures under Title 46, Chapter 4, Uniform Electronic Transactions Act;

(xii) any other numbers or information that can be used to access a person's financial resources or medical information, except for numbers or information that can be prosecuted as financial transaction card offenses under Sections 76-6-506, 76-6-506.2, 76-6-506.3, and 76-6-506.6; or

(xiii) a photograph or any other realistic likeness.

(b) "Restitution" means the same as that term is defined in Section 77-38b-102.

Repealed and Re-enacted by Chapter 111, 2023 General Session

76-6-1102 Identity fraud.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.

(2) An actor commits identity fraud if the actor knowingly or intentionally uses, or attempts to use, the personal identifying information of another person, whether that person is alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit, goods, services, employment, any other thing of value, or medical information.

(3) A violation of Subsection (2) is:

(a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the credit, goods, services, employment, or any other thing of value is less than $5,000; or

(b) a second degree felony if:

(i) the value of the credit, goods, services, employment, or any other thing of value is or exceeds $5,000; or

(ii) the use described in Subsection (2) of personal identifying information results, directly or indirectly, in bodily injury to another person.

(4)

(a) It is not a defense to a violation of Subsection (2) that the actor did not know that the personal information belonged to another person.

(b) Multiple violations of Subsection (2) may be aggregated into a single offense, and the degree of the offense is determined by the total value of all credit, goods, services, or any other thing of value used, or attempted to be used, through the multiple violations.

(5)

(a) If a defendant is convicted of a violation of this section, the court shall order the defendant to pay restitution in accordance with Title 77, Chapter 38b, Crime Victims Restitution Act.
(b) Restitution under Subsection (5)(a) may include:
(i) payment for any costs incurred, including attorney fees, lost wages, and replacement of checks; and
(ii) the value of the victim's time incurred due to the offense:
(A) in clearing the victim's credit history or credit rating;
(B) in any civil or administrative proceedings necessary to satisfy or resolve any debt, lien, or other obligation of the victim or imputed to the victim and arising from the offense; and
(C) in attempting to remedy any other intended or actual harm to the victim incurred as a result of the offense.

Amended by Chapter 111, 2023 General Session

76-6-1103 Investigation of violation.

In addition to investigations conducted by law enforcement agencies, the Office of the Attorney General also has responsibility for investigating violations of this part where identity fraud is the primary violation that is alleged to have been committed.

Amended by Chapter 227, 2004 General Session

76-6-1104 Court records.

In any case in which a person commits identify fraud and uses the personal identifying information obtained to commit a crime in addition to the identity fraud, the court shall make appropriate findings in any prosecution of such a crime that the person whose identity was falsely used to commit the crime did not commit the crime.

Enacted by Chapter 57, 2000 General Session

76-6-1105 Unlawful possession of another's identification documents.

(1)
(a) As used in this section:
(i)
(A) "Identifying document" means:
(I) a government issued document commonly used for identification;
(II) a vehicle registration certificate; or
(III) any other document, image, data file, or medium containing personal identifying information as defined in Subsection 76-6-1101(1)(a).
(B) "Identifying document" includes:
(I) a counterfeit identifying document; or
(II) a document containing personal identifying information of a deceased individual.
(ii) "Possess" means to have physical control or electronic access.
(b) Terms defined in Sections 76-1-101.5 and 76-6-1101 apply to this section.
(2)
(a) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses an identifying document:

(A) with knowledge that the actor is not entitled to obtain or possess the identifying document; or
(B) with intent to deceive or defraud; or
(ii) assists another person in obtaining or possessing an identifying document:
(A) with knowledge that the person is not entitled to obtain or possess the identifying document; or
(B) with knowledge that the person intends to use the identifying document to deceive or defraud.
(b) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses identifying documents of more than two, but fewer than 100, individuals:
(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or
(B) with intent to deceive or defraud; or
(ii) assists another person in obtaining or possessing identifying documents of more than two, but fewer than 100, individuals:
(A) with knowledge that the person is not entitled to obtain or possess the multiple identifying documents; or
(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.
(c) Under circumstances that do not constitute a violation of Section 76-6-502 or 76-6-1102, an actor commits unlawful possession of another's identification documents if the actor:
(i) obtains or possesses identifying documents of 100 or more individuals:
(A) with knowledge that the individual is not entitled to obtain or possess the identifying documents; or
(B) with intent to deceive or defraud; or
(ii) assists another person in obtaining or possessing identifying documents of 100 or more individuals:
(A) with knowledge that the person is not entitled to obtain or possess the identifying documents; or
(B) with knowledge that the person intends to use the identifying documents to deceive or defraud.
(3) A violation of:
(a) Subsection (2)(a) is a class A misdemeanor;
(b) Subsection (2)(b) is a third degree felony; or
(c) Subsection (2)(c) is a second degree felony.

Amended by Chapter 111, 2023 General Session

Part 12
Utah Mortgage Fraud Act

76-6-1202 Definitions.
As used in this part:

(1) "Mortgage lending process" means the process through which a person seeks or obtains a mortgage loan, including solicitation, application, or origination, negotiation of terms, third-party provider services, underwriting, signing and closing, and funding of the loan.
(2) "Mortgage loan":
(a) means a loan or agreement made to extend credit to a person when the loan is secured by a deed, security deed, mortgage, security interest, deed of trust, or other document representing a security interest or lien upon any interest in one-to-four family residential property; and
(b) includes the renewal or refinancing of any loan.
(3) "Pattern of unlawful activity" means the same as that term is defined in Section 76-17-401.
(4) "Sensitive personal identifying information" includes:
(a) the following information regarding an individual's:
(i) Social Security number;
(ii) driver license number or other government issued identification number;
(iii) financial account number or credit or debit card number;
(iv) password or personal identification number or other identification required to gain access to a financial account or a secure website;
(v) automated or electronic signature; and
(vi) unique biometric data; and
(b) any other information that can be used to gain access to an individual's financial accounts or to obtain goods or services.
(5) "Value" means the value of the property, money, or thing obtained or sought to be obtained.

Amended by Chapter 173, 2025 General Session

76-6-1203 Mortgage fraud.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1202 apply to this section.
(2) An actor commits mortgage fraud if the actor does any of the following with the intent to defraud:
(a) knowingly makes any material misstatement, misrepresentation, or omission during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process;
(b) knowingly uses or facilitates the use of any material misstatement, misrepresentation, or omission, during the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower, or any other party to the mortgage lending process;
(c) files or causes to be filed with any county recorder in Utah any document that the actor knows contains a material misstatement, misrepresentation, or omission; or
(d) receives any proceeds or any compensation in connection with a mortgage loan that the actor knows resulted from a violation of this section.
(3)
(a) Notwithstanding any other administrative, civil, or criminal penalties, a violation of Subsection (2) is a:
(i) class A misdemeanor if the value is or exceeds $500 but is less than $1,500;
(ii) third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(iii) second degree felony if the value is or exceeds $5,000; and
(iv) second degree felony if the object or purpose of the commission of an act of mortgage fraud is the obtaining of sensitive personal identifying information, regardless of the value.

(b) The determination of the degree of any offense under Subsection (3)(a) is measured by the total value of all property, money, or things obtained or sought to be obtained by a violation of Subsection (2), except as provided in Subsection (3)(a)(iv).

(4) Each residential or commercial property transaction offense under this section constitutes a separate violation.

Amended by Chapter 111, 2023 General Session

Part 13
Utah Automated Sales Suppression Device Act

76-6-1302 Definitions.

As used in this part:

(1) "Automated sales suppression device" means:

(a) a software program that falsifies the electronic records of electronic cash registers or any other point-of-sale systems, including transaction data and transaction reports; or

(b) a general reference to a device that allows for, creates, or supports an automated sales suppression system or any kind of phantomware.

(2) "Electronic cash register" means any device, wherever located, that maintains a transaction register or supporting documents by means of an electronic device or computer system designed to record transaction data for the purpose of computing, compiling, or processing retail, wholesale, or any other sales transaction data.

(3) "Person" means an individual, business, or entity.

(4) "Phantomware" means a programming option that:

(a) is pre-installed, installed at a later time, or otherwise embedded in the operating system of an electronic cash register or hardwired into the electronic cash register; and

(b) can be used to create a virtual alternate register or to eliminate or manipulate transaction records that may or may not be preserved in digital formats in order to represent a manipulated record or records of transactions in the electronic cash register.

(5) "Transaction data" includes items purchased by a customer, the price for each item, a taxability determination for each item, a segregated tax amount for each of the taxed items, the amount of cash or credit tendered, the net amount returned to the customer in change or in a refund, the date and time of the purchase, the name, address, and identification number of the vendor, and the receipt or invoice number of the transaction.

(6) "Transaction report" means a report that includes the sales, taxes collected, media totals, and discount voids at an electronic cash register and that is generated at the end of a day or shift. The report is printed on cash register tape or is stored electronically.

Enacted by Chapter 32, 2012 General Session

76-6-1303 Possession, sale, or use of automated sales suppression device unlawful.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1302 apply to this section.

(2) An actor commits possession, sale, or use of an automated sales suppression device if the actor willfully or knowingly sells, purchases, installs, transfers, uses, or possesses in this state any automated sales suppression device or phantomware with the intent to defraud.

(3)

(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A second or subsequent violation of Subsection (2) is a second degree felony.
(c) Notwithstanding Section 76-3-301, any person convicted of violating Subsection (2) may be fined not more than twice the amount of the applicable taxes that would otherwise be due, but for the use of the automated sales suppression device or phantomware.
(d) Any person convicted of a violation of Subsection (2):
(i) is liable for all applicable taxes, penalties under Section 59-1-401, and interest under Section 59-1-402 that would otherwise be due, but for the use of the automated sales suppression device or phantomware to evade the payment of taxes; and
(ii) shall disgorge all profits associated with the sale or use of an automated sales suppression device or phantomware.
(4) An automated sales suppression device and any device containing an automated sales suppression device is contraband and subject to forfeiture under Title 77, Chapter 11b, Forfeiture of Seized Property.

Amended by Chapter 111, 2023 General Session
Amended by Chapter 448, 2023 General Session

Part 14
Regulation of Metal Dealers

76-6-1402 Definitions.

As used in this part:
(1) "Catalytic converter" means a motor vehicle exhaust system component that reduces vehicle emissions by breaking down harmful exhaust emissions.
(2) "Dealer" means:
(a) a scrap metal processor or secondary metals dealer or recycler, but does not include:
(i) junk dealers as defined in Section 76-6-1402;
(ii) solid waste management facilities as defined in Section 19-6-502; or
(iii) the following businesses that are authorized to accept delivery of used lead batteries for recycling under Sections 19-6-603, 19-6-604, and 19-6-605:
(A) retailers;
(B) wholesalers;
(C) battery manufacturers; and
(D) secondary lead smelters.
(b) a metals refiner.
(3) "Ferrous metal" means a metal that contains significant quantities of iron or steel.
(4) "Identification" means a form of positive identification issued by a state of the United States or the United States federal government that:
(a) contains a numerical identifier and a photograph of the person identified;
(b) provides the date of birth of the person identified; and
(c) includes a state identification card, a state driver license, a United States military identification card, or a United States passport.
(5) "Junk dealer" means all persons, firms, or corporations engaged in the business of purchasing or selling secondhand or castoff material, including ropes, cordage, bottles, bagging, rags, rubber, paper, and other like materials, but not including regulated metal.

(6) "Local law enforcement agency" means the law enforcement agency that has jurisdiction over the area where the dealer's business is located.
(7) "Metals refiner" means an individual or business that refines or melts any regulated metal, but does not include an individual or business that primarily uses ore, concentrate, or other primary materials in refining, melting, or producing any regulated metal.
(8) "Nonferrous metal":
(a) means a metal that does not contain significant quantities of iron or steel; and
(b) includes copper, brass, aluminum, bronze, lead, zinc, nickel, and their alloys.
(9)
(a) "Regulated metal" means any item composed primarily of nonferrous metal, except as provided in Subsection (9)(c).
(b) "Regulated metal" includes:
(i) aluminum, brass, copper, lead, chromium, tin, nickel, or alloys of these metals, except under Subsection (9)(c), and lead that is a part of an automotive or industrial lead battery;
(ii) property that is a regulated metal and that is owned by, and also identified by marking or other means as the property of:
(A) a telephone, cable, electric, water, or other utility; or
(B) a railroad company;
(iii) unused and undamaged building construction materials made of metal or alloy, including:
(A) copper pipe, tubing, or wiring; and
(B) aluminum wire, siding, downspouts, or gutters;
(iv) oil well rigs, including any part of the rig;
(v) nonferrous materials, stainless steel, and nickel; and
(vi) irrigation pipe.
(c) "Regulated metal" does not include:
(i) ferrous metal, except as provided in Subsection (9)(b)(ii) or (iv);
(ii) household-generated recyclable materials;
(iii) items composed wholly of light iron or sheet steel;
(iv) aluminum beverage containers; or
(v) containers used solely for containing food.
(10) "Scrap metal processor" means any person:
(a) who, from a fixed location, utilizes machinery and equipment for processing and manufacturing iron, steel, or nonferrous scrap into prepared grades; and
(b) whose principal product is scrap iron, scrap steel, or nonferrous metallic scrap, not including precious metals, for sale for remelting purposes.
(11) "Secondary metals dealer or recycler" means any person who:
(a) is engaged in the business of purchasing, collecting, or soliciting regulated metal; or
(b) operates or maintains a facility where regulated metal is purchased or kept for shipment, sale, transfer, or salvage.
(12) "Suspect metal items" are the following items made of regulated metal:
(a) manhole covers and sewer grates;
(b) gas meters and water meters;
(c) traffic signs, street signs, aluminum street light poles, communications transmission towers, and guard rails;
(d) grave site monument vases and monument plaques;
(e) any monument plaque;
(f) brass or bronze bar stock and bar ends;
(g) ingots;

(h) nickel and nickel alloys containing greater than 50% nickel;
(i) #1 and #2 copper as defined by the most recent materials specifications circular issued by the Recycled Materials Association;
(j) unused and undamaged building materials, including:
(i) greenline copper;
(ii) copper pipe, tubing, or wiring; and
(iii) aluminum wire, siding, downspouts, or gutters;
(k) catalytic converters;
(l) automotive and industrial lead batteries; and
(m) wire that has been burned or that has the appearance of having been burned.

Amended by Chapter 434, 2025 General Session

76-6-1403 Requirements for records of sale or purchases.

(1) Every dealer shall:
(a) require the information under Subsection (2) for each transaction of regulated metal, except under Subsection 76-6-1406(4); and
(b) maintain for each purchase of regulated metal the information required by this part in a written or electronic log, in the English language.
(2) The dealer shall require the following information of the seller and shall record the information as required under Subsection (1) for each purchase of regulated metal:
(a) a complete description of the regulated metal, including weight and metallic description, in accordance with scrap metal recycling industry standards;
(b) the full name and residence of each person selling the regulated metal;
(c) the vehicle type and license plate number, if applicable, of the vehicle transporting the regulated metal to the dealer;
(d) the price per pound and the amount paid for each type of regulated metal purchased by the dealer;
(e) the date, time, and place of the purchase;
(f) the type and the identifying number of the identification provided in Subsection (2)(g);
(g) a form of identification that is a valid United States federal or state-issued photo ID, which includes a driver license, a United States passport, a United States passport card, or a United States military identification card;
(h) the seller's signature on a certificate stating that the seller has the legal right to sell the scrap metal or junk; and
(i) a digital photograph or still video of the seller, taken at the time of the sale, or a clearly legible photocopy of the seller's identification.
(3) No entry in the log may be erased, deleted, mutilated, or changed.
(4) The log and entries shall be open to inspection by the following individuals in the area in which the dealer does business during regular business hours:
(a) the county sheriff or deputies;
(b) any law enforcement agency;
(c) any constable who holds a contract with a city or a county in which the dealer does business; and
(d) any state, municipal, or county official in the county in which the dealer does business.
(5) A dealer shall make these records available for inspection by any law enforcement agency, upon request, at the dealer's place of business during the dealer's regular business hours.

(6) Log entries made under this section shall be maintained for not less than three years from date of entry.
(7)
(a) The dealer may maintain the information required by Subsection (2) for repeat sellers who use the same vehicle to bring regulated metal for each transaction in a relational database that allows the dealer to enter an initial record of the seller's information and then relate subsequent transaction records to that initial information, except under Subsection (7)(b).
(b) The dealer shall obtain regarding each transaction with repeat sellers:
(i) a photograph of the seller; and
(ii) a signature from the seller.
(8) A dealer who violates this section is subject to the penalties described in Section 76-6-1403.1.

Amended by Chapter 130, 2026 General Session

76-6-1403.1 Unlawful conduct with respect to record of sale or purchase.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful conduct with respect to record of sale or purchase if the dealer violates a requirement under Section 76-6-1403.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1404.1, 76-6-1405.1, 76-6-1406.1, or 76-6-1409.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.
(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1403 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1403 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1404 Required notice to sellers of identification requirements.
(1) A dealer shall at all times maintain in a prominent place at the dealer's place of business, in open view to a seller of regulated metal, a clearly legible notice in not less than two-inch high lettering that contains the following language: "A PERSON ATTEMPTING TO SELL ANY REGULATED METAL MUST PROVIDE IDENTIFICATION AS REQUIRED BY STATE LAW."

(2) A dealer who violates this section is subject to the penalties described in Section 76-6-1404.1.

Amended by Chapter 111, 2023 General Session

76-6-1404.1 Unlawful failure to maintain required notice to sellers.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.

(2) A dealer commits unlawful failure to maintain required notice to sellers if the dealer violates a requirement under Section 76-6-1404.

(3)

(a)

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

(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.

(b)

(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1405.1, 76-6-1406.1, or 76-6-1409.1.

(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

(4)

(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1404 or this section.

(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1404 or this section.

(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1405 Qualifications to sell to dealer.

(1) A dealer may not purchase regulated metal from a person younger than 18 years old.

(2) If the person is unable to comply with all the identification requirements of Subsection 76-6-1403(2), the dealer may not conduct a transaction of regulated metal with that person.

(3) A dealer who violates this section is subject to the penalties described in Section 76-6-1405.1.

Amended by Chapter 111, 2023 General Session

76-6-1405.1 Unlawful failure to comply with qualifications to sell to dealer.

(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.

(2) A dealer commits unlawful failure to comply with qualifications to sell to dealer if the dealer violates a requirement under Section 76-6-1405.

(3)

(a)

(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1406.1, or 76-6-1409.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.
(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1405 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1405 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1406 Restrictions on the purchase of regulated metal -- Exemption.
(1) A dealer may conduct purchase transactions involving regulated metal only between the hours of 6 a.m. and 7 p.m.
(2) Except when the dealer pays a government entity by check for regulated metal, the dealer may not purchase any of the following regulated metal without obtaining and keeping on file reasonable documentation that the seller is an employee, agent, or contractor of a governmental entity who is authorized to sell the item of regulated metal property on behalf of the governmental entity:
(a) a manhole cover or sewer grate;
(b) an electric light pole; or
(c) a guard rail.
(3)
(a) A dealer may not purchase suspect metal without obtaining the information under Subsection (3)(b) identifying the owner of the suspect metal.
(b) The owner of the suspect metal shall provide in writing:
(i) the owner's telephone number;
(ii) the owner's business or residential address, which may not be a post box;
(iii) a copy of the owner's driver license; and
(iv) a signed statement that the person is the lawful owner of the suspect metal and authorizes the seller, identified by name, to sell the suspect metal.
(c) The dealer shall keep the identifying information provided in Subsection (3)(b) on file for not less than one year.
(4) Transactions with businesses that have an established account with the dealer are exempt from the requirements of Subsections (2) and (3) if the business holds a valid business license, and:
(a)

(i) the dealer has on file a statement from the business identifying those employees authorized to sell all metals to the dealer; and
(ii) the dealer conducts regulated metal transactions only with those identified employees of the business and records the name of the employee when recording the transaction;
(b) the dealer has on file reasonable documentation from the business that any person verified as representing the business as an employee, and whom the dealer has verified is an employee, may sell regulated metal; or
(c) the dealer makes payment for regulated metal purchased from a person by issuing a check to the business employing the seller.
(5) If a dealer is a catalytic converter purchaser as defined in Section 13-32a-102, the dealer shall comply with the requirements in Title 13, Chapter 32a, Pawnshop, Secondhand Merchandise, and Catalytic Converter Transaction Information Act.
(6) A dealer who violates this section is subject to the penalties described in Section 76-6-1406.1.

Amended by Chapter 111, 2023 General Session

76-6-1406.1 Unlawful failure to follow restrictions on the purchase of regulated metal.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful failure to follow restrictions on the purchase of regulated metal if the dealer violates a requirement under Section 76-6-1406.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1405.1, or 76-6-1409.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.
(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1406 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1406 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

76-6-1408 Falsification of seller's statement to dealer.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) An actor commits falsification of seller's statement to dealer if the actor:

(a) sells, offers to sell, or attempts to sell regulated metal; and
(b) in providing information required by Section 76-6-1403, 76-6-1405, or 76-6-1406 willfully makes a false statement or provides any untrue information.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(ii) An actor who is convicted of a class B misdemeanor under this section is subject to a mandatory fine of no less than $1,000.
(b)
(i) A violation of Subsection (2) is a class A misdemeanor if the actor previously has been convicted of a violation of this section.
(ii) An actor who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

Amended by Chapter 111, 2023 General Session

76-6-1409 Hold on stolen regulated metal property -- Hold notice.
(1)
(a) If a law enforcement agency has reasonable cause to believe that items of regulated metal in the possession of a dealer are stolen, the law enforcement agency may issue a written hold notice.
(b) The hold notice described in Subsection (1)(a) shall:
(i) identify those items of regulated metal alleged to be stolen and subject to hold; and
(ii) inform the dealer of the restrictions imposed on the regulated metal property under Subsection (2).
(2) For 60 days after the date of receiving a hold notice, a dealer may not process or remove from the dealer's place of business any regulated metal identified in the hold notice, unless the property is released earlier by the law enforcement agency or by order of a court of competent jurisdiction.
(3) On the expiration of the hold notice period, the hold is automatically released, and the dealer may dispose of the regulated metal, unless otherwise directed by a court of competent jurisdiction.
(4) A dealer who violates this section is subject to the penalties described in Section 76-6-1409.1.

Amended by Chapter 111, 2023 General Session

76-6-1409.1 Unlawful violation of regulated metal hold requirement.
(1) Terms defined in Sections 76-1-101.5 and 76-6-1402 apply to this section.
(2) A dealer commits unlawful violation of regulated metal hold requirement if the dealer violates a requirement under Section 76-6-1409.
(3)
(a)
(i) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C misdemeanor.
(ii) A dealer who is convicted of a class C misdemeanor under this section is subject to a mandatory fine of no less than $750.
(b)

(i) A violation of Subsection (2) is a class A misdemeanor if the dealer previously has been convicted of a violation of this section or Section 76-6-1403.1, 76-6-1404.1, 76-6-1405.1, or 76-6-1406.1.
(ii) A dealer who is convicted of a class A misdemeanor under this section is subject to a mandatory fine of no less than $2,500.

(4)
(a) This section does not impair the authority of a county or municipality in this state to license, tax, and regulate any junk dealer or metal dealer, except that local regulations may not be any less stringent than the provisions in Section 76-6-1409 or this section.
(b) This section does not impair the authority of a county or municipality to revoke or deny a business license or permit required by that county or municipality regulating the authority to sell, purchase, or possess metal, including the revocation or denial of a business license or permit based on a violation of Section 76-6-1409 or this section.
(c) This section does not prohibit the charging of a seller or dealer with any other criminal offense related to the obtaining, possession, or selling of stolen regulated metals.

Enacted by Chapter 111, 2023 General Session

Chapter 7
Offenses Against the Family

Part 1
Marital Violations

Superseded 1/1/2027
76-7-101 Bigamy.
(1) An individual is guilty of bigamy if:
(a) the individual purports to marry another individual; and
(b) knows or reasonably should know that one or both of the individuals described in Subsection (1)(a) are legally married to another individual.
(2) An individual who violates Subsection (1) is guilty of an infraction.
(3) An individual is guilty of a third degree felony if the individual induces bigamy:
(a) under fraudulent or false pretenses; or
(b) by threat or coercion.
(4) An individual is guilty of a second degree felony if the individual:
(a) cohabitates with another individual with whom the individual is engaged in bigamy as described in Subsection (1); and
(b) in furtherance of the conduct described in Subsection (4)(a), commits a felony offense, or for Section 76-5-418, a misdemeanor offense, in violation of one or more of the following:
(i) Section 76-5-109, child abuse;
(ii) Section 76-5-109.2, aggravated child abuse;
(iii) Section 76-5-109.3, child abandonment;
(iv) Section 76-5-109.4, child torture;
(v) Section 76-5-111, abuse of a vulnerable adult;
(vi) Section 76-5-111.2, aggravated abuse of a vulnerable adult;

(vii) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
(viii) Section 76-5-111.4, financial exploitation of a vulnerable adult;
(ix) Chapter 5, Part 2, Criminal Homicide;
(x) Section 76-5-208, child abuse homicide;
(xi) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
(xii) Chapter 5, Part 4, Sexual Offenses, other than:
(A) Section 76-5-417, enticing a minor;
(B) Section 76-5-419, lewdness; or
(C) Section 76-5-420, lewdness involving a child;
(xiii) Section 76-7-201, criminal nonsupport;
(xiv) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
(xv) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

(5) It is a defense to prosecution under Subsection (2) that:
(a) the individual ceased the practice of bigamy as described in Subsection (1) under reasonable fear of coercion or bodily harm;
(b) the individual entered the practice of bigamy, as described in Subsection (1), as a minor and ceased the practice of bigamy at any time after the individual entered the practice of bigamy; or
(c) law enforcement discovers that the individual practices bigamy, as described in Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another individual.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 284, 2025 General Session

Effective 1/1/2027
76-7-101 Bigamy.
(1) An individual is guilty of bigamy if:
(a) the individual purports to marry another individual; and
(b) knows or reasonably should know that one or both of the individuals described in Subsection (1)(a) are legally married to another individual.
(2) An individual who violates Subsection (1) is guilty of an infraction.
(3) An individual is guilty of a third degree felony if the individual induces bigamy:
(a) under fraudulent or false pretenses; or
(b) by threat or coercion.
(4) An individual is guilty of a second degree felony if the individual:
(a) cohabitates with another individual with whom the individual is engaged in bigamy as described in Subsection (1); and
(b) in furtherance of the conduct described in Subsection (4)(a):
(i) commits a felony violation of:
(A) Section 76-5-109, child abuse;
(B) Section 76-5-109.2, aggravated child abuse;
(C) Section 76-5-109.3, child abandonment;
(D) Section 76-5-109.4, child torture;
(E) Section 76-5-111, abuse of a vulnerable adult;
(F) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
(G) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
(H) Section 76-5-111.4, financial exploitation of a vulnerable adult;
(I) Chapter 5, Part 2, Criminal Homicide;

(J) Section 76-5-208, child abuse homicide;
(K) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
(L) Chapter 5, Part 4, Sexual Offenses;;
(M) Section 76-7-201, criminal nonsupport;
(N) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or
(O) Title 78B, Chapter 7, Part 8, Criminal Protective Orders; or
(ii) commits a misdemeanor violation of Section 76-5-418, sexual battery.
(5) It is a defense to prosecution under Subsection (2) that:
(a) the individual ceased the practice of bigamy as described in Subsection (1) under reasonable fear of coercion or bodily harm;
(b) the individual entered the practice of bigamy, as described in Subsection (1), as a minor and ceased the practice of bigamy at any time after the individual entered the practice of bigamy; or
(c) law enforcement discovers that the individual practices bigamy, as described in Subsection (1), as a result of the individual's efforts to protect the safety and welfare of another individual.

Amended by Chapter 445, 2026 General Session

76-7-101.5 Child bigamy -- Penalty.
(1) An actor 18 years of age or older is guilty of child bigamy when, knowing he or she has a wife or husband, or knowing that a person under 18 years of age has a wife or husband, the actor carries out the following with the person who is under 18 years of age:
(a) purports to marry the person who is under 18 years of age; and
(b) cohabitates with the person who is under 18 years of age.
(2) A violation of Subsection (1) is a second degree felony.

Amended by Chapter 442, 2017 General Session

76-7-102 Incest -- Definitions -- Penalty.
(1) As used in this section:
(a) "Provider" means a person who provides or makes available his seminal fluid or her human egg.
(b) "Related person" means a person related to the provider or actor as an ancestor, descendant, brother, sister, uncle, aunt, nephew, niece, or first cousin, and includes:
(i) blood relationships of the whole or half blood, regardless of whether the relationship is legally recognized;
(ii) the relationship of parent and child by adoption; and
(iii) the relationship of stepparent and stepchild while the marriage creating the relationship of a stepparent and stepchild exists.
(2)
(a) An actor is guilty of incest when, under circumstances not amounting to rape, rape of a child, or aggravated sexual assault, the actor knowingly and intentionally:
(i) engages in conduct under Subsection (2)(b)(i), (ii), (iii), or (iv); or
(ii) provides a human egg or seminal fluid under Subsection (2)(b)(v).
(b) Conduct referred to under Subsection (2)(a) is:
(i) sexual intercourse between the actor and a person the actor knows has kinship to the actor as a related person;

(ii) the insertion or placement of the provider's seminal fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
(iii) providing or making available his seminal fluid for the purpose of insertion or placement of the fluid into the vagina, cervix, or uterus of a related person by means other than sexual intercourse;
(iv) a woman 18 years of age or older who:
(A) knowingly allows the insertion of the seminal fluid of a provider into her vagina, cervix, or uterus by means other than sexual intercourse; and
(B) knows that the seminal fluid is that of a person with whom she has kinship as a related person; or
(v) providing the actor's sperm or human egg that is used to conduct in vitro fertilization, or any other means of fertilization, with the human egg or sperm of a person who is a related person.
(c) This Subsection (2) does not prohibit providing a fertilized human egg if the provider of the fertilizing sperm is not a related person regarding the person providing the egg.
(3) Incest is a third degree felony.
(4) A provider under this section is not a donor under Section 81-5-702.

Amended by Chapter 426, 2025 General Session

76-7-105 Unlawfully marrying a minor.
(1)
(a) As used in this section, "minor" means an individual who is younger than 18 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawfully marrying a minor if:
(a) the actor is 18 years old or older;
(b) the actor marries a minor; and
(c) the marriage described in Subsection (2)(b) does not meet the requirements described in Section 81-2-304 for the actor to enter into the marriage with the minor.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

76-7-106 Parent or guardian unlawfully consenting or allowing an illegal marriage.
(1)
(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits parent or guardian unlawfully consenting or allowing an illegal marriage if:
(a) the actor is a parent or legal guardian of a minor; and
(b) the actor knowingly consents or allows the minor described in Subsection (2)(a) to enter into a marriage that does not meet the requirements described in Section 81-2-304.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

76-7-107 Unlawfully solemnizing a marriage of a minor.
(1)
(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.

(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawfully solemnizing a marriage of a minor if:
(a)
(i) the actor knowingly, with or without a license, solemnizes the marriage of a minor; and
(ii) the marriage described in Subsection (2)(a)(i) does not meet the requirements described in Section 81-2-304 for the minor to enter into the marriage; or
(b) without a written authorization from a juvenile court, the actor solemnizes a marriage to which a party is a minor.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

76-7-108 Fraudulently acting as a parent or guardian for a minor's marriage.
(1)
(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits fraudulently acting as a parent or guardian for a minor's marriage if the actor knowingly:
(a) impersonates a parent or legal guardian of a minor to obtain a license for the minor to marry under Section 81-2-304; or
(b) forges the name of a parent or legal guardian of a minor on any writing purporting to give consent to a marriage of a minor under Section 81-2-304.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

76-7-109 Transporting a minor out of state for an illegal marriage.
(1)
(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits transporting a minor out of state for an illegal marriage if:
(a) the actor knowingly transports, or causes another person to transport, a minor who is a resident of the state out of the state for the purpose of the minor being married to any individual;
(b) the marriage described in Subsection (2)(a) is invalid in this state under Subsection 81-2-407(3); and
(c) after the marriage described in Subsection (2)(a), the actor transports, or causes another person to transport, the minor back into the state.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

76-7-110 Traveling out of state to marry a minor.
(1)
(a) As used in this section, "minor" means the same as that term is defined in Section 76-7-103.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits traveling out of state to marry a minor if:
(a) the actor is 18 years old or older;

(b) the actor is a resident of the state and knowingly travels out of the state for the purpose of marrying a minor;
(c) the actor marries a minor;
(d) the marriage described in Subsection (2)(c) is invalid in this state under Subsection 81-2-407(3); and
(e) after the marriage described in Subsection (2)(c), the actor transports, or causes another person to transport, the minor into the state.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 451, 2026 General Session

Part 2
Nonsupport and Custody of Children

76-7-201 Criminal nonsupport.
(1) A person commits criminal nonsupport if, having a spouse, a child, or children under the age of 18 years, the person knowingly fails to provide for the support of a spouse, child, or children when any one of them:
(a) is in needy circumstances; or
(b) would be in needy circumstances but for support received from a source other than the defendant or paid on the defendant's behalf.
(2) Except as provided in Subsection (3), criminal nonsupport is a class A misdemeanor.
(3) Criminal nonsupport is a felony of the third degree if the defendant:
(a) has been convicted one or more times of nonsupport, whether in this state, any other state, or any court of the United States;
(b) committed the offense while residing outside of Utah; or
(c) commits the crime of nonsupport in each of 18 individual months within any 24-month period, or the total arrearage is in excess of $10,000.
(4) For purposes of this section "child" includes a child born out of wedlock whose paternity has been admitted by the defendant or has been established in a civil suit.
(5)
(a) In a prosecution for criminal nonsupport under this section, it is an affirmative defense that the defendant is unable to provide support. Voluntary unemployment or underemployment by the defendant does not give rise to that defense.
(b) Not less than 20 days before trial the defendant shall file and serve on the prosecuting attorney a notice, in writing, of the defendant's intention to claim the affirmative defense of inability to provide support. The notice shall specifically identify the factual basis for the defense and the names and addresses of the witnesses who the defendant proposes to examine in order to establish the defense.
(c) Not more than 10 days after receipt of the notice described in Subsection (5)(b), or at such other time as the court may direct, the prosecuting attorney shall file and serve the defendant with a notice containing the names and addresses of the witnesses who the state proposes to examine in order to contradict or rebut the defendant's claim.
(d) Failure to comply with the requirements of Subsection (5)(b) or (5)(c) entitles the opposing party to a continuance to allow for preparation. If the court finds that a party's failure to comply is the result of bad faith, it may impose appropriate sanctions.

(6) Criminal nonsupport is a continuing offense.

Amended by Chapter 209, 2020 General Session

76-7-202 Orders for support in criminal nonsupport proceedings.

(1) In any proceeding under Section 76-7-201, the court may, instead of imposing the punishments otherwise prescribed, issue an order directing the defendant to periodically pay a sum to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents who are the subject of the proceeding under Section 76-7-201.

(2) The order to periodically pay a sum for the support of the dependents:

(a) may be issued with the consent of the defendant prior to trial, or after conviction, having regard to the circumstances, financial ability, and earning capacity of the defendant;

(b) shall be subject to change from time to time as circumstances may require;

(c) may not require payments for a period exceeding the term of probation provided for the offense with which the defendant is charged, or of which the defendant is found guilty; and

(d) shall be conditioned upon the defendant either entering a recognizance in accordance with Subsection (3), or providing security in a sum as the court directs.

(3) The condition of recognizance shall require the defendant to:

(a) make personal appearance in court whenever ordered to do so within the period of probation; and

(b) comply with the terms of the order and any subsequent modifications of the order.

(4) If the court is satisfied by information and due proof under oath that at any time during the period of probation the defendant has violated the terms of the order, it may proceed with the trial of defendant under the original charge or sentence the defendant under the original conviction or enforce the original sentence as the case may be. In the case of forfeiture of bail or bond in any proceeding under Section 76-7-201, the sum recovered may, in the discretion of the court, be paid in whole or in part to the Office of Recovery Services, or otherwise as the court may direct, to be used for the support of the dependents involved.

Amended by Chapter 302, 2025 General Session

76-7-203 Sale of child -- Felony -- Payment of adoption related expenses.

(1) For purposes of this section:

(a) "Adoption related expenses" means expenses that:

(i) are reasonably related to the adoption of a child;

(ii) are incurred for a reasonable amount; and

(iii) may include expenses:

(A) of the mother or father of the child being adopted, including:

(I) legal expenses;

(II) maternity expenses;

(III) medical expenses;

(IV) hospital expenses;

(V) counseling expenses;

(VI) temporary living expenses and lost wages during the pregnancy of the mother for up to eight weeks after the day on which the mother delivers the child; or

(VII) expenses for travel between the mother's or father's home and the location where the child will be born or placed for adoption;

(B) of a directly affected person for:

(I) travel between the directly affected person's home and the location where the child will be born or placed for adoption; or
(II) temporary living expenses during the pregnancy or confinement of the mother; or
(C) other than those included in Subsection (1)(a)(iii)(A) or (B), that are not made for the purpose of inducing the mother, parent, or legal guardian of a child to:
(I) place the child for adoption;
(II) consent to an adoption; or
(III) cooperate in the completion of an adoption.
(b) "Directly affected person" means a person who is:
(i) a parent or guardian of a minor when the minor is the mother or father of the child being adopted;
(ii) a dependent of:
(A) the mother or father of the child being adopted; or
(B) the parent or guardian described in Subsection (1)(b)(i); or
(iii) the spouse or partner of the mother or father of the child being adopted.
(2) Except as provided in Subsection (3), a person is guilty of a third degree felony if the person:
(a) while having custody, care, control, or possession of a child, sells, or disposes of the child, or attempts or offers to sell or dispose of the child, for and in consideration of the payment of money or another thing of value; or
(b) offers, gives, or attempts to give money or another thing of value to a person, with the intent to induce or encourage a person to violate Subsection (2)(a).
(3) A person does not violate this section by paying or receiving payment for adoption related expenses, if:
(a) the expenses are paid as an act of charity; and
(b) the payment is not made for the purpose of inducing the mother, parent, or legal guardian of a child to:
(i) place the child for adoption;
(ii) consent to an adoption; or
(iii) cooperate in the completion of an adoption.

Amended by Chapter 491, 2019 General Session

Part 3
Abortion

76-7-301 Definitions.

As used in this part:

(1)
(a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this part.
(b) "Abortion" does not include:
(i) removal of a dead unborn child;
(ii) removal of an ectopic pregnancy; or
(iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:

(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and
(B) the physician is unable to obtain the consent due to a medical emergency.
(2) "Abortion clinic" means the same as that term is defined in Section 26B-2-201.
(3) "Abuse" means the same as that term is defined in Section 80-1-102.
(4) "Department" means the Department of Health and Human Services.
(5) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.
(6) "Gestational age" means the age of an unborn child as calculated from the first day of the last menstrual period of the pregnant woman.
(7) "Hospital" means:
(a) a general hospital licensed by the department according to Title 26B, Chapter 2, Part 2, Health Care Facility Licensing and Inspection; and
(b) a clinic or other medical facility to the extent that such clinic or other medical facility is certified by the department as providing equipment and personnel sufficient in quantity and quality to provide the same degree of safety to the pregnant woman and the unborn child as would be provided for the particular medical procedures undertaken by a general hospital licensed by the department.
(8) "Information module" means the pregnancy termination information module prepared by the department.
(9) "Medical emergency" means a life threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the pregnant woman at risk of death, or poses a serious risk of substantial impairment of a major bodily function, unless the abortion is performed or induced.
(10) "Minor" means an individual who is:
(a) under 18 years old;
(b) unmarried; and
(c) not emancipated.
(11)
(a) "Partial birth abortion" means an abortion in which the person performing the abortion:
(i) deliberately and intentionally vaginally delivers a living fetus until, in the case of a head first presentation, the entire fetal head is outside the body of the mother, or, in the case of breech presentation, any part of the fetal trunk past the navel is outside the body of the mother, for the purpose of performing an overt act that the person knows will kill the partially delivered living fetus; and
(ii) performs the overt act, other than completion of delivery, that kills the partially living fetus.
(b) "Partial birth abortion" does not include the dilation and evacuation procedure involving dismemberment prior to removal, the suction curettage procedure, or the suction aspiration procedure for abortion.
(12) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:
(a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and
(b) may include counseling or medical care by:
(i) maternal-fetal medical specialists;
(ii) obstetricians;
(iii) neonatologists;

(iv) anesthesia specialists;
(v) psychiatrists, psychologists, or other mental health providers;
(vi) clergy;
(vii) social workers; or
(viii) specialty nurses.
(13) "Physician" means:
(a) a medical doctor licensed to practice medicine and surgery under Title 58, Chapter 67, Utah Medical Practice Act;
(b) an osteopathic physician licensed to practice osteopathic medicine under Title 58, Chapter 68, Utah Osteopathic Medical Practice Act; or
(c) a physician employed by the federal government who has qualifications similar to an individual described in Subsection (13)(a) or (b).
(14)
(a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.
(b) "Severe brain abnormality" does not include:
(i) Down syndrome;
(ii) spina bifida;
(iii) cerebral palsy; or
(iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.

Amended by Chapter 313, 2024 General Session

76-7-301.1 Preamble -- Findings and policies of Legislature.
(1) It is the finding and policy of the Legislature, reflecting and reasserting the provisions of Article I, Sections 1 and 7, Utah Constitution, which recognize that life founded on inherent and inalienable rights is entitled to protection of law and due process; and that unborn children have inherent and inalienable rights that are entitled to protection by the state of Utah pursuant to the provisions of the Utah Constitution.
(2) The state of Utah has a compelling interest in the protection of the lives of unborn children.
(3) It is the intent of the Legislature to protect and guarantee to unborn children their inherent and inalienable right to life as required by Article I, Sections 1 and 7, Utah Constitution.
(4) It is also the policy of the Legislature and of the state that, in connection with abortion, a woman's liberty interest, in limited circumstances, may outweigh the unborn child's right to protection. These limited circumstances arise when the abortion is necessary to save the pregnant woman's life or prevent grave damage to her medical health, and when pregnancy occurs as a result of rape or incest. It is further the finding and policy of the Legislature and of the state that a woman may terminate the pregnancy if the unborn child would be born with grave defects.

Amended by Chapter 2, 1991 Special Session 1
Amended by Chapter 2, 1991 Special Session 1

76-7-301.5 Relationship to criminal homicide.
(1) This part does not apply to the killing or attempted killing of a live unborn child in any manner that is not an abortion.

(2) The killing or attempted killing of a live unborn child in a manner that is not an abortion shall be punished as provided in Title 76, Chapter 5, Part 2, Criminal Homicide.

Enacted by Chapter 13, 2010 General Session

76-7-302 Circumstances under which abortion authorized.

(1) An abortion may be performed in this state only by a physician.
(2) An abortion may be performed in this state only under the following circumstances:
  (a) the unborn child has not reached 18 weeks gestational age;
  (b) the unborn child has reached 18 weeks gestational age, and:
    (i) the abortion is necessary to avert:
      (A) the death of the woman on whom the abortion is performed; or
      (B) a serious physical risk of substantial impairment of a major bodily function of the woman on whom the abortion is performed; or
    (ii) subject to Subsection (4), two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus has a fetal abnormality that in the physicians' reasonable medical judgment is incompatible with life; or
  (c) the unborn child has not reached 18 weeks gestational age and:
    (i)
      (A) the woman is pregnant as a result of:
        (I) rape, as described in Section 76-5-402;
        (II) rape of a child, as described in Section 76-5-402.1; or
        (III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; or
      (B) the pregnant child is under the age of 14; and
    (ii) before the abortion is performed, the physician who performs the abortion:
      (A) for an abortion authorized under Subsection (2)(c)(i)(A), verifies that the incident described in Subsection (2)(c)(i)(A) has been reported to law enforcement; and
      (B) if applicable, complies with the requirements of Section 80-2-602.
(3) An abortion may be performed only in an abortion clinic or a hospital, unless it is necessary to perform the abortion in another location due to a medical emergency.
(4) If the unborn child has been diagnosed with a fetal abnormality that is incompatible with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and in writing, that perinatal hospice and perinatal palliative care services are available and are an alternative to abortion.
(5) A physician who performs an abortion under Subsection (2)(c) shall:
  (a) maintain an accurate record as to the manner in which the physician conducted the verification under Subsection (2)(c)(ii)(A); and
  (b) report the information described in Subsection (5)(a) to the department in accordance with Section 76-7-313.

Amended by Chapter 313, 2024 General Session

76-7-302.4 Abortion restriction of an unborn child with Down syndrome.

Notwithstanding any other provision of this part, an abortion may not be performed if the pregnant mother's sole reason for the abortion is that the unborn child has or may have Down syndrome, unless the abortion is permissible for a reason described in Section 76-7-302.

Amended by Chapter 301, 2023 General Session

76-7-303 Concurrence of attending physician based on medical judgment.

No abortion may be performed in this state without the concurrence of the attending physician, based on the attending physician's best medical judgment.

Amended by Chapter 302, 2025 General Session

76-7-304 Considerations by physician -- Notice to a parent or guardian -- Exceptions.

(1) To enable the physician to exercise the physician's best medical judgment, the physician shall consider all factors relevant to the well-being of a pregnant woman upon whom an abortion is to be performed, including:
  (a) her physical, emotional, and psychological health and safety;
  (b) her age; and
  (c) her familial situation.
(2) Subject to Subsection (3), at least 24 hours before a physician performs an abortion on a minor, the physician shall notify a parent or guardian of the minor that the minor intends to have an abortion.
(3) A physician is not required to comply with Subsection (2) if:
  (a) subject to Subsection (4)(a):
    (i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
      (A) the minor's death; or
      (B) a serious physical risk of substantial impairment of a major bodily function of the minor; and
    (ii) there is not sufficient time to give the notice required under Subsection (2) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (3)(a)(i);
  (b) subject to Subsection (4)(b):
    (i) the physician complies with Subsection (5); and
    (ii)
      (A) the minor is pregnant as a result of incest to which the parent or guardian was a party; or
      (B) the parent or guardian has abused the minor; or
  (c) subject to Subsection (4)(b), the parent or guardian has not assumed responsibility for the minor's care and upbringing.
(4)
  (a) If, for the reason described in Subsection (3)(a), a physician does not give the 24-hour notice described in Subsection (2), the physician shall give the required notice as early as possible before the abortion, unless it is necessary to perform the abortion immediately in order to avert the minor's death or impairment described in Subsection (3)(a)(i).
  (b) If, for a reason described in Subsection (3)(b) or (c), a parent or guardian of a minor is not notified that the minor intends to have an abortion, the physician shall notify another parent or guardian of the minor, if the minor has another parent or guardian that is not exempt from notification under Subsection (3)(b) or (c).
(5) If, for a reason described in Subsection (3)(b)(ii)(A) or (B), a physician does not notify a parent or guardian of a minor that the minor intends to have an abortion, the physician shall report the incest or abuse to the Division of Child and Family Services within the Department of Health and Human Services.

Amended by Chapter 301, 2023 General Session

76-7-304.5 Consent required for abortions performed on minors -- Division of Child and Family Services as guardian of a minor -- Hearing to allow a minor to self-consent -- Appeals.

(1) In addition to the other requirements of this part, a physician may not perform an abortion on a minor unless:
  (a) the physician obtains the informed written consent of a parent or guardian of the minor, in accordance with Sections 76-7-305 and 76-7-305.5;
  (b) the minor is granted the right, by court order under Subsection (4)(b), to consent to the abortion without obtaining consent from a parent or guardian; or
  (c)
    (i) a medical condition exists that, on the basis of the physician's good faith clinical judgment, so complicates the medical condition of a pregnant minor as to necessitate the abortion of her pregnancy to avert:
      (A) the minor's death; or
      (B) a risk described in Subsection 76-7-302(2)(b)(i)(B); and
    (ii) there is not sufficient time to obtain the consent in the manner chosen by the minor under Subsection (2) before it is necessary to terminate the minor's pregnancy in order to avert the minor's death or impairment described in Subsection (1)(c)(i).

(2)
  (a) A minor who wants to have an abortion may choose:
    (i) to seek consent from the minor's parent or guardian as described in Subsection (1); or
    (ii) to seek a court order as described in Subsection (1).
  (b) Neither Subsection (1) nor this Subsection (2) require the minor to seek or obtain consent from the minor's parent or guardian if the circumstances described in Subsection 76-7-304(3)(b)(ii) exist.

(3) If a minor does not obtain the consent of the minor's parent or guardian, the minor may file a petition with the juvenile court to obtain a court order as described in Subsection (1).

(4)
  (a) The juvenile court shall close the hearing on a petition described in Subsection (3) to the public.
  (b) After considering the evidence presented at the hearing, the court shall order that the minor may obtain an abortion without the consent of a parent or guardian of the minor if the court finds by a preponderance of the evidence that:
    (i) the minor:
      (A) has given her informed consent to the abortion; and
      (B) is mature and capable of giving informed consent to the abortion; or
    (ii) an abortion would be in the minor's best interest.

(5) The Judicial Council shall make rules that:
  (a) provide for the administration of the proceedings described in this section;
  (b) provide for the appeal of a court's decision under this section;
  (c) ensure the confidentiality of the proceedings described in this section and the records related to the proceedings; and
  (d) establish procedures to expedite the hearing and appeal proceedings described in this section.

Amended by Chapter 301, 2023 General Session

76-7-305 Informed consent requirements for abortion -- 72-hour wait mandatory -- Exceptions.

(1) A person may not perform an abortion, unless, before performing the abortion, the physician who will perform the abortion obtains from the woman on whom the abortion is to be performed a voluntary and informed written consent that is consistent with:
  (a) Section 8.08 of the American Medical Association's Code of Medical Ethics, Current Opinions; and
  (b) the provisions of this section.
(2) Except as provided in Subsection (8), consent to an abortion is voluntary and informed only if, at least 72 hours before the abortion:
  (a) a staff member of an abortion clinic or a hospital, physician, registered nurse, nurse practitioner, advanced practice registered nurse, certified nurse midwife, genetic counselor, or physician's assistant presents the information module to the pregnant woman;
  (b) the pregnant woman views the entire information module and presents evidence to the individual described in Subsection (2)(a) that the pregnant woman viewed the entire information module;
  (c) after receiving the evidence described in Subsection (2)(b), the individual described in Subsection (2)(a):
    (i) documents that the pregnant woman viewed the entire information module;
    (ii) gives the pregnant woman, upon her request, a copy of the documentation described in Subsection (2)(c)(i); and
    (iii) provides a copy of the statement described in Subsection (2)(c)(i) to the physician who is to perform the abortion, upon request of that physician or the pregnant woman;
  (d) after the pregnant woman views the entire information module, the physician who is to perform the abortion, the referring physician, a physician, a registered nurse, nurse practitioner, advanced practice registered nurse, certified nurse midwife, genetic counselor, or physician's assistant, in a face-to-face consultation in any location in the state, orally informs the woman of:
    (i) the nature of the proposed abortion procedure;
    (ii) specifically how the procedure described in Subsection (2)(d)(i) will affect the fetus;
    (iii) the risks and alternatives to the abortion procedure or treatment;
    (iv) the options and consequences of aborting a medication-induced abortion, if the proposed abortion procedure is a medication-induced abortion;
    (v) the probable gestational age and a description of the development of the unborn child at the time the abortion would be performed;
    (vi) the medical risks associated with carrying her child to term;
    (vii) the right to view an ultrasound of the unborn child, at no expense to the pregnant woman, upon her request; and
    (viii) when the result of a prenatal screening or diagnostic test indicates that the unborn child has or may have Down syndrome, the department's website, which contains the information described in Section 26B-7-106, including the information on the informational support sheet; and
  (e) after the pregnant woman views the entire information module, a staff member of the abortion clinic or hospital provides to the pregnant woman:
    (i) on a document that the pregnant woman may take home:
      (A) the address for the department's website described in Section 76-7-305.5; and

(B) a statement that the woman may request, from a staff member of the abortion clinic or hospital where the woman viewed the information module, a printed copy of the material on the department's website;

(ii) a printed copy of the material on the department's website described in Section 76-7-305.5, if requested by the pregnant woman; and

(iii) a copy of the form described in Subsection 26B-2-232(3)(a)(i) regarding the disposition of the aborted fetus.

(3) Before performing an abortion, the physician who is to perform the abortion shall:

(a) in a face-to-face consultation, provide the information described in Subsection (2)(d), unless the attending physician or referring physician is the individual who provided the information required under Subsection (2)(d); and

(b)

(i) obtain from the pregnant woman a written certification that the information required to be provided under Subsection (2) and this Subsection (3) was provided in accordance with the requirements of Subsection (2) and this Subsection (3);

(ii) obtain a copy of the statement described in Subsection (2)(c)(i); and

(iii) ensure that:

(A) the woman has received the information described in Subsections 26B-2-232(3) and (4); and

(B) if the woman has a preference for the disposition of the aborted fetus, the woman has informed the health care facility of the woman's decision regarding the disposition of the aborted fetus.

(4) When a medical emergency compels the performance of an abortion, the physician shall inform the woman prior to the abortion, if possible, of the medical indications supporting the physician's judgment that an abortion is necessary.

(5) If an ultrasound is performed on a woman before an abortion is performed, the individual who performs the ultrasound, or another qualified individual, shall:

(a) inform the woman that the ultrasound images will be simultaneously displayed in a manner to permit her to:

(i) view the images, if she chooses to view the images; or

(ii) not view the images, if she chooses not to view the images;

(b) simultaneously display the ultrasound images in order to permit the woman to:

(i) view the images, if she chooses to view the images; or

(ii) not view the images, if she chooses not to view the images;

(c) inform the woman that, if she desires, the person performing the ultrasound, or another qualified person shall provide a detailed description of the ultrasound images, including:

(i) the dimensions of the unborn child;

(ii) the presence of cardiac activity in the unborn child, if present and viewable; and

(iii) the presence of external body parts or internal organs, if present and viewable; and

(d) provide the detailed description described in Subsection (5)(c), if the woman requests it.

(6) The information described in Subsections (2), (3), and (5) is not required to be provided to a pregnant woman under this section if the abortion is performed for a reason described in:

(a) Subsection 76-7-302(2)(b)(i), if the treating physician and one other physician concur, in writing, that the abortion is necessary to avert:

(i) the death of the woman on whom the abortion is performed; or

(ii) a risk described in Subsection 76-7-302(2)(b)(i)(B); or

(b) Subsection 76-7-302(2)(b)(ii).

(7) In addition to the criminal penalties described in this part, a physician who violates the provisions of this section:
(a) is guilty of unprofessional conduct as defined in Section 58-67-102 or 58-68-102; and
(b) shall be subject to:
(i) suspension or revocation of the physician's license for the practice of medicine and surgery in accordance with Section 58-67-401 or 58-68-401; and
(ii) administrative penalties in accordance with Section 58-67-402 or 58-68-402.
(8) A physician is not guilty of violating this section for failure to furnish any of the information described in Subsection (2) or (3), or for failing to comply with Subsection (5), if:
(a) the physician can demonstrate by a preponderance of the evidence that the physician reasonably believed that furnishing the information would have resulted in a severely adverse effect on the physical or mental health of the pregnant woman;
(b) in the physician's professional judgment, the abortion was necessary to avert:
(i) the death of the woman on whom the abortion is performed; or
(ii) a risk described in Subsection 76-7-302(2)(b)(i)(B);
(c) the pregnancy was the result of rape or rape of a child, as described in Sections 76-5-402 and 76-5-402.1;
(d) the pregnancy was the result of incest, as defined in Subsection 76-5-406(2)(j) and Section 76-7-102; or
(e) at the time of the abortion, the pregnant child was 14 years old or younger.
(9) A physician who complies with the provisions of this section and Section 76-7-304.5 may not be held civilly liable to the physician's patient for failure to obtain informed consent under Section 78B-3-406.
(10)
(a) The department shall provide an ultrasound, in accordance with the provisions of Subsection (5)(b), at no expense to the pregnant woman.
(b) A local health department shall refer a pregnant woman who requests an ultrasound described in Subsection (10)(a) to the department.
(11) A physician is not guilty of violating this section if:
(a) the information described in Subsection (2) is provided less than 72 hours before the physician performs the abortion; and
(b) in the physician's professional judgment, the abortion was necessary in a case where:
(i) a ruptured membrane, documented by the attending or referring physician, will cause a serious infection; or
(ii) a serious infection, documented by the attending or referring physician, will cause a ruptured membrane.

Amended by Chapter 313, 2024 General Session

76-7-305.5 Requirements for information module and website.
(1) In order to ensure that a woman's consent to an abortion is truly an informed consent, the department shall, in accordance with the requirements of this section, develop an information module and maintain a public website.
(2) The information module and public website described in Subsection (1) shall:
(a) be scientifically accurate, comprehensible, and presented in a truthful, nonmisleading manner;
(b) present adoption as a preferred and positive choice and alternative to abortion;
(c) be produced in a manner that conveys the state's preference for childbirth over abortion;

(d) state that the state prefers childbirth over abortion;
(e) state that it is unlawful for any person to coerce a woman to undergo an abortion;
(f) state that any physician who performs an abortion without obtaining the woman's informed consent or without providing her a private medical consultation in accordance with the requirements of this section, may be liable to her for damages in a civil action at law;
(g) provide a geographically indexed list of resources and public and private services available to assist, financially or otherwise, a pregnant woman during pregnancy, at childbirth, and while the child is dependent, including:
(i) medical assistance benefits for prenatal care, childbirth, and neonatal care;
(ii) services and supports available under Section 35A-3-308;
(iii) other financial aid that may be available during an adoption;
(iv) services available from public adoption agencies, private adoption agencies, and private attorneys whose practice includes adoption; and
(v) the names, addresses, and telephone numbers of each person listed under this Subsection (2)(g);
(h) describe the adoption-related expenses that may be paid under Section 76-7-203;
(i) describe the persons who may pay the adoption related expenses described in Subsection (2)(h);
(j) except as provided in Subsection (4), describe the legal responsibility of the father of a child to assist in child support, even if the father has agreed to pay for an abortion;
(k) except as provided in Subsection (4), describe the services available through the Office of Recovery Services, within the Department of Health and Human Services, to establish and collect the support described in Subsection (2)(j);
(l) state that private adoption is legal;
(m) describe and depict, with pictures or video segments, the probable anatomical and physiological characteristics of an unborn child at two-week gestational increments from fertilization to full term, including:
(i) brain and heart function;
(ii) the presence and development of external members and internal organs; and
(iii) the dimensions of the fetus;
(n) show an ultrasound of the heartbeat of an unborn child at:
(i) four weeks from conception;
(ii) six to eight weeks from conception; and
(iii) each month after 10 weeks gestational age, up to 14 weeks gestational age;
(o) describe abortion procedures used in current medical practice at the various stages of growth of the unborn child, including:
(i) the medical risks associated with each procedure;
(ii) the risk related to subsequent childbearing that are associated with each procedure; and
(iii) the consequences of each procedure to the unborn child at various stages of fetal development;
(p) describe the possible detrimental psychological effects of abortion;
(q) describe the medical risks associated with carrying a child to term;
(r) include relevant information on the possibility of an unborn child's survival at the two-week gestational increments described in Subsection (2)(m);
(s) except as provided in Subsection (5), include:
(i) information regarding substantial medical evidence from studies concluding that an unborn child who is at least 20 weeks gestational age may be capable of experiencing pain during an abortion procedure; and

(ii) the measures that will be taken in accordance with Section 76-7-308.5;
(t) explain the options and consequences of aborting a medication-induced abortion;
(u) include the following statement regarding a medication-induced abortion, "Research indicates that mifepristone alone is not always effective in ending a pregnancy. You may still have a viable pregnancy after taking mifepristone. If you have taken mifepristone but have not yet taken the second drug and have questions regarding the health of your fetus or are questioning your decision to terminate your pregnancy, you should consult a physician immediately.";
(v) inform a pregnant woman that she has the right to view an ultrasound of the unborn child, at no expense to her, upon her request;
(w) inform a pregnant woman that she has the right to:
(i) determine the final disposition of the remains of the aborted fetus;
(ii) unless the woman waives this right in writing, wait up to 72 hours after the abortion procedure is performed to make a determination regarding the disposition of the aborted fetus before the health care facility may dispose of the fetal remains;
(iii) receive information about options for disposition of the aborted fetus, including the method of disposition that is usual and customary for a health care facility; and
(iv) for a medication-induced abortion, return the aborted fetus to the health care facility for disposition; and
(x) provide a digital copy of the form described in Subsection 26B-2-232(3)(a)(i); and
(y) be in a typeface large enough to be clearly legible.
(3) The information module and website described in Subsection (1) may include a toll-free 24-hour telephone number that may be called in order to obtain, orally, a list and description of services, agencies, and adoption attorneys in the locality of the caller.
(4) The department may develop a version of the information module and website that omits the information in Subsections (2)(j) and (k) for a viewer who is pregnant as the result of rape.
(5) The department may develop a version of the information module and website that omits the information described in Subsection (2)(s) for a viewer who will have an abortion performed:
(a) on an unborn child who is less than 20 weeks gestational age at the time of the abortion; or
(b) on an unborn child who is at least 20 weeks gestational age at the time of the abortion, if:
(i) the abortion is being performed for a reason described in Subsection 76-7-302(2)(b)(i) or (ii); and
(ii) due to a serious medical emergency, time does not permit compliance with the requirement to provide the information described in Subsection (2)(s).
(6) The department and each local health department shall make the information module and the website described in Subsection (1) available at no cost to any person.
(7) The department shall make the website described in Subsection (1) available for viewing on the department's website by clicking on a conspicuous link on the home page of the website.
(8) The department shall ensure that the information module is:
(a) available to be viewed at all facilities where an abortion may be performed;
(b) interactive for the individual viewing the module, including the provision of opportunities to answer questions and manually engage with the module before the module transitions from one substantive section to the next;
(c) produced in English and may include subtitles in Spanish or another language; and
(d) capable of being viewed on a tablet or other portable device.
(9) After the department releases the initial version of the information module, for the use described in Section 76-7-305, the department shall:
(a) update the information module, as required by law; and

(b) present an updated version of the information module to the Health and Human Services Interim Committee for the committee's review and recommendation before releasing the updated version for the use described in Section 76-7-305.

Amended by Chapter 301, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-7-306 Refusal to participate, admit, or treat for abortion based on religious or moral grounds -- Cause of action.

(1) As used in this section:
(a) "Conscience" means the same as that term is defined in Section 63G-33-301.
(b) "Health care facility" means the same as that term is defined in Section 26B-2-201.
(c) "Health care provider" means an individual who is an employee of, has practice privileges at, or is otherwise associated with a health care facility.
(2) A health care provider may, on the grounds of religious belief or conscience, refuse to perform or participate in any way, in:
(a) an abortion;
(b) a procedure that is intended to, or likely to, result in the termination of a pregnancy; or
(c) the disposal of remains resulting from an abortion or a procedure described in Subsection (2)(b).
(3) Except as otherwise required by law, a health care facility may refuse, on the grounds of religious belief or conscience, to:
(a) admit a patient for an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy; or
(b) perform for a patient an abortion procedure or another procedure that is intended to, or likely to, result in the termination of a pregnancy.
(4) A health care provider's refusal under Subsection (2) or a health care facility's refusal under Subsection (3) may not be the basis for civil liability or other recriminatory action.
(5) A health care facility, employer, or other person may not take an adverse action against a health care provider for exercising the health care provider's right of refusal described in Subsection (2), or for bringing or threatening to bring an action described in Subsection (6), including:
(a) dismissal;
(b) demotion;
(c) suspension;
(d) discipline;
(e) discrimination;
(f) harassment;
(g) retaliation;
(h) adverse change in status;
(i) termination of, adverse alteration of, or refusal to renew an association or agreement; or
(j) refusal to provide a benefit, privilege, raise, promotion, tenure, or increased status that the health care provider would have otherwise received.
(6)
(a) A person who is adversely impacted by conduct prohibited in Subsection (5) may bring a civil action for equitable relief, including reinstatement, and for damages.
(b) A person who brings an action under this section must commence the action within three years after the day on which the cause of action arises.

Amended by Chapter 429, 2026 General Session

76-7-307 Medical procedure required to save life of unborn child.

If an abortion is performed when the unborn child is sufficiently developed to have any reasonable possibility of survival outside its mother's womb, the medical procedure used must be that which, in the best medical judgment of the physician will give the unborn child the best chance of survival. No medical procedure designed to kill or injure that unborn child may be used unless necessary, in the opinion of the woman's physician, to prevent grave damage to her medical health.

Amended by Chapter 2, 1991 Special Session 1
Amended by Chapter 2, 1991 Special Session 1

76-7-308 Medical skills required to preserve life of unborn child.

Consistent with the purpose of saving the life of the woman or preventing grave damage to the woman's medical health, the physician performing the abortion must use all of the physician's medical skills to attempt to promote, preserve and maintain the life of any unborn child sufficiently developed to have any reasonable possibility of survival outside of the mother's womb.

Amended by Chapter 302, 2025 General Session

76-7-308.5 Administration of anesthetic or analgesic to an unborn child.

A physician who performs an abortion of an unborn child who is at least 20 weeks gestational age shall administer an anesthetic or analgesic to eliminate or alleviate organic pain to the unborn child caused by the particular method of abortion to be employed, unless:

(1) the abortion is necessary to avert:
  (a) the death of the woman on whom the abortion is performed; or
  (b) a serious risk of substantial and irreversible impairment of a major bodily function of the woman on whom the abortion is performed;
(2) the abortion is performed because the fetus has a defect that is uniformly diagnosable and uniformly lethal, based on the written concurrence of two physicians who practice maternal fetal medicine; or
(3) the treating physician and one other physician concur, in writing, that the administration of an anesthetic or analgesic would:
  (a) cause the death of the woman on whom the abortion is performed; or
  (b) create a serious risk of substantial or irreversible impairment of a major bodily function of the woman on whom the abortion is performed.

Amended by Chapter 362, 2016 General Session

76-7-309 Pathologist's report.

Any human tissue removed during an abortion shall be submitted to a pathologist who shall make a report, including whether:

(1) the pregnancy was aborted by evacuating the uterus; and
(2) a medical record indicates that, through a prenatal screening or other diagnostic test, the aborted fetus had or may have had Down syndrome.

Amended by Chapter 124, 2019 General Session

76-7-310 Experimentation with unborn children prohibited -- Testing for genetic defects.

Live unborn children may not be used for experimentation, but when advisable, in the best medical judgment of the physician, may be tested for genetic defects.

Enacted by Chapter 33, 1974 General Session

76-7-310.5 Prohibition of specified abortion procedures -- Viability defined.

(1) As used in this section, "saline abortion procedure" means performance of amniocentesis and injection of saline into the amniotic sac within the uterine cavity.

(2)

(a) After viability has been determined in accordance with Subsection (2)(b), no person may knowingly perform a saline abortion procedure unless all other available abortion procedures would pose a risk to the life or the health of the pregnant woman.

(b) For purposes of this section determination of viability shall be made by the physician, based upon his own best clinical judgment. The physician shall determine whether, based on the particular facts of a woman's pregnancy that are known to him, and in light of medical technology and information reasonably available to him, there is a realistic possibility of maintaining and nourishing a life outside of the womb, with or without temporary, artificial life-sustaining support.

(3) Intentional, knowing, and willful violation of this section is a third degree felony.

Amended by Chapter 272, 2004 General Session

76-7-311 Selling and buying unborn children prohibited.

Selling, buying, offering to sell and offering to buy unborn children is prohibited.

Enacted by Chapter 33, 1974 General Session

76-7-312 Intimidation or coercion to obtain abortion prohibited.

No person shall intimidate or coerce in any way any person to obtain an abortion.

Enacted by Chapter 33, 1974 General Session

76-7-313 Department's enforcement responsibility -- Physician's report to department -- Reporting.

(1) In order for the department to maintain necessary statistical information and ensure enforcement of the provisions of this part:

(a) any physician performing an abortion must obtain and record in writing:

(i) the age, marital status, and county of residence of the woman on whom the abortion was performed;

(ii) the number of previous abortions performed on the woman described in Subsection (1)(a)(i);

(iii) the hospital or other facility where the abortion was performed;

(iv) the weight in grams of the unborn child aborted, if it is possible to ascertain;

(v) the pathological description of the unborn child;

(vi) the given gestational age of the unborn child;

(vii) the date the abortion was performed;

(viii) the measurements of the unborn child, if possible to ascertain;
(ix) if applicable, the information obtained under Subsection 76-7-302(5) or 76-7a-201(7); and
(x) the medical procedure used to abort the unborn child; and
(b) the department shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
(2) Each physician who performs an abortion shall provide the following to the department within 30 days after the day on which the abortion is performed:
(a) the information described in Subsection (1);
(b) a copy of the pathologist's report described in Section 76-7-309;
(c) an affidavit:
(i) indicating whether the required consent was obtained pursuant to Sections 76-7-305 and 76-7-305.5;
(ii) described in Subsection (3), if applicable; and
(iii) indicating whether at the time the physician performed the abortion, the physician had any knowledge that the pregnant woman sought the abortion solely because the unborn child had or may have had Down syndrome; and
(d) a certificate indicating:
(i) whether the unborn child was older or younger than 18 weeks gestational age at the time of the abortion; and
(ii) the reason for the abortion.
(3) If the information module or the address to the website is not provided to a pregnant woman, the physician who performs the abortion on the woman shall, within 10 days after the day on which the abortion is performed, provide to the department an affidavit that:
(a) specifies the information that was not provided to the woman; and
(b) states the reason that the information was not provided to the woman.
(4) All information supplied to the department shall be confidential and privileged pursuant to Section 26B-1-229.
(5) The department shall pursue all administrative and legal remedies when the department determines that a physician or a facility has not complied with the provisions of this part.
(6)
(a) The department shall receive, compile, and create a report outlining the data provided under Subsection (1)(a)(ix).
(b) Annually on or before November 30, the department shall provide the report described in Subsection (6)(a) to the Health and Human Services Interim Committee.

Amended by Chapter 158, 2023 General Session
Amended by Chapter 301, 2023 General Session
Amended by Chapter 330, 2023 General Session

76-7-314 Violations of abortion laws -- Classifications.
(1) An intentional violation of Section 76-7-307, 76-7-308, 76-7-310, 76-7-310.5, 76-7-311, or 76-7-312 is a felony of the third degree.
(2) A violation of Section 76-7-326 is a felony of the third degree.
(3) A violation of Section 76-7-314.5 is a felony of the second degree.
(4) A violation of any other provision of this part, including Subsections 76-7-305(2)(a) through (c), and (e), is a class A misdemeanor.
(5) The Department of Health and Human Services shall report a physician's violation of any provision of this part to the Medical Licensing Board, described in Section 58-67-201.

(6) Any person with knowledge of a physician's violation of any provision of this part may report the violation to the Medical Licensing Board, described in Section 58-67-201.
(7) In addition to the penalties described in this section, the department may take any action described in Section 26B-2-703 against a health care facility if a violation of this chapter occurs at the health care facility.

Amended by Chapter 507, 2024 General Session

76-7-314.5 Killing an unborn child.
(1) A person is guilty of killing an unborn child if the person intentionally causes the death of an unborn child by performing an abortion of the unborn child in violation of the provisions of Subsection 76-7-302(2).
(2) A woman is not criminally liable for:
(a) seeking to obtain, or obtaining, an abortion that is permitted by this part; or
(b) a physician's failure to comply with Subsection 76-7-302(2)(b)(ii) or Section 76-7-305.

Amended by Chapter 301, 2023 General Session

76-7-315 Exceptions to certain requirements in serious medical emergencies.
When due to a serious medical emergency, time does not permit compliance with Section 76-7-302, 76-7-305, 76-7-305.5, 76-7-308.5, or 76-7-310.5 the provisions of those sections do not apply.

Amended by Chapter 57, 2009 General Session

76-7-316 Actions not precluded.
Nothing in this part shall preclude any person believing himself aggrieved by another under this part, from bringing any other action at common law or other statutory provision.

Amended by Chapter 20, 1995 General Session

76-7-317 Severability clause.
If any one or more provision, section, subsection, sentence, clause, phrase, or word of this part or the application thereof to any person or circumstance is found to be unconstitutional, the same is hereby declared to be severable and the balance of this part shall remain effective notwithstanding such unconstitutionality. The legislature hereby declares that it would have passed this part, and each provision, section, subsection, sentence, clause, phrase, or word thereof, irrespective of the fact that any one or more provision, section, subsection, sentence, clause, phrase, or word be declared unconstitutional. This section applies to any provision, section, subsection, sentence, clause, phrase, or word of this part, regardless of the time of enactment, amendment, or repeal.

Amended by Chapter 301, 2023 General Session

76-7-321 Contraceptive and abortion services -- Funds -- Minor -- Definitions.
As used in Sections 76-7-321 through 76-7-325:
(1) "Abortion services" means any material, program, plan, or undertaking which seeks to promote abortion, encourages individuals to obtain an abortion, or provides abortions.

(2) "Contraceptive services" means any material, program, plan, or undertaking that is used for instruction on the use of birth control devices and substances, encourages individuals to use birth control methods, or provides birth control devices.
(3) "Funds" means any money, supply, material, building, or project provided by this state or its political subdivisions.
(4) "Minor" means any person under the age of 18 who is not otherwise emancipated, married, or a member of the armed forces of the United States.

Amended by Chapter 20, 1995 General Session

76-7-322 Public funds for provision of contraceptive or abortion services restricted.

No funds of the state or its political subdivisions shall be used to provide contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian.

Amended by Chapter 50, 1988 General Session

76-7-323 Public funds for support entities providing contraceptive or abortion services restricted.

No agency of the state or its political subdivisions shall approve any application for funds of the state or its political subdivisions to support, directly or indirectly, any organization or health care provider that provides contraceptive or abortion services to an unmarried minor without the prior written consent of the minor's parent or guardian. No institution shall be denied state or federal funds under relevant provisions of law on the ground that a person on its staff provides contraceptive or abortion services in that person's private practice outside of such institution.

Amended by Chapter 50, 1988 General Session

76-7-324 Violation of restrictions on public funds for contraceptive or abortion services as misdemeanor.

Any agent of a state agency or political subdivision, acting alone or in concert with others, who violates Section 76-7-322, 76-7-323, or 76-7-331 is guilty of a class B misdemeanor.

Amended by Chapter 271, 2004 General Session

76-7-325 Notice to parent or guardian of minor requesting contraceptive -- Definition of contraceptives -- Penalty for violation.

(1) Any person before providing contraceptives to a minor shall notify, whenever possible, the minor's parents or guardian of the service requested to be provided to such minor. Contraceptives shall be defined as appliances (including but not limited to intrauterine devices), drugs, or medicinal preparations intended or having special utility for prevention of conception.
(2) Any person in violation of this section shall be guilty of a class C misdemeanor.

Enacted by Chapter 94, 1983 General Session

76-7-326 Partial birth abortions prohibited.

Any physician who knowingly performs a partial birth abortion and thereby kills a human fetus shall be fined or imprisoned, or both, as provided under this part. This section does not apply to

a partial birth abortion that is necessary to save the life of a mother whose life is endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.

Enacted by Chapter 272, 2004 General Session

76-7-327 Remedies for father or maternal grandparents.

(1) The father, if married to the mother at the time she receives a partial birth abortion, and if the mother has not attained the age of 18 years at the time of the abortion, the maternal grandparents of the fetus, may in a civil action obtain appropriate relief, unless the pregnancy resulted from the plaintiff's criminal conduct or the plaintiff consented to the abortion.
(2) Such relief shall include:
  (a) money damages for all injuries, psychological and physical, occasioned by the violation of Section 76-7-326; and
  (b) statutory damages equal to three times the cost of the partial birth abortion.

Amended by Chapter 13, 2010 General Session

76-7-328 Hearing to determine necessity of physician's conduct.

(1) A physician accused of an offense under Section 76-7-326 may seek a hearing before the Medical Licensing Board created in Section 58-67-201 on whether the physician's conduct was necessary to save the life of the mother whose life was endangered by a physical disorder, physical illness, or physical injury, including a life endangering physical condition caused by or arising from the pregnancy itself.
(2) The findings on that issue are admissible on that issue at the trial of the physician. Upon a motion from the physician, the court shall delay the beginning of the trial for not more than 30 days to permit such a hearing to take place.

Amended by Chapter 507, 2024 General Session

76-7-330 Contingent continuance of prior law.

(1) If the implementation of Section 76-7-326 enacted by this bill is stayed or otherwise ordered by a court of competent jurisdiction to not be implemented, beginning on the day on which the implementation of Section 76-7-326 is stayed or otherwise ordered not to be implemented the statutes listed in Subsection (2) shall:
  (a) be given effect as if this bill did not amend those statutes; and
  (b) remain in effect as if not amended by this bill until the day on which a court orders that Section 76-7-326 may be implemented.
(2) Subsection (1) applies to:
  (a) Section 76-7-301;
  (b) Section 76-7-310.5; and
  (c) Section 76-7-314.
(3) Nothing in this section prevents the Legislature from amending, repealing, or taking any other action regarding the sections listed in Subsection (2) in this or a subsequent session.

Enacted by Chapter 272, 2004 General Session

76-7-331 Public funding of abortion forbidden.

(1) As used in this section, "damage to a major bodily function" refers only to injury or impairment of a physical nature and may not be interpreted to mean mental, psychological, or emotional harm, illness, or distress.
(2) Public funds of the state, its institutions, or its political subdivisions may not be used to pay or otherwise reimburse, either directly or indirectly, any person, agency, or facility for the performance of any induced abortion services unless:
  (a) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to save the pregnant woman's life;
  (b) the pregnancy is the result of rape or incest reported to law enforcement agencies, unless the woman was unable to report the crime for physical reasons or fear of retaliation; or
  (c) in the professional judgment of the pregnant woman's attending physician, the abortion is necessary to prevent permanent, irreparable, and grave damage to a major bodily function of the pregnant woman provided that a caesarian procedure or other medical procedure that could also save the life of the child is not a viable option.
(3) Any officer or employee of the state who knowingly authorizes the use of funds prohibited by this section shall be dismissed from that person's office or position and the person's employment shall be immediately terminated.

Enacted by Chapter 271, 2004 General Session

76-7-332 Drugs known to be used for abortion -- Prescriber limitation -- Criminal penalties -- Pharmacy presumption for other use.
(1) As used in the section, "abortion-related drug" means a drug or medication that is known to be used for the purpose of performing an abortion, and includes:
  (a) methotrexate, or methotrexate with misoprostol;
  (b) mifepristone, also known as mifeprex;
  (c) misoprostol, also known as cytotec; and
  (d) RU-486.
(2) An individual may not prescribe an abortion-related drug for the purpose of causing an abortion, unless the individual is licensed as a physician in this state under:
  (a) Title 58, Chapter 67, Utah Medical Practice Act; or
  (b) Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
  (a) Any prescription or medical order for a drug that is known to possibly cause an abortion shall be presumed by a pharmacy to be for an indication other than for the termination of a pregnancy.
  (b) A pharmacy dispensing a prescription or medical order for a drug that is known to possibly cause an abortion shall not be required to verify whether the prescription or medical order violates any provision of this chapter.

Enacted by Chapter 301, 2023 General Session

Part 4
Genetic Material Misuse

76-7-401 Definitions.

As used in this part:

(1) "Assisted reproductive treatment" means a method of causing pregnancy by any means other than through sexual intercourse, including:
  (a) intrauterine or intracervical insemination;
  (b) donation of eggs or sperm;
  (c) donation of embryos;
  (d) in vitro fertilization and embryo transfer; and
  (e) intracytoplasmic sperm injection.
(2) "Gamete" means a cell containing a haploid complement of DNA that has the potential to form an embryo when combined with another gamete, including:
  (a) a sperm;
  (b) an egg; or
  (c) nuclear DNA from one individual combined with the:
    (i) cytoplasm of another individual; or
    (ii) cytoplasmic DNA of another individual.
(3) "Health care provider" means an individual listed in Subsection 78B-3-403(12).

Enacted by Chapter 133, 2021 General Session

76-7-402 Genetic material misuse.

(1) A health care provider may not knowingly use the health care provider's own gamete, when providing assisted reproductive treatment to a patient, without the patient's written consent.
(2) A health care provider who violates Subsection (1) is guilty of a third degree felony.

Enacted by Chapter 133, 2021 General Session

Chapter 7a
Abortion Prohibition

Part 1
Definitions

76-7a-101 Definitions.

As used in this chapter:

(1)
  (a) "Abortion" means the act, by a physician, of using an instrument, or prescribing a drug, with the intent to cause the death of an unborn child of a woman known to be pregnant, except as permitted under this chapter.
  (b) "Abortion" does not include:
    (i) removal of a dead unborn child;
    (ii) removal of an ectopic pregnancy; or
    (iii) the killing or attempted killing of an unborn child without the consent of the pregnant woman, unless:

(A) the killing or attempted killing is done through a medical procedure carried out by a physician or through a substance used under the direction of a physician; and
(B) the physician is unable to obtain the consent due to a medical emergency.
(2) "Abortion clinic" means a type I abortion clinic licensed by the state or a type II abortion clinic licensed by the state.
(3) "Department" means the Department of Health and Human Services.
(4) "Down syndrome" means a genetic condition associated with an extra chromosome 21, in whole or in part, or an effective trisomy for chromosome 21.
(5) "Hospital" means:
(a) a general hospital licensed by the department; or
(b) a clinic or other medical facility to the extent the clinic or other medical facility is certified by the department as providing equipment and personnel sufficient in quantity and quality to provide the same degree of safety to a pregnant woman and an unborn child as would be provided for the particular medical procedure undertaken by a general hospital licensed by the department.
(6) "Medical emergency" means a life threatening physical condition aggravated by, caused by, or arising from a pregnancy that places the pregnant woman at risk of death, or poses a serious risk of substantial impairment of a major bodily function, unless the abortion is performed or induced.
(7) "Perinatal hospice" means comprehensive support to the mother and her family from the time of the diagnosis of a lethal fetal anomaly, through the time of the child's birth, and through the postpartum period, that:
(a) focuses on alleviating fear and ensuring that the woman and her family experience the life and death of a child in a comfortable and supportive environment; and
(b) may include counseling or medical care by:
(i) maternal-fetal medical specialists;
(ii) obstetricians;
(iii) neonatologists;
(iv) anesthesia specialists;
(v) psychiatrists, psychologists, or other mental health providers;
(vi) clergy;
(vii) social workers; or
(viii) specialty nurses.
(8) "Physician" means:
(a) a medical doctor licensed to practice medicine and surgery in the state;
(b) an osteopathic physician licensed to practice osteopathic medicine in the state; or
(c) a physician employed by the federal government who has qualifications similar to an individual described in Subsection (7)(a) or (b).
(9)
(a) "Severe brain abnormality" means a malformation or defect that causes an individual to live in a mentally vegetative state.
(b) "Severe brain abnormality" does not include:
(i) Down syndrome;
(ii) spina bifida;
(iii) cerebral palsy; or
(iv) any other malformation, defect, or condition that does not cause an individual to live in a mentally vegetative state.

Amended by Chapter 313, 2024 General Session

Part 2
Prohibition

76-7a-201 Abortion prohibition -- Exceptions -- Penalties.

(1) An abortion may be performed in this state only under the following circumstances:
  (a) the abortion is necessary to avert:
    (i) the death of the woman on whom the abortion is performed; or
    (ii) a serious physical risk of substantial impairment of a major bodily function of the woman on whom the abortion is performed;
  (b) subject to Subsection (3), two physicians who practice maternal fetal medicine concur, in writing, in the patient's medical record that the fetus has a fetal abnormality that in the physicians' reasonable medical judgment is incompatible with life; or
  (c) the unborn child has not reached 18 weeks gestational age and:
    (i)
      (A) the woman is pregnant as a result of:
        (I) rape, as described in Section 76-5-402;
        (II) rape of a child, as described in Section 76-5-402.1; or
        (III) incest, as described in Subsection 76-5-406(2)(j) or Section 76-7-102; or
      (B) the pregnant child is under the age of 14; and
    (ii) before the abortion is performed, the physician who performs the abortion:
      (A) for an abortion authorized under Subsection (1)(c)(i)(A), verifies that the incident described in Subsection (1)(c)(i)(A) has been reported to law enforcement; and
      (B) if applicable, complies with requirements related to reporting suspicions of or known child abuse.
(2) An abortion may be performed only:
  (a) by a physician; and
  (b) in an abortion clinic or a hospital, unless it is necessary to perform the abortion in another location due to a medical emergency.
(3) If the unborn child has been diagnosed with a fetal abnormality that is incompatible with life, at the time of the diagnosis, the physician shall inform the woman, both verbally and in writing, that perinatal hospice services and perinatal palliative care are available and are an alternative to abortion.
(4) A person who performs an abortion in violation of this section is guilty of a second degree felony.
(5) In addition to the penalty described in Subsection (4), the department may take appropriate corrective action against a health care facility, including revoking the health care facility's license, if a violation of this chapter occurs at the health care facility.
(6) The department shall report a physician's violation of any provision of this section to the state entity that regulates the licensing of a physician.
(7) A physician who performs an abortion under Subsection (1)(c) shall:
  (a) maintain an accurate record as to the manner in which the physician conducted the verification under Subsection (1)(c)(ii)(A); and
  (b) report the information described in Subsection (7)(a) to the department in accordance with Section 76-7-313.

Amended by Chapter 313, 2024 General Session

Part 3
Superseding Clause

76-7a-301 Superseding clause.

If, at the time this chapter takes effect, any provision in the Utah Code conflicts with a provision of this chapter, the provision of this chapter supersedes the conflicting provision.

Enacted by Chapter 279, 2020 General Session

Chapter 8
Offenses Against the Administration of Government

Part 1
Corrupt Practices

76-8-101 Definitions.

As used in this chapter:

(1) "Party official" means an individual holding any post in a political party whether by election, appointment, or otherwise.

(2) "Peace officer" means an employee of a police or law enforcement agency that is part of or administered by the state or a political subdivision of the state, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or a political subdivision of the state.

(3)

(a) "Pecuniary benefit" means an advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.

(b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.

(4)

(a) "Public property" means real or personal property that is owned, held, or managed by a public entity.

(b) "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity.

(c) "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

Amended by Chapter 96, 2024 General Session

76-8-102 Campaign contributions not prohibited.

(1) Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.
(2) No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

Amended by Chapter 96, 2024 General Session

76-8-103 Bribery or offering a bribe.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits bribery or offering a bribe if the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.
(3) A violation of Subsection (2) is:
  (a) a second degree felony if the value of the benefit is $1,000 or more; or
  (b) a third degree felony if the value of the benefit is less than $1,000.
(4) It is not a defense to a prosecution under this statute that:
  (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
  (b) the person sought to be influenced did not act in the desired way; or
  (c) the benefit is not conferred, solicited, or accepted until after:
    (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
    (ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-104 Threat to influence official or political action.
(1)
  (a) As used in this section:
    (i) "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.
    (ii) "Public servant" does not include a juror.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits threat to influence official or political action if the actor, with a purpose of influencing an action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion of a public servant, party official, or voter, threatens harm to:
  (a) the public servant, party official, or voter; or
  (b) a person or entity in whose welfare the public servant, party official, or voter is interested.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-105 Receiving or soliciting bribe or bribery by public servant.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits receiving or soliciting a bribe if the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of the benefit asked for, solicited, accepted, or conferred is more than $1,000; or
(b) a third degree felony if the value of the benefit asked for, solicited, accepted, or conferred is $1,000 or less.
(4) It is not a defense to a prosecution under this statute that:
(a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
(b) the person sought to be influenced did not act in the desired way; or
(c) the benefit is not asked for, conferred, solicited, or accepted until after:
(i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
(ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-106 Receiving bribe for endorsement of person as a public servant.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits receiving a bribe for endorsement of a person as a public servant if the actor solicits, accepts, agrees to accept for the actor's self, another person, or a political party, money or any other pecuniary benefit as compensation for the actor's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-106.1 Bribery for endorsement of person as public servant.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits bribery for endorsement of a person as a public servant if the actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or a political party as compensation for the person's or political party's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-107 Alteration of proposed legislative bill or resolution.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits alteration of proposed legislative bill or resolution if the actor fraudulently alters the draft of a bill or resolution that has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure the proposed legislative bill or

resolution being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by either house.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 173, 2025 General Session

76-8-108 Alteration of enrolled legislative bill or resolution.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits alteration of enrolled legislative bill or resolution if the actor fraudulently alters the enrolled copy of a bill or resolution that has been passed or adopted by the Legislature with intent to procure the enrolled bill or resolution to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes, in language different from that in which the enrolled bill or resolution was passed or adopted by the Legislature.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-110 Prohibited action by peace officer for collection agency or creditor.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited action by peace officer for collection agency or creditor if the actor:
(a) is a peace officer; and
(b)
(i) has an interest in a collection agency; or
(ii) acts as a compensated collection agent for a creditor or collection agency.
(3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 2
Abuse of Office

76-8-201 Official misconduct -- Unauthorized acts or failure of duty.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits official misconduct based on an unauthorized act or failure of duty if the actor:
(a) is a public servant; and
(b) with an intent to benefit the actor or another or to harm another, the actor knowingly:
(i) commits an unauthorized act that purports to be an act of the actor's office; or
(ii) knowingly refrains from performing a duty imposed on the actor by law or clearly inherent in the nature of the actor's office.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-202 Official misconduct concerning inside information.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits official misconduct concerning inside information if:
  (a) the actor is a public servant; and
  (b) knowing that official action is contemplated, or in reliance on information that the actor has acquired by virtue of the actor's office or from another public servant, which information has not been made public, the actor:
    (i) acquires or divests the actor's self of a pecuniary interest in any property, transaction, or enterprise that may be affected by such action or information;
    (ii) speculates or wagers on the basis of such action or information; or
    (iii) knowingly aids another person to do an action described in Subsection (2)(b)(i) or (2)(b)(ii).
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-203 Unofficial misconduct.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unofficial misconduct if the actor exercises or attempts to exercise any of the functions of a public office when the actor:
  (a) has not taken and filed the required oath of office;
  (b) has failed to execute and file a required bond;
  (c) has not been elected or appointed to office;
  (d) exercises any of the functions of the actor's office after the actor's term has expired and the successor has been elected or appointed and has qualified, or after the actor's office has been legally removed; or
  (e) knowingly:
    (i) withholds or retains from the actor's successor in office, or other person entitled to possession, the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office; or
    (ii) mutilates, destroys, or takes away the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 3
Obstructing Governmental Operations

76-8-301 Interference with public servant.
(1)
  (a) As used in this section:
    (i) "Constable" means an individual:
      (A) acting at the direction of a city, as described in Section 10-7-87;
      (B) acting at the direction of a county, as described in Title 17, Chapter 78, Part 6, Constables;
      (C) who is visibly identifiable as a constable and who identifies himself or herself as a constable; and

(D) who, beginning January 1, 2027, is licensed as a constable under Title 58, Chapter 91, Constables Licensing Act.

(ii) "Public servant" does not include a juror.

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

(2) An actor commits interference with a public servant if the 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 by a sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process.

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

Amended by Chapter 130, 2026 General Session

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

(1)

(a) As used in this section, "public servant" does not include a juror.

(b) 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, under circumstances not amounting to unlawful detention and unlawful detention of a minor as described in Section 76-5-304, the actor, 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:

(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.

Amended by Chapter 204, 2025 General Session

76-8-301.5 Failure to disclose identity.

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

(2) An actor commits failure to disclose identity if, during the period of time that the actor is lawfully subjected to a stop as described in Section 77-7-15:

(a) a peace officer demands that the actor disclose the actor's name or date of birth;

(b) the demand described in Subsection (2)(a) is reasonably related to the circumstances justifying the stop;

(c) the disclosure of the actor's name or date of birth by the actor does not present a reasonable danger of self-incrimination in the commission of a crime; and

(d) the actor fails to disclose the actor's name or date of birth.

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

Amended by Chapter 96, 2024 General Session

76-8-302 Picketing or parading in or near court.

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

(2) An actor commits picketing or parading in or near a court if the actor pickets or parades in or near a building that houses a court of this state with intent to:

(a) obstruct access to that court; or

(b) affect the outcome of a case pending before that court.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-303 Prevention of Legislature or public servant from meeting or organizing.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prevention of Legislature or public servant from meeting or organizing if the actor intentionally and by force or fraud:
(a) prevents the Legislature, either of the houses composing the Legislature, or any of the members of the Legislature, from meeting or organizing; or
(b) prevents any other public servant from meeting or organizing to perform a lawful governmental function.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-305 Interference with a peace officer.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits interference with a peace officer if the actor:
(a) knows, or by the exercise of reasonable care should have known, that a peace officer is seeking to effect a lawful arrest or detention of the actor or another individual; and
(b) interferes with the arrest or detention by:
(i) use of force or a weapon;
(ii) refusing to perform an act required by lawful order:
(A) necessary to effect the arrest or detention; and
(B) made by a peace officer involved in the arrest or detention; or
(iii) refusing to refrain from performing an act that would impede the arrest or detention.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Recording the actions of a peace officer with a camera, mobile phone, or other photographic device, while the peace officer is performing official duties in plain view, does not by itself constitute:
(a) interference with the peace officer;
(b) willful resistance;
(c) disorderly conduct; or
(d) obstruction of justice.

Amended by Chapter 96, 2024 General Session

76-8-305.5 Failure to stop at the command of a peace officer.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to stop at the command of a peace officer if, after the peace officer has issued a verbal or visual command to stop, the actor flees from or otherwise attempts to elude a peace officer:
(a) for the purpose of avoiding arrest; and
(b) by any means other than a violation of Section 41-6a-210 regarding failure to stop a vehicle at the command of a law enforcement officer.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-306 Obstruction of justice in a criminal investigation or proceeding.

(1)
(a) As used in this section:
(i)
(A) "Conduct that constitutes a criminal offense" means conduct that would be punishable as a crime and is separate from a violation of this section.
(B) "Conduct that constitutes a criminal offense" includes:
(I) any violation of a criminal statute or ordinance of this state or a political subdivision of this state, any other state, or any district, possession, or territory of the United States; and
(II) conduct committed by a juvenile that would be a crime if committed by an adult.
(ii) "Juvenile offender" means the same as that term is defined in Section 80-1-102.
(iii) "Official custody" means the same as that term is defined in Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) Except as provided in Subsection (5), an actor commits obstruction of justice in a criminal investigation or proceeding if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense:
(a) provides any person with a weapon;
(b) prevents by force, intimidation, or deception, a person from performing an act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person;
(c) alters, destroys, conceals, or removes an item or other thing;
(d) makes, presents, or uses an item or thing known by the actor to be false;
(e) harbors or conceals a person;
(f) provides a person with transportation, disguise, or other means of avoiding discovery or apprehension;
(g) warns a person of impending discovery or apprehension;
(h) warns a person of an order authorizing the interception of wire communications or of a pending application for an order authorizing the interception of wire communications;
(i) conceals information that is not privileged and that concerns the offense, after a judge or magistrate has ordered the actor to provide the information; or
(j) provides false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony;
(b) a third degree felony if:
(i) the conduct that constitutes an offense would be a second or third degree felony and the actor violates Subsection (2)(b), (c), (d), (e), or (f);
(ii) the conduct that constitutes an offense would be any offense other than a capital or first degree felony and the actor violates Subsection (2)(a);
(iii) the obstruction of justice is presented or committed before a court of law; or
(iv) a violation of Subsection (2)(h); or
(c) a class A misdemeanor for any violation of this section that is not enumerated under Subsection (3)(a) or (b).

(4) It is not a defense that the actor was unaware of the level of penalty for the conduct constituting an offense.
(5)
(a) Subsection (2) does not apply to harboring or concealing an offender who has escaped from official custody, which is governed by Section 76-8-309.2.
(b) Subsection (2)(b) does not apply to:
(i) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316;
(ii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.2;
(iii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.4;
(iv) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.6;
(v) tampering with a witness under Section 76-8-508;
(vi) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(vii) tampering or retaliating against a juror under Section 76-8-508.5;
(viii) receiving or soliciting a bribe as a witness under Section 76-8-508.7; or
(ix) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509.
(c) Subsection (2)(e) does not apply to harboring a juvenile offender, which is governed by Section 76-8-319.
(6) For purposes of Subsection (3), a violation of a criminal statute that is committed in another state, or any district, possession, or territory of the United States, is:
(a) a capital felony if the penalty provided includes death or life imprisonment without parole;
(b) a first degree felony if the penalty provided includes life imprisonment with parole or a maximum term of imprisonment exceeding 15 years;
(c) a second degree felony if the penalty provided exceeds five years;
(d) a third degree felony if the penalty provided includes imprisonment for any period exceeding one year; or
(e) a misdemeanor if the penalty provided includes imprisonment for any period of one year or less.

Amended by Chapter 96, 2024 General Session

76-8-306.5 Obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause if the actor:
(a) knows that:
(i) the Board of Pardons and Parole has issued a warrant for a parolee; or
(ii) a court has issued an order to show cause regarding a defendant's violation of the terms of probation; and
(b)

(i) harbors or conceals the parolee or probationer;
(ii) provides the parolee or probationer with transportation, disguise, or other means or assistance to avoid discovery; or
(iii) warns the parolee or probationer of the parolee's or probationer's impending discovery.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-307 Failure to aid a peace officer.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to aid a peace officer if, upon command by a peace officer identifiable or identified by the peace officer as such, the actor unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-308 Acceptance of bribe or bribery to prevent criminal prosecution.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits acceptance of bribe or bribery to prevent criminal prosecution if the actor:
(a) solicits, accepts, or agrees to accept any benefit as consideration for the actor's refraining from initiating or aiding in a criminal prosecution; or
(b) confers, offers, or agrees to confer any benefit upon a person as consideration for the person refraining from initiating or aiding in a criminal prosecution.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is an affirmative defense that the value of the benefit did not exceed an amount that the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

Amended by Chapter 96, 2024 General Session

76-8-309 Escape.
(1)
(a) As used in this section:
(i) "Agency" means a law enforcement agency, the Department of Corrections, a county or district attorney's office, the Office of the Attorney General, the Board of Pardons and Parole, or the judicial branch, including the Judicial Council, the Administrative Office of the Courts, or a similar administrative unit of the judicial branch.
(ii) "Confinement in a state prison" means:
(A)
(I) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, after being sentenced and committed;
(II) the individual's sentence has not been terminated or voided; and
(III) the individual is not on parole;

(B) the individual is being housed in a county jail, after felony commitment, in accordance with a contract with the Department of Corrections;
(C) the individual is on parole and the individual is in prehearing custody after an arrest for a parole violation;
(D) the individual is housed in a state prison and is being transported as a prisoner in the state prison by a correctional officer; or
(E) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, and the individual is permitted to leave temporarily for a work release or home visit and is required to return at a designated time.
(iii) "Lawful authorization" does not include authorization to leave official custody, or to remove or disable a tracking device, if the authorization was obtained by means of deceit, fraud, or other artifice.
(iv)
(A) "Offender" means an individual who is in official custody.
(B) "Offender" includes an individual who is under trusty status.
(v) "Official custody" means:
(A) confinement in a state prison;
(B) the individual is lawfully detained in a facility for secure confinement of minors that is operated by the Division of Juvenile Justice and Youth Services;
(C)
(I) the individual is lawfully detained in a county jail before trial or sentencing or the individual is housed in a county jail after sentencing and commitment;
(II) the individual's sentence has not been terminated or voided; and
(III) the individual is not on parole or probation;
(D) the individual is lawfully detained following an arrest regardless of whether the individual was arrested with or without a warrant; or
(E) the individual is on probation and the individual is in prehearing custody after an arrest for a probation violation.
(vi)
(A) "Tracking device" means a device that reveals the device's location or movement by the transmission or recording of an electronic signal.
(B) "Tracking device" includes a satellite-based radio navigation system.
(vii) "Volunteer" means a person who donates service without pay or other compensation except for expenses actually and reasonably incurred with approval by the supervising agency.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits escape if the actor:
(a) is an offender who, without lawful authorization:
(i) leaves official custody; or
(ii) intentionally or knowingly removes, disables, or permits the removal or disabling of, a tracking device that is installed or employed as an alternative to incarceration; or
(b)
(i) is convicted as a party to an offense under this section, as described in Section 76-2-202; and
(ii) is an employee at, or a volunteer of, an agency.
(3)

(a) Except as provided by Subsection (3)(b) or Section 76-8-309.1, a violation of Subsection (2)(a) is a third degree felony.
(b) Except as provided by Section 76-8-309.1, a violation of Subsection (2)(a) is a second degree felony if the actor leaves confinement in a state prison without lawful authorization, including failing to return from a work release or home visit by the time designated for return.
(c) Except as provided in Section 76-8-309.1, a violation of Subsection (2)(b) is a second degree felony.

(4)
(a) For purposes of an attempt to commit an escape under Section 76-4-102, the conception of the design to escape is conduct constituting a substantial step toward the commission of the crime.
(b) For purposes of a conspiracy to commit an escape under Section 76-4-201, the conception of the design to escape is an overt act in pursuance of the conspiracy to commit the crime.
(c) For an inchoate offense of escape, an escape is considered a continuing activity that commences with the conception of the design to escape and continues until the actor's attempt to escape is thwarted or abandoned or the actor commits the escape as described in Subsection (2)(a).

(5) For a completed offense of escape, an escape is considered a continuing activity that commences when the actor commits an escape as described in Subsection (2)(a) and continues until the actor is returned to official custody or the actor's escape is thwarted or abandoned.
(6) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Repealed and Re-enacted by Chapter 187, 2024 General Session

76-8-309.1 Aggravated escape.

(1)
(a) As used in this section, "escape" means an offense under Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits aggravated escape if, during the course of the commission of an escape, the actor:
(a) uses a dangerous weapon; or
(b) causes serious bodily injury to another.

(3) A violation of Subsection (2) is a first degree felony.
(4) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Enacted by Chapter 96, 2024 General Session

76-8-309.2 Harboring or concealing an offender who has escaped from official custody.

(1)
(a) As used in this section, "official custody" means the same as that term is defined in Section 76-8-309.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits harboring or concealing an offender who has escaped from official custody if the actor harbors or conceals an offender who has escaped from official custody.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-311.1 Establishment of secure areas -- Items prohibited -- References to penalty provisions.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Explosive" means the same as the term "explosive, chemical, or incendiary device" defined in Section 76-15-210.
(iv) "Firearm" means the same as that term is defined in Section 76-11-101.
(v) "Law enforcement facility" means a facility that is owned, leased, or operated by a law enforcement agency.
(vi) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
(vii)
(A) "Secure area" means an area created under this section into which certain individuals are restricted from transporting a firearm or other dangerous weapon, ammunition, or explosive.
(B) "Secure area" does not include any area normally accessible to the public.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2)
(a) The State Tax Commission or a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm or other dangerous weapon, ammunition, or explosive.
(b) This section applies to:
(i) a higher education secure area hearing room established in accordance with Section 53H-3-902; and
(ii) a secure area established by the Judicial Council in accordance with Section 78A-2-203.
(3) An entity that creates a secure area under this section shall ensure that at least one notice is prominently displayed at each entrance to the secure area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.
(4)
(a) An entity that creates a secure area under this section shall provide a secure weapons storage area so that an individual entering the secure area may store the individual's weapon before entering the secure area.
(b) The entity operating the facility shall be responsible for a weapon while the weapon is stored in the storage area described in Subsection (4)(a).
(5)
(a) An actor who transports a firearm or other dangerous weapon or ammunition into a secure area created under this section or a higher education secure area hearing room created under this section may be punished under Section 76-8-311.2.
(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a secure area or a higher education secure area hearing room created under this section may be punished under Section 76-15-210.
(c) It is a defense to a prosecution related to this section that the actor acted in conformity with the facility's rule or policy established pursuant to this section.

Amended by Chapter 9, 2025 Special Session 1

76-8-311.2 Prohibited dangerous weapon or ammunition in a secure area.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Firearm" means the same as that term is defined in Section 76-11-101.
(iv) "Higher education secure area" means a higher education secure area hearing room created under Section 76-8-311.1.
(v) "Law enforcement facility" means the same as that term is defined in Section 76-8-311.1.
(vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited dangerous weapon or ammunition in a secure area if the actor knowingly or intentionally transports a firearm or other dangerous weapon or ammunition into:
(a) a correctional facility;
(b) a secure area created by the State Tax Commission;
(c) a secure area in a law enforcement facility or a mental health facility; or
(d) a higher education secure area.
(3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of Subsection (2) is a third degree felony.
(4) It is a defense to a prosecution under this section that the actor acted in conformity with the facility's rule or policy established under Section 76-8-311.1.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.3 Establishment of prohibited item policy in a correctional or mental health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.

(1)
(a) As used in this section:
(i) "Communication device" means a device designed to receive or transmit an image, text message, email, video, location information, or voice communication, or another device that can be used to communicate electronically.
(ii) "Controlled substance" means a substance defined as a controlled substance under Title 58, Chapter 37, Controlled Substances.
(iii) "Correctional facility" means:
(A) a facility operated by or contracting with the Department of Corrections to house an offender in either a secure or nonsecure setting;
(B) a facility operated by a municipality or a county to house or detain an offender;
(C) a juvenile detention facility; or
(D) a building or grounds appurtenant to a facility or land granted to the state, municipality, or county for use as a correctional facility.
(iv) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(v) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
(vi) "Firearm" means the same as that term is defined in Section 76-11-101.

(vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include a controlled substance as defined in Title 58, Chapter 37, Controlled Substances.
(viii) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
(ix) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
(x) "Offender" means an individual in custody at a correctional facility.
(xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(xii) "Tobacco product" means the same as that term is defined in Section 76-9-1101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2)
(a) Notwithstanding Section 53-5a-102, a correctional facility or mental health facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of escape, an explosive, a controlled substance, spirituous or fermented liquor, medicine, or poison from being:
(i) transported to or within a correctional facility or mental health facility;
(ii) sold or given away to an offender at a correctional facility or mental health facility; or
(iii) possessed by an offender or another individual at a correctional facility or mental health facility.
(b) A correctional facility may prohibit a communication device from being:
(i) transported within the correctional facility for the purpose of being sold to an offender in the correctional facility;
(ii) sold or given away to an offender in the correctional facility; or
(iii) possessed by an offender or another individual at the correctional facility.
(3) It is a defense to a prosecution related to this section that the actor, in committing the act made criminal by this section with respect to:
(a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;
(b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;
(c) a correctional facility operated by a county, acted in conformity with the policy of the county; or
(d) a mental health facility, acted in conformity with the policy of the mental health facility.
(4)
(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or 76-8-311.11 for a violation of a policy or rule created under this section.
(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a correctional facility or a mental health facility may be punished under Section 76-15-210 or 76-15-211.
(c) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be charged under Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.
(5) Exemptions to a policy or rule created under this section may be granted for worship of Native American inmates in accordance with Section 64-13-40.

Amended by Chapter 362, 2026 General Session

76-8-311.4 Prohibited item in correctional or mental health facility for use by offender or detainee.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited item in correctional or mental health facility for use by offender or detainee if the actor:
(a) transports a dangerous weapon, ammunition, or implement of escape to or within a correctional facility, or into a secure area of a mental health facility, with the intent to provide or sell to an offender or detainee the dangerous weapon, ammunition, or implement of escape; or
(b) provides or sells a dangerous weapon, ammunition, or implement of escape to:
(i) an offender at a correctional facility; or
(ii) a detainee at a secure area of a mental health facility.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.6 Possession of prohibited item by offender or detainee in correctional or mental health facility.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of prohibited item by offender or detainee in correctional or mental health facility if the actor:
(a)
(i) is an offender at a correctional facility; or
(ii) is a detainee at a mental health facility; and
(b) possesses a dangerous weapon, ammunition, or an implement of escape.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 208, 2025 General Session

76-8-311.7 Possession of prohibited item in correctional facility or secure area of mental health facility.

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

(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of prohibited item in correctional facility or secure area of mental health facility if the actor, without the permission of the authority operating the correctional facility or the secure area of a mental health facility, knowingly possesses a dangerous weapon, ammunition, or implement of escape at a correctional facility or in a secure area of a mental health facility.
(3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of Subsection (2) is a third degree felony.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-8-311.8 Prohibited substance in correctional or mental health facility.
(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Medicine" means the same as that term is defined in Section 76-8-311.3.
(iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Prohibited substance" means:
(A) spirituous or fermented liquor;
(B) medicine, whether or not lawfully prescribed for an offender or a detainee; or
(C) poison in any quantity.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited substance in a correctional or mental health facility if the actor:
(a) without the permission of the authority operating the correctional facility or secure area of a mental health facility:
(i) knowingly transports a prohibited substance to or within a correctional facility or into a secure area of a mental health facility; or
(ii) fails to declare or knowingly possesses a prohibited substance at a correctional facility or in a secure area of a mental health facility;
(b) knowingly violates correctional or mental health facility policy or rule by providing or selling a prohibited substance to an offender at a correctional facility or a detainee within a secure area of a mental health facility; or
(c)
(i) is a detainee in a mental health facility or an offender; and
(ii) in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility a prohibited substance other than medicine provided by the facility's health care providers in compliance with facility policy.
(3)
(a) Except as provided in Subsection (4), a violation of Subsection (2)(a)(i), (2)(b), or (2)(c) is a third degree felony.

(b) Except as provided in Subsection (4), a violation of Subsection (2)(a)(ii) is a class A misdemeanor.
(4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.9 Prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility.
(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(ii) "Electronic cigarette product" means the same as that term is defined in Section 76-9-1101.
(iii) "Nicotine product" means the same as that term is defined in Section 76-9-1101.
(iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
(v) "Tobacco product" means the same as that term is defined in Section 76-9-1101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility if the actor, with the intent to directly or indirectly provide or sell a tobacco product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:
(a) transports, delivers, or distributes a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility;
(b) solicits, requests, commands, coerces, encourages, or intentionally aids another individual to transport a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility, if the other individual is acting with the mental state required for the commission of an offense; or
(c) facilitates, arranges, or causes the transport of a tobacco product, electronic cigarette product, or nicotine product in violation of this section or Section 76-8-311.3 to an offender or on the grounds of a correctional facility.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
(4) The defenses provided in Section 76-8-311.3 apply to this section.
(5) In accordance with Section 76-8-311.3, the Department of Corrections shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing a tobacco product, electronic cigarette product, or nicotine product to an offender is a class A misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-311.10 Possession of contraband in a correctional facility.
(1)
(a) As used in this section:
(i) "Contraband" means an item not specifically prohibited for possession by an offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, or 76-8-311.9.
(ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits possession of contraband in a correctional facility if the actor, without the permission of the authority operating a correctional facility, knowingly engages in an activity that would facilitate the possession of contraband by an offender in the correctional facility.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
(4)
(a) The possession, distribution, or use of a controlled substance at a correctional facility shall be prosecuted in accordance with Chapter 18, Part 2, Offenses Concerning Controlled Substances.
(b) The provisions of Section 76-8-311.9 take precedence over this section.
(c) The defenses provided in Section 76-8-311.3 apply to this section.

Amended by Chapter 362, 2026 General Session

76-8-311.11 Prohibited communication device in a correctional facility.
(1)
(a) As used in this section:
(i) "Communication device" means the same as that term is defined in Section 76-8-311.3.
(ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
(iii) "Offender" means the same as that term is defined in Section 76-8-311.3.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits prohibited communication device in a correctional facility if the actor, without the permission of the correctional facility:
(a) knowingly transports a communication device into the correctional facility with the intent to provide or sell the communication device to an offender in the correctional facility;
(b) provides or sells a communication device to an offender in the correctional facility;
(c)
(i) is an offender; and
(ii) possesses a communication device in the correctional facility; or
(d)
(i) subject to Subsection (4), is an individual other than an offender; and
(ii) knowingly possesses a communication device at the correctional facility.
(3)
(a) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.
(b) A violation of Subsection (2)(d) is a class A misdemeanor.
(4)
(a) A correctional facility that prohibits an individual other than an offender from possessing a communication device in the correctional facility under Subsection (2)(d) shall post a sign visible to an individual entering the correctional facility that provides the individual with notice that possessing a communication device in the correctional facility is prohibited and the individual may be prosecuted for possessing a communication device.
(b) A prosecuting attorney may not prosecute an individual under Subsection (2)(d) if the correctional facility fails to comply with Subsection (4)(a).

Amended by Chapter , 2024 General Session

76-8-312 Unlawful absence after pretrial release.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful absence after pretrial release if the actor:
(a) has been granted pretrial release by court order or by other lawful authority upon condition that the actor subsequently appear personally upon a charge of an offense; and

(b) fails without just cause to appear at the time and place that have been lawfully designated for the actor's appearance.
(3) A violation of Subsection (2) is:
(a) a third degree felony if the offense for which the actor failed to appear is a felony;
(b) a class B misdemeanor if the offense for which the actor failed to appear is a misdemeanor; or
(c) an infraction if the offense for which the actor failed to appear is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-313 Threatened or attempted assault on an elected official.
(1)
(a) As used in this section, "elected official" means:
(i) an elected official of the state, county, or city;
(ii) an immediate family member of an individual described in Subsection (1)(a)(i);
(iii) a temporary judge appointed to fill a vacant judicial position;
(iv) a judge not yet retained by a retention election;
(v) a member of a school board; or
(vi) an individual appointed to fill a vacant position of an individual described in Subsection (1)(a)(i).
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits threatened or attempted assault on an elected official:
(a) if the actor attempts or threatens, irrespective of a showing of immediate force or violence, to inflict bodily injury on an elected official with the intent to impede, intimidate, or interfere with the elected official in the performance of the elected official's official duties or with the intent to retaliate against the elected official because of the performance of the elected official's official duties; and
(b) if the actor's conduct described in Subsection (2)(a) involves a threat, the actor is reckless as to whether the actor's threat would be considered to be threatening by a reasonable person who received the threat.
(3)
(a) Except as provided by Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if:
(i) the actor attempts to inflict bodily injury; or
(ii) the elected official receives bodily injury.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 179, 2024 General Session

76-8-316 Threat with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means an appointed member of the Board of Pardons and Parole.
(ii) "Family member" means a parent, spouse, surviving spouse, child, or sibling of a judge or board member.

(iii) "Judge" means:
(A) a judge of a court of record;
(B) a judge of a court not of record; or
(C) a court commissioner.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits threat with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor threatens to assault, kidnap, or murder a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-316.2 Assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits an assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.4 Aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits aggravated assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board

member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a first degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.6 Attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.
(1)
(a) As used in this section:
(i) "Board member" means the same as that term is defined in Section 76-8-316.
(ii) "Family member" means the same as that term is defined in Section 76-8-316.
(iii) "Judge" means the same as that term is defined in Section 76-8-316.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits attempted murder on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
(3) A violation of Subsection (2) is a first degree felony.
(4) A member of the Board of Pardons and Parole is an executive officer for purposes of Subsection 76-5-202(2)(a)(xiii).

Enacted by Chapter 96, 2024 General Session

76-8-317 Refusal to comply with an order to evacuate or order issued in a local or state emergency.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusal to comply with an order to evacuate or order issued in a local or state emergency if the actor:
(a) receives notice of:
(i) an order to evacuate issued under Title 53, Chapter 2a, Emergency Management Act; or
(ii) an order issued:
(A) by the governor in a state of an emergency under Section 53-2a-204; or
(B) by a chief executive officer in a local emergency under Section 53-2a-205; and
(b) refuses to comply with the order described in Subsection (2)(a).
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-318 Assault against a child welfare worker or a family member of a child welfare worker.
(1)
(a) As used in this section:
(i) "Assault" means an offense under Section 76-5-102.

(ii) "Child welfare worker" means an employee of the Division of Child and Family Services created in Section 80-2-201.
(iii) "Family member" means an individual's spouse, surviving spouse, parent, grandparent, sibling, child, or any other individual related to the individual by consanguinity or affinity to the second degree.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits assault against a child welfare worker or a family member of a child welfare worker if:
(a) the actor commits, or attempts to commit, an assault against a child welfare worker or a family member of a child welfare worker;
(b) the actor knows that the individual described in Subsection (2)(a) is a child welfare worker or a family member of a child welfare worker; and
(c) the assault, or attempted assault, described in Subsection (2)(a) is committed:
(i) against a child welfare worker at the time the child welfare worker is acting within the scope of the child welfare worker's authority; or
(ii) against a child welfare worker or a family member of the child welfare worker with the intent to:
(A) impede, intimidate, or interfere with the performance of the child welfare worker's official duties; or
(B) retaliate against the child welfare worker because of the performance of the child welfare worker's official duties.
(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:
(i) causes substantial bodily injury; and
(ii) acts intentionally or knowingly.
(4) This section does not apply to an actor who is a minor in the custody of, or receiving services from, a division within the Department of Health and Human Services.

Amended by Chapter 537, 2025 General Session

76-8-318.5 Threat of violence against a child welfare worker or a family member of a child welfare worker.
(1)
(a) As used in this section:
(i) "Child welfare worker" means the same as that term is defined in Section 76-8-318.
(ii) "Family member" means the same as that term is defined in Section 76-8-318.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits a threat of violence against a child welfare worker if:
(a) the actor knowingly or intentionally threatens to commit an offense against a child welfare worker or a family member of a child welfare worker:
(i) described in Title 76, Chapter 5, Part 4, Sexual Offenses; or
(ii) involving bodily injury, death, or substantial property damage;
(b) the actor knows, or reasonably should know, that the individual described in Subsection (2)(a) is a child welfare worker or a family member of a child welfare worker;
(c) the threat described in Subsection (2)(a) would cause a reasonable person:
(i) to fear the infliction of harm or violence; or

(ii) to suffer emotional distress;
(d) the actor knows, or reasonably should know, the threat described in Subsection (2)(a) would cause a reasonable person to:
(i) fear the infliction of harm or violence; or
(ii) suffer emotional distress; and
(e) the threat described in Subsection (2)(a) is threatened:
(i) against a child welfare worker at the time the child welfare worker is acting within the scope of the child welfare worker's authority; or
(ii) against a child welfare worker or a family member of the child welfare worker with the intent to:
(A) impede, intimidate, or interfere with the performance of the child welfare worker's official duties; or
(B) retaliate against the child welfare worker because of the performance of the child welfare worker's official duties.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense to Subsection (2) that the actor did not attempt to carry out the threat or was incapable of carrying out the threat.
(5)
(a) Subject to Subsection (5)(b), in addition to another penalty authorized by law, a court shall order an actor convicted under Subsection (2) to pay restitution to any entity or individual for expenses or losses incurred as a result of responding to the threat, unless the court states on the record the reasons why the reimbursement would be inappropriate.
(b) Any restitution ordered in the case of a minor adjudicated for a violation of Subsection (2) shall be determined in accordance with Section 80-6-710.
(6) An actor who commits an offense under Subsection (2) is subject to punishment for that offense described in Subsection (3), in addition to any other offense committed, including the carrying out of the threatened act.
(7) A threat described in Subsection (2):
(a) may be express or implied; and
(b) does not need to be communicated directly to the threatened individual.

Enacted by Chapter 537, 2025 General Session

76-8-319 Aiding or concealing an adjudicated minor.
(1)
(a) As used in this section:
(i) "Abscond from a facility" means an adjudicated minor:
(A) leaves a facility without permission; or
(B) fails to return at a prescribed time.
(ii) "Abscond from supervision" means an adjudicated minor:
(A) changes the adjudicated minor's residence from the residence that the adjudicated minor reported to the division as the adjudicated minor's correct address to another residence, without notifying the division or obtaining permission; or
(B) for the purpose of avoiding supervision:
(I) hides at a different location from the adjudicated minor's reported residence; or
(II) leaves the adjudicated minor's reported residence.
(iii) "Adjudicated minor" means the same as the term "minor" is defined in Section 80-6-501.

(iv) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
(v) "Facility" means the same as the term "detention facility" is defined in Section 80-1-102.
(vi) "Secure care" means the same as that term is defined in Section 80-1-102.
(vii) "Secure care facility" means the same as that term is defined in Section 80-1-102.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits aiding or concealing an adjudicated minor if the actor:
(a) knowingly harbors or conceals an adjudicated minor who has:
(i) escaped from secure care; or
(ii) absconded from:
(A) a facility or supervision; or
(B) supervision of the division; or
(b) willfully aided or assisted an adjudicated minor who has been lawfully committed to a secure care facility in escaping or attempting to escape from the secure care facility.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 96, 2024 General Session

76-8-320 Trespass of a secure care facility.
(1)
(a) As used in this section:
(i) "Juvenile offender" means the same as that term is defined in Section 76-8-311.5.
(ii) "Secure care facility" means the same as that term is defined in Section 76-8-311.5.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits trespass of a secure care facility if the actor:
(a) without permission, enters or attempts to enter a building or enclosure appropriated to the use of juvenile offenders;
(b)
(i) enters any premises belonging to a secure care facility; and
(ii) commits or attempts to commit a trespass or damage on the premises of the secure care facility; or
(c) willfully annoys or disturbs the peace and quiet of:
(i) a secure care facility; or
(ii) a juvenile offender in a secure care facility.
(3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-321 Unlawfully advancing foreign organizations and governments.
(1)
(a) As used in this section:
(i) "Agent of a foreign government" means the same as that term is defined in 18 U.S.C. Sec. 951.
(ii) "Federally designated foreign terrorist organization" means a foreign organization that is designated by the federal government as a terrorist organization in accordance with 8 U.S.C. Sec. 1189.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unlawfully advancing foreign organizations and governments if the actor:

(a)
(i) commits a local, state, or federal criminal offense that has a penalty level of a class B misdemeanor, class A misdemeanor, or felony; and
(ii) coordinates with a federally designated foreign terrorist organization to commit the offense described in Subsection (2)(a)(i) with the intent to benefit or advance the interests of the federally designated foreign terrorist organization; or
(b) unlawfully acts, or attempts to act, as an agent of a foreign government.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 368, 2026 General Session

Part 4
Offenses Against Public Property

76-8-402 Misusing public money or public property -- Disqualification from office.

(1)
(a) As used in this section, "authorized personal use" means:
(i) the use of public property, for a personal matter, by an actor who is a public servant if:
(A) the actor is authorized to use or possess the public property to fulfill the actor's duties as a public servant;
(B) the primary purpose of the actor using or possessing the public property is to fulfill the actor's duties as a public servant;
(C) at the time the actor uses the public property for a personal matter, a written policy of the actor's public entity is in effect that authorizes the actor to use or possess the public property for personal use in addition to the primary purpose of fulfilling the actor's duties as a public servant; and
(D) the actor uses and possesses the public property in a lawful manner and in accordance with the policy described in Subsection (1)(a)(i)(C); or
(ii) incidental or de minimus use of public property for a personal matter by an actor who is a public servant if:
(A) the value provided to the actor's public entity by the actor's use or possession of the public property for a public purpose substantially outweighs the personal benefit received by the actor from the incidental use of the public property for a personal matter; and
(B) the incidental or de minimus use of the public property for a personal matter is not prohibited by law or by the actor's public entity.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits misusing public money or public property if the actor is a public servant and knowingly:
(a) appropriates public money to the actor's own use or benefit or to the use or benefit of another person without authority of law;
(b) loans or transfers public money without authority of law;
(c) fails to keep public money in the actor's possession until disbursed by authority of law;
(d) deposits public money in a bank or with another person in violation of the written policy of the actor's public entity or the requirements of law;
(e) keeps a false account or makes a false entry or erasure in an account of, or relating to, public money;

(f) fraudulently alters, falsifies, conceals, or destroys an account described in Subsection (2)(e);
(g) refuses or omits to pay over, on demand, any public money in the actor's custody or control, upon the presentation of a draft, order, or warrant drawn upon the public money by competent authority;
(h) omits to transfer public money when the transfer is required by law;
(i) omits or refuses to pay over, to an officer or person authorized by law to receive public money, public money received by the actor under any duty imposed on the actor by law;
(j) damages or disposes of public property in violation of the written policy of the actor's public entity or the requirements of law;
(k) obtains or exercises unauthorized control of public property with the intent to deprive the owner of possession of the public property;
(l) obtains or exercises unauthorized control of public property with the intent to temporarily appropriate, possess, use, or deprive the owner of possession of the public property;
(m) appropriates public property to the actor's own use or benefit or to the use or benefit of another person without authority of law;
(n) loans or transfers public property without authority of law; or
(o) fails to keep public property in the actor's possession until returned to the property owner or disposed of or relinquished in accordance with the written policy of the actor's public entity and the requirements of law.

(3)
(a) Except as provided by Subsection (3)(b), a violation of Subsections (2)(a) through (i) is a third degree felony.
(b) A violation of Subsections (2)(a) through (i) is a second degree felony if:
(i) the value of the public money exceeds $5,000;
(ii) the amount of the false account exceeds $5,000;
(iii) the amount falsely entered exceeds $5,000;
(iv) the amount that is the difference between the original amount and the fraudulently altered amount exceeds $5,000; or
(v) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the account exceeds $5,000.
(c) A violation of Subsection (2)(j) is:
(i) a class B misdemeanor if the cost to repair or replace the public property is less than $500;
(ii) a class A misdemeanor if the cost to repair or replace the public property is $500 or more, but less than $1,500;
(iii) a third degree felony if the cost to repair or replace the public property is $1,500 or more, but less than $5,000; or
(iv) a second degree felony if the cost to repair or replace the public property is $5,000 or more.
(d) A violation of Subsection (2)(k), (m), (n), or (o) is:
(i) a class B misdemeanor if the value of the public property is less than $500;
(ii) a class A misdemeanor if the value of the public property is $500 or more, but less than $1,500;
(iii) a third degree felony if the value of the public property is $1,500 or more, but less than $5,000; or
(iv) a second degree felony if the value of the public property is $5,000 or more.
(e) A violation of Subsection (2)(l) is:
(i) a class C misdemeanor if the value of the public property is less than $500;
(ii) a class B misdemeanor if the value of the public property is $500 or more, but less than $1,500;

(iii) a class A misdemeanor if the value of the public property is $1,500 or more, but less than $5,000; or
(iv) a third degree felony if the value of the public property is $5,000 or more.
(4) It is not a defense to a violation of Subsection (2) that:
(a) subsequent to the violation, a public entity modifies or adopts a policy or law, or takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a violation; or
(b) a written policy of the actor's public entity permits private use of the public property if it is proven, beyond a reasonable doubt, that the actor did not comply with the written policy.
(5) Subsections (2)(j) through (2)(o) do not apply to the authorized personal use of public property.
(6) In addition to the punishment described in Subsection (3), an actor who:
(a) is convicted of a felony offense under this section may not disburse public funds or access public accounts; or
(b) is a public officer and is convicted of a felony offense under this section is disqualified from holding public office if:
(i) regardless of whether the public officer receives, safekeeps, transfers, disburses, or has a fiduciary relationship with public money, the public officer makes a profit from or out of public money or public property; or
(ii) the public officer uses public money or public property in a manner or for a purpose not authorized by law.

Amended by Chapter 96, 2024 General Session

76-8-403 Failure to keep and pay over public money.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) Except as otherwise provided in Subsection 76-8-402(3)(b), an actor commits failure to keep and pay over public money if the actor:
(a) receives, safekeeps, transfers, or disburses public money; and
(b) neglects or fails to keep and pay over the public money in the manner prescribed by law.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-405 Failure to pay over a fine, forfeiture, or fee.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits failure to pay over a fine, forfeiture, or fee if the actor:
(a) is a public officer;
(b) receives any fine, forfeiture, or fee; and
(c) refuses or neglects to pay over the fine, forfeiture, or fee within the time prescribed by law.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-406 Obstructing the collection of revenue.

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

(2) An actor commits obstructing the collection of revenue if the actor willfully obstructs or hinders a public officer who is empowered by law to collect revenue, taxes, or other sums of money from collecting revenue, taxes, or other sums of money in which this state is interested.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-407 Refusing to give accurate tax assessment information.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusing to give accurate tax assessment information if the actor:
(a) unlawfully refuses, upon demand, to give to a county assessor or deputy county assessor a list of the actor's property subject to taxation, or to swear to such list; or
(b) gives a false name, or fraudulently refuses to give the actor's true name when demanded by the county assessor or deputy county assessor in the discharge of the assessor's official duties.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-408 Giving a false tax receipt or failing to give a receipt.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits giving a false tax receipt or failing to give a receipt if the actor:
(a) uses or gives a receipt, except that prescribed by law, as evidence of the payment for a tax or license of any kind; or
(b) receives payment for the tax or license without delivering the receipt prescribed by law.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409 Refusing to give a tax assessor or tax or license fee collector a list of employees.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusing to give a tax assessor or tax or license fee collector a list of employees if the actor refuses to give the assessor or collector the name and residence of each individual in the actor's employ when requested by the assessor or collector.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409.2 Denying a tax assessor or tax or license fee collector access to a building or place of employment.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits denying a tax assessor or tax or license fee collector access to a building or place of employment if the actor refuses to give the assessor or collector access to the building or place of employment when access is requested by the assessor or collector.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-410 Doing business without a license.

(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits doing business without a license if the actor commences or carries on a business, trade, profession, or calling, for which a license is required by law, or by county, city, or town ordinance, without obtaining the required license.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-411 Trafficking in warrants.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits trafficking in warrants if the actor:
  (a) is an officer of the state, a county, a city, a town, or a district; and
  (b) directly or indirectly contracts for or purchases a warrant or order issued by the state, county, city, town, or district of which the actor is an officer, at any discount whatever upon the sum due on the warrant or order.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-8-412 Stealing, destroying or mutilating public records by custodian.

(1)
  (a) As used in this section, "public record" means the following records filed or deposited in a public office:
    (i) a record;
    (ii) a map;
    (iii) a book; or
    (iv) a paper or proceeding of a court.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits stealing, destroying, or mutilating a public record by a custodian if the actor:
  (a) is a government officer who has custody of a public record; and
  (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the whole or a part of the public record or permits another individual to do so.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-413 Stealing, destroying or mutilating public records by one not custodian.

(1)
  (a) As used in this section, "public record" means the same as that term is defined in Section 76-8-412.
  (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits stealing, destroying, or mutilating a public record by a noncustodian if the actor:
(a) does not have lawful custody of a public record; and
(b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the whole or a part of the public record or permits another individual to do so.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-414 Recording a false or forged instrument.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits recording a false or forged instrument if the actor knowingly procures or offers a false or forged instrument to be filed, registered, or recorded in a public office, which instrument, if genuine, might be filed or registered or recorded under a law of this state or of the United States.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-415 Damaging or removing a monument of an official survey.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits damaging or removing a monument of an official survey if the actor willfully injures, defaces, or removes a signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416 Taking a toll or maintaining a road, bridge, or ferry without authority.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits taking a toll or maintaining a road, bridge, or ferry without authority if the actor, without authority:
(a) demands or receives compensation for the use of a bridge or ferry; or
(b) sets up or keeps a road, bridge, ferry, or constructed ford, for the purpose of receiving remuneration for the road's, bridge's, ferry's, or constructed ford's use.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416.2 Refusal to pay a lawful toll.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits refusal to pay a lawful toll if the actor, after having used a licensed toll road, bridge, ferry, or constructed ford, refuses to pay on demand the compensation or fee authorized to be collected for use of the licensed toll road, bridge, ferry, or constructed ford.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-417 Tampering with an official notice or proclamation.

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

(2) An actor commits tampering with an official notice or proclamation if the actor intentionally defaces, obliterates, tears down, or destroys:

(a) a copy, transcript, or extract from or of a law of the United States or of this state; or

(b) a proclamation, advertisement, or notice, set up in this state by authority of a law of the United States or of this state, or by order of a court or of a public officer, before the expiration of the time for which the proclamation, advertisement, or notice was to remain set up.

(3) A violation of Subsection (2) is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-418 Damaging a jail or other place of confinement.

(1)

(a) As used in this section:

(i) "Child" means the same as that term is defined in Section 80-1-102.

(ii) "Detention facility" means the same as that term is defined in Section 80-1-102.

(iii) "Secure care facility" means the same as that term is defined in Section 80-1-102.

(iv) "Shelter facility" means the same as that term is defined in Section 80-1-102.

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

(2) An actor commits damaging a jail or other place of confinement if the actor willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise damages a public jail or other place of confinement, including a detention facility, a shelter facility, or a secure care facility.

(3) A violation of Subsection (2) is a third degree felony.

(4) This section is applicable to a child who willfully and intentionally commits an offense against a public jail, a detention facility, a shelter facility, or a secure care facility.

Amended by Chapter 96, 2024 General Session

76-8-419 Damaging a highway or bridge.

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

(2) An actor commits damaging a highway or bridge if the actor intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys a public highway or private way laid out by authority of law, or a bridge upon the highway or private way.

(3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree felony.

(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Amended by Chapter 291, 2026 General Session

76-8-420 Removing or damaging a road sign.

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

(2) An actor commits removing or damaging a road sign if the actor intentionally or knowingly removes or damages:

(a) a milepost, milestone, or guidepost erected on a highway; or

(b) an inscription on a milepost, milestone, or guidepost.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 5
Falsification in Official Matters

76-8-501 Definitions.
As used in this part:
(1) "False statement" includes a false unsworn declaration.
(2) "Material" means capable of affecting the course or outcome of an official proceeding, unless the individual who made the statement or provided the information retracts the statement or information before the earlier of:
(a) the end of the official proceeding in which the statement was made or the information was provided;
(b) when it becomes manifest that the false or misleading nature of the statement or information has been or will be exposed; or
(c) when the statement or information substantially affects the proceeding.
(3) "Official proceeding" means:
(a) a proceeding before:
(i) a legislative, judicial, administrative, or other governmental body or official authorized by law to take evidence under oath or affirmation;
(ii) a notary; or
(iii) an individual who takes evidence in connection with a proceeding described in Subsection (3)(a)(i);
(b) a civil or administrative action, trial, examination under oath, administrative proceeding, or other civil or administrative adjudicative process; or
(c) an investigation or audit conducted by:
(i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
(ii) an employee or independent contractor of an entity described in Subsection (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).
(4) "Unsworn declaration" means the same as that term is defined in Section 78B-18a-102.

Amended by Chapter 96, 2024 General Session

76-8-502 Making a false or inconsistent material statement.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits making a false or inconsistent material statement if the actor:
(a) makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and the actor does not believe the statement to be true; or
(b) makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and the actor does not believe to be true.
(3) A violation of Subsection (2) is a second degree felony.

(4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
(5)
(a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.
(b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.

Amended by Chapter 96, 2024 General Session

76-8-503 Making a false or inconsistent statement.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) Except as provided in Subsection (6), an actor commits making a false or inconsistent statement if the actor:
(a) makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the actor does not believe the statement to be true if:
(i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or
(ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other individual authorized to administer oaths; or
(b) makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the actor to be true.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
(a) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
(b) It is a defense to prosecution under this section that the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
(5)
(a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.
(b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.
(6) Subsection (2) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.

Amended by Chapter 96, 2024 General Session

76-8-504 Making a written false statement.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits making a written false statement if:
(a) the actor makes a statement that the actor does not believe to be true on or under a form bearing a notification authorized by law to the effect that a false statement made therein is punishable; or
(b) with intent to deceive a public servant in the performance of the public servant's official function, the actor:

(i) makes a written false statement that the actor does not believe to be true;
(ii) knowingly creates a false impression in a written application for a pecuniary or other benefit by omitting information necessary to prevent a statement in the application from being misleading;
(iii) submits or invites reliance on a writing that the actor knows to be lacking in authenticity; or
(iv) submits or invites reliance on a sample, specimen, map, boundary mark, or other object that the actor knows to be false.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the false statement is on a financial declaration described in Section 77-38b-204.

(4)
(a) An actor does not violate this section if the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
(b) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.

Amended by Chapter 96, 2024 General Session

76-8-504.5 Making a false statement to be used in a preliminary hearing.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits making a false statement to be used in a preliminary hearing if the actor makes a false statement that:
(a) the actor does not believe to be true;
(b) the actor has reason to believe will be used in a preliminary hearing; and
(c) the actor made after having been notified either verbally or in writing that:
(i) the statement may be used in a preliminary hearing before a magistrate or a judge; and
(ii) if the actor makes a false statement after having received this notification, the actor is subject to a criminal penalty.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.
(5) A notification under Subsection (2)(c) is sufficient if the notification is verbal or written and is in substantially the following form: "You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Amended by Chapter 96, 2024 General Session

76-8-504.6 Providing false or misleading information.

(1)
(a) As used in this section, "officer of the court" means:
(i) a prosecutor;
(ii) a judge;
(iii) a court clerk;
(iv) an interpreter;

(v) a presentence investigator;
(vi) a probation officer;
(vii) a parole officer; or
(viii) an individual reasonably believed to be gathering information for a criminal proceeding.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits providing false or misleading information if the actor, not under oath or affirmation, intentionally or knowingly provides false or misleading material information to:
(a) an officer of the court for the purpose of influencing a criminal proceeding; or
(b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of eligibility for:
(i) expungement; or
(ii) removal of the person's name from the White Collar Crime Registry created in Title 77, Chapter 42, Utah White Collar Crime Offender Registry.
(3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of this code carrying a greater penalty.

Amended by Chapter 96, 2024 General Session

76-8-506 Providing false information to a law enforcement officer, government agency, or specified professional.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits providing false information to a law enforcement officer, government agency, or specified professional if:
(a) the actor knowingly gives or causes to be given:
(i) false information to a peace officer or a state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another person has committed an offense;
(ii) information concerning the commission of an offense to a peace officer, a state or local government agency or personnel, or to an individual licensed in this state to practice social work, psychology, or marriage and family therapy, knowing that the offense did not occur or knowing that the actor has no information relating to the offense or danger; or
(iii) false information to a state or local government agency or personnel with a purpose of inducing a change in the actor's licensing or certification status or the licensing or certification status of another person; or
(b)
(i) at the time of the actor's arrest for an offense, the actor states to a law enforcement officer that the actor ingested drugs before the actor's arrest;
(ii) the law enforcement officer, based on the actor's statement described in Subsection (2)(b)(i), takes the actor to a health care facility for medical treatment; and
(iii) a medical examination of the actor demonstrates that the actor's statement described in Subsection (2)(b)(i) was false.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 491, 2024 General Session

76-8-507 Providing false personal information to a peace officer.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits providing false personal information to a peace officer if the actor knowingly:
(a) with intent of misleading a peace officer as to the actor's identity, birth date, or place of residence, gives a false name, birth date, or address to the peace officer in the lawful discharge of the peace officer's official duties; or
(b) with the intent of leading a peace officer to believe that the actor is another actual individual, gives the name, birth date, or address of another individual to the peace officer acting in the lawful discharge of the peace officer's official duties.
(3)
(a) A violation of Subsection (2)(a) is a class C misdemeanor.
(b) A violation of Subsection (2)(b) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-508 Tampering with a witness.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits tampering with a witness if the actor:
(a)
(i) believes that an official proceeding or investigation is pending or about to be instituted; or
(ii) intends to prevent an official proceeding or investigation; and
(b) attempts to induce or otherwise cause another individual to:
(i) testify or inform falsely;
(ii) withhold testimony, information, a document, or an item;
(iii) elude legal process summoning the individual to provide evidence; or
(iv) absent the individual from a proceeding or investigation to which the individual has been summoned.
(3) A violation of Subsection (2) is a third degree felony.
(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Amended by Chapter 96, 2024 General Session

76-8-508.3 Retaliation against a witness, victim, or informant.
(1)
(a) As used in this section:
(i) "An individual closely associated with a witness, victim, or informant" means an individual who is a member of the witness's, victim's, or informant's family, has a close personal or business relationship with the witness or victim, or resides in the same household with the witness, victim, or informant.
(ii) "Harm" means physical, emotional, or economic injury or damage to a person or to his property, reputation, or business interests.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits retaliation against a witness, victim, or informant if the actor:
(a) believes that an official proceeding or investigation is pending, is about to be brought, or has been concluded;
(b) makes a threat of harm or causes harm; and

(c) directs the threat or action causing harm as retaliation or retribution against a witness or an informant involved in an official proceeding, a victim of a crime, or an individual closely associated with a witness, victim, or informant.
(3) A violation of Subsection (2) is a third degree felony.
(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.
(5) This section does not prohibit an individual from seeking other legal redress to which the individual is otherwise entitled.

Amended by Chapter 96, 2024 General Session

76-8-508.5 Tampering with or retaliating against a juror.
(1)
(a) As used in this section, "juror" means an individual:
(i) summoned for jury duty; or
(ii) serving as or having served as a juror or alternate juror in any court or as a juror on any grand jury of the state.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits tampering or retaliating against a juror if the actor:
(a) attempts to or actually influences a juror in the discharge of the juror's service by:
(i) communicating with the juror by any means, directly or indirectly, except for an attorney in the lawful discharge of the attorney's duties in open court;
(ii) offering, conferring, or agreeing to confer any benefit upon the juror; or
(iii)
(A) communicating to the juror a threat that a reasonable person would believe to be a threat to injure:
(I) the juror's person or property; or
(II) the person or property of another individual in whose welfare the juror is interested; and
(B) the actor is reckless as to whether the actor's threat would be considered to be threatening by a reasonable person who received the threat; or
(b) commits an unlawful act in retaliation for an action taken by the juror in the discharge of the juror's service:
(i) to the juror's person or property; or
(ii) to the person or property of another individual in whose welfare the juror is interested.
(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 179, 2024 General Session

76-8-508.7 Receiving or soliciting a bribe as a witness.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits receiving or soliciting a bribe as a witness if the actor:
(a) believes that an official proceeding or investigation is pending or about to be instituted; and
(b) solicits, accepts, or agrees to accept a benefit in consideration of the actor:
(i) testifying or informing falsely;
(ii) withholding testimony, information, a document, or an item;
(iii) eluding legal process summoning the actor to provide evidence; or

(iv) absenting the actor from a proceeding or investigation to which the actor has been summoned.
(3) A violation of Subsection (2) is a third degree felony.
(4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Enacted by Chapter 96, 2024 General Session

76-8-509 Extortion or bribery to dismiss a criminal proceeding.
(1)
(a) As used in this section, "victim" includes a child or other individual under the care or custody of a parent or guardian.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits extortion or bribery to dismiss a criminal proceeding if the actor attempts to induce an alleged victim of a crime to take an action to secure the dismissal or to prevent the filing of a criminal complaint, indictment, or information by:
(a) the use of force; or
(b) a threat that would constitute a means of committing the offense of theft by extortion under Section 76-6-406 if the threat were employed to obtain property or by promise of a reward or pecuniary benefit.
(3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 96, 2024 General Session

76-8-510.5 Tampering with evidence.
(1)
(a) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits tampering with evidence if the actor:
(a)
(i) believes that an official proceeding or investigation is pending or about to be instituted; or
(ii) intends to prevent an official proceeding or investigation or to prevent the production of a thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation; and
(b) knowingly or intentionally:
(i) alters, destroys, conceals, or removes a thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
(ii) makes, presents, or uses a thing or item which the actor knows to be false with the purpose of deceiving a public servant or other party who is or may be engaged in the proceeding or investigation.
(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 offense is committed in conjunction with an official proceeding.
(4) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.

Amended by Chapter 96, 2024 General Session

76-8-511 Falsification or alteration of a government record.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits falsification or alteration of a government record if, under circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter 6, Part 5, Fraud, the actor:
  (a) knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
  (b) presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or record referred to in Subsection (2)(a); or
  (c) intentionally destroys, conceals, or otherwise impairs the verity or availability of the information or record, knowing that the destruction, concealment, or impairment is unlawful.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-512 Impersonation of officer.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits impersonation of an officer if the actor:
  (a) impersonates a public servant or a peace officer with intent to deceive another individual or with intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act;
  (b) falsely states that the actor is a public servant or a peace officer with intent to deceive another individual or to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act; or
  (c) displays or possesses without authority a badge, identification card, other form of identification, a restraint device, the uniform of a state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another individual or with the intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-513 Sending a false judicial or official notice.

(1)
  (a) As used in this section:
    (i) "Official document" means:
      (A) a summons, complaint, court order, or process; or
      (B) an insignia, seal, or printed form of a federal, state, or local governmental entity or an instrumentality of a federal, state, or local governmental entity.
    (ii)

(A) "False official document" means a document that has the appearance or format of an official document but that has not been sanctioned by the relevant governmental entity.
(B) "False official document" includes a document calculated to induce an individual to believe that the document is an official document of the relevant governmental entity.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits sending a false judicial or official notice if the actor knowingly sends, mails, or delivers to an individual a false official document with the purpose to procure the compliance of the individual.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-515 Impersonation of a utility officer or employee.
(1)
(a) As used in this section:
(i) "Critical infrastructure facility" means the same as that term is defined in Section 76-6-106.3.
(ii) "Sabotage" means the same as that term is defined in Section 76-8-901.
(iii) "Terrorism" means the same as that term is defined in Section 53-2a-102.
(iv) "Utility" means a private or governmental entity operating a critical infrastructure facility.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
(2) An actor commits impersonation of a utility officer or employee if the actor, without authority from a utility:
(a) intends to lead an individual to believe that the actor is acting on behalf of the utility in an official capacity; and
(b) attempts to act on behalf of the utility.
(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, while taking the action described in Subsection (2), intends to commit an act of terrorism or sabotage.

Amended by Chapter 96, 2024 General Session

Part 6
Abuse of Process

76-8-601 Wrongful commencement of an action in justice court.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits wrongful commencement of an action in justice court if the actor:
(a) is:
(i) a party to a suit or a proceeding; or
(ii) an agent or attorney for a party to a suit or proceeding; and
(b) except as provided in Section 78A-7-105 or 78A-7-106, knowingly commences, prosecutes, or maintains an action, suit, or proceeding in a justice court.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-602 Wrongfully conferring jurisdiction upon a justice court.

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

(2) An actor commits wrongfully conferring jurisdiction upon a justice court if the actor, for the purpose of conferring jurisdiction of a cause upon a justice court in a precinct or city that would be without jurisdiction except for the liability of the joint obligor, binds the actor's self, voluntarily becomes liable jointly or jointly and severally with another person, or induces a person to assume a liability.

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

Amended by Chapter 96, 2024 General Session

76-8-603 Wrongfully issued writ of attachment by a justice court judge.

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

(2) An actor commits wrongfully issued writ of attachment by a justice court judge if the actor:

(a) is a justice court judge; and

(b) issues a writ of attachment in an action, suit, or proceeding:

(i) before the affidavit is filed; or

(ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.

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

(4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:

(a) double the value of the attached property;

(b) all costs paid by the person; and

(c) all damages incurred in the attachment proceedings.

Amended by Chapter 96, 2024 General Session

76-8-604 Wrongful inducement to receive writ of attachment.

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

(2) An actor commits wrongful inducement to receive writ of attachment if the actor:

(a) is:

(i) a party to an action, suit, or proceeding;

(ii) an agent of a party to an action, suit, or proceeding; or

(iii) an attorney of a party to an action, suit, or proceeding; and

(b) advises, induces, or procures the issuance of a writ of attachment in the action, suit or proceeding:

(i) before the affidavit is filed; or

(ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.

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

(4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:

(a) double the value of the attached property;

(b) all costs paid by the person; and

(c) all damages incurred in the attachment proceedings.

Enacted by Chapter 96, 2024 General Session

Part 7
Colleges and Universities

76-8-703 Criminal trespass upon an institution of higher education.

(1)
(a) As used in this section:
(i) "Chief administrative officer" means the same as that term is defined in Section 53H-3-304.
(ii) "Enters" means intrusion of the entire body.
(iii) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits criminal trespass upon an institution of higher education if the actor enters or remains on property that is owned, operated, or controlled by an institution of higher education:
(a) after being ordered to leave by the chief administrative officer; or
(b) without authorization if notice against entry or remaining has been given by:
(i) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution of higher education;
(ii) the posting of signs reasonably likely to come to the attention of a trespasser;
(iii) fencing or other enclosure obviously designed to exclude a trespasser; or
(iv) a current order of suspension or expulsion.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted two or more times of a violation of Subsection (2).

(4) The mere carrying or possession of a firearm on the campus of an institution of higher education, as defined in Section 53H-1-101, does not warrant an order to leave under Subsection (2)(a) if the individual carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.

(5) If an employee or student of an institution of higher education is ordered to leave under Subsection (2)(a) or receives a notice against entry or remaining under Subsection (2)(b), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.

Amended by Chapter 9, 2025 Special Session 1

76-8-705 Willful interference with lawful activities of students or faculty.

(1)
(a) As used in this section:
(i) "Institution" means the same as that term is defined in Section 53H-1-101.
(ii) "Private postsecondary educational institution" means the same as that term is defined in Section 53H-1-101.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits willful interference with lawful activities of students or faculty if the actor, while on property that is owned, operated, or controlled by an institution or private postsecondary educational institution, willfully:
(a) denies to a student, school official, employee, or invitee lawful:
(i) freedom of movement;
(ii) use of the property or facilities; or
(iii) ingress or egress to the institution or private postsecondary educational institution's physical facilities;
(b) impedes a faculty or staff member of the institution or private postsecondary educational institution in the lawful performance of the member's duties; or
(c) impedes a student of the institution or private postsecondary educational institution in the lawful pursuit of the student's educational activities.
(3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 183, 2026 General Session

Part 8
Sabotage Prevention

76-8-809 Closing or restricting use of highways abutting defense or war facilities -- Posting of notices.

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(1) As used in this section:
(a) "Highway" means a place used for travel to or from property, including a private or public street or way.
(b) "Highway commissioner" means an individual, a board, or other body having authority to restrict or close the highway to public use and travel.
(c) "Public utility" means a system owned or operated for public use, including:
(i) a pipeline system;
(ii) a system for gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, or transportation communication;
(iii) a railroad; or
(iv) an airplane.
(2) An individual, a partnership, an association, a corporation, a municipal corporation, the state, or a political subdivision of the state, may petition the highway commissioner of a city, town, or county to close or restrict travel upon a highway if the individual, partnership, association, corporation, municipal corporation, state, or political subdivision is:
(a) engaged in or preparing to engage in the manufacture, transportation, or storage of a product to be used in the preparation of the United States government or a state government for defense, for war, or in the prosecution of war by the United States government; or
(b)
(i)
(A) manufacturing, transporting, distributing, or storing gas, oil, coal, electricity, or water; or
(B) operating a public utility; and

(ii) believes the gas, oil, electricity, water, or public utility will be endangered if public use and travel is not restricted or prohibited on a highway abutting the property involved in operating the public utility or manufacturing, transporting, distributing, or storing the gas, oil, coal, electricity, or water.

(3) Upon receiving a petition described in Subsection (2), the highway commissioner shall set a day for a public hearing and give notice of the hearing at least seven days before the day on which the hearing will be held, as a class A notice under Section 63G-30-102, for the city, town, or county.

(4)

(a) Subject to Subsection (5), after holding the hearing described in Subsection (3), the highway commissioner may, after determining that public safety and the safety of the property of the petitioner require the closure or restricted use of the highway, issue an order to:

(i) close the highway to all public use and travel; or

(ii) reasonably restrict travel on the highway for the safety of the petitioner's property.

(b) Visible notices at least three inches tall detailing the closure or restriction shall be posted at each end of a highway closed or restricted under this Subsection (4).

(5) A highway commissioner issuing an order under Subsection (4) may issue a permit to a responsible and reputable individual to travel on a closed or restricted highway under conditions set by the highway commissioner.

Amended by Chapter 96, 2024 General Session

Part 9
Syndicalism and Sabotage

76-8-901 Definitions.

As used in this part:

(1) "Criminal syndicalism" means the doctrine that advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution.

(2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction of, real or personal property, of an employer or owner by an individual.

Amended by Chapter 96, 2024 General Session

76-8-902 Advocating criminal syndicalism or sabotage.

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(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits advocating criminal syndicalism or sabotage if the actor:

(a) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of crime, criminal syndicalism, or sabotage;

(b) as a means of accomplishing or effecting industrial or political ends, change, or revolution:

(i) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act;

(ii) prints, publishes, edits, or issues, or knowingly circulates, sells, distributes, or publicly displays a book, pamphlet, paper, handbill, poster, document, or written or printed matter in any form, containing, advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, performing an act of violence, the destruction of or damage to property, the injury to an individual, or the commission of a crime or unlawful act; or

(iii) organizes or becomes a member of, or voluntarily assembles with, a society or assemblage of individuals formed to teach or advocate the doctrine of criminal syndicalism or sabotage, or the necessity, propriety, or expediency of doing an act of violence or the commission of a crime or unlawful act; or

(c) with the intent to exemplify, spread, or teach or suggest criminal syndicalism, attempts to justify sabotage, an act of violence, the destruction of or damage to property, the injury of an individual, or the commission of a crime or unlawful act.

(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-903 Assembling for advocating criminal syndicalism or sabotage.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits assembling for advocating criminal syndicalism or sabotage if the actor, as a means of accomplishing or effecting industrial or political ends, change, or revolution:

(a) assembles with two or more individuals; and

(b) assembles for the purpose of advocating, teaching, or suggesting:

(i) the doctrine of criminal syndicalism; or

(ii) the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act .

(3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-904 Permitting the use of property for assembly advocating criminal syndicalism or sabotage.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.

(2) An actor commits permitting the use of property for assembly advocating criminal syndicalism or sabotage if the actor:

(a) is an owner, lessee, agent, superintendent, or individual in charge or occupation of a place, building, room, or structure; and

(b) knowingly permits assembly or consorting of individuals prohibited under Section 76-8-903.

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

Amended by Chapter 96, 2024 General Session

Part 12
Public Assistance Fraud

76-8-1201 Definitions.

As used in this part:

(1) "Client" means a person who receives or has received public assistance.

(2) "Overpayment" means the same as that term is defined in Section 35A-3-102.

(3) "Provider" means a person or entity that receives compensation from any public assistance program for goods or services provided to a public assistance recipient.

(4) "Public assistance" means the same as that term is defined in Section 35A-1-102.

Amended by Chapter 366, 2024 General Session

76-8-1203 Required disclosures by an applicant, a recipient, or a provider of public assistance.

(1) An individual who is 18 years old or older and applies for public assistance, or who is 18 years old or older and currently receives public assistance, shall disclose to the state agency administering the public assistance each fact that may materially affect the individual's eligibility to receive or continue to receive public assistance, including the individual's current:

(a) marital status;

(b) household composition;

(c) employment;

(d) earned and unearned income, as defined by rule;

(e) receipt of monetary and in-kind gifts that may affect the individual's eligibility;

(f) assets that may affect the individual's eligibility; and

(g) any other material fact or change in circumstance that may affect the determination of the individual's eligibility to receive public assistance benefits, or may affect the amount of benefits for which the individual is eligible.

(2)

(a) Subject to Subsection (2)(b), a provider that solicits, requests, or receives, actually or constructively, a payment or contribution in the form of an assessment, a payment, a gift, a devise, a bequest, or other means, directly or indirectly, from a client or client's family shall:

(i) notify the state agency administering the public assistance to the client of the amount of the payment or contribution the provider received from the client or the client's family; and

(ii) provide the notification to the state agency in writing within 10 days after the day on which the payment or contribution was received.

(b) If the payment or contribution described in Subsection (2)(a) is made under an agreement, written or oral, the provider shall notify the state agency administering the public assistance to the client of the payment or contribution within 10 days after the day on which the provider entered into the agreement.

(3) An actor may be charged under Section 76-8-1203.1, 76-8-1203.3, or 76-8-1203.5 for failing to provide information required under this section.

Amended by Chapter 96, 2024 General Session

76-8-1203.1 Public assistance fraud by an applicant for public assistance.

(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.

(2) An actor commits public assistance fraud by an applicant for public assistance if the actor intentionally, knowingly, or recklessly:

(a) applies for public assistance; and

(b) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1).

(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.3 Public assistance fraud relating to obtaining or using public assistance.
(1)
(a) As used in this section, "SNAP benefit" means the same as that term is defined in Section 35A-1-102.
(b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits public assistance fraud relating to obtaining or using public assistance if the actor:
(a)
(i) except as provided in Subsection (2)(b), is receiving public assistance administered by a state agency; and
(ii) intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance to the actor of a change of a material fact required to be disclosed under Subsection 76-8-1203(1) within 10 days after the day on which the change occurred;
(b)
(i) is receiving public assistance from the Department of Workforce Services or the Department of Health and Human Services; and
(ii) at the time of a review or recertification, whichever comes first, intentionally, knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed under Subsection 76-8-1203(1);
(c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses, transfers, acquires, traffics in, falsifies, or possesses:
(i) SNAP benefits;
(ii) a SNAP benefit identification card;
(iii) a certificate of eligibility for medical services;
(iv) a Medicaid identification card;
(v) a fund transfer instrument;
(vi) a payment instrument; or
(vii) a public assistance warrant;
(d)

(i) is receiving public assistance;
(ii) acquires income or resources in excess of the amount the actor previously reported to the state agency administering the public assistance to the actor; and
(iii) fails to notify the state agency to which the actor previously reported within 10 days after the day on which the actor acquired the excess income or resources;
(e)
(i) is a client or provider;
(ii) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and
(iii)
(A) intends to obtain or help another individual obtain an overpayment; or
(B) obtains an overpayment, unauthorized payment, or benefit; or
(f) receives an unauthorized payment or benefit as a result of unlawful acts described in this section, Section 76-8-1203.1, Section 76-8-1203.5, or Section 76-8-1203.7.
(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.
(7) Incidents of trafficking in SNAP benefits that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Amended by Chapter 340, 2026 General Session

76-8-1203.5 Public assistance fraud by a provider.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits public assistance fraud by a provider if the actor:
(a) is a provider; and
(b) intentionally, knowingly, or recklessly:
(i) receives a payment after failing to comply with the requirements in Subsection 76-8-1203(1) or 76-8-1203(2);
(ii) files a claim for payment under a state or federally funded public assistance program for goods or services not provided to or for a client under that program;
(iii) files or falsifies a claim, report, or document required by a state or federal law, a rule, or a provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;

(iv) fails to credit the state for payments received from other sources;
(v) bills a client, or the client's family, for:
(A) goods or services not provided; or
(B) an amount greater than that allowed by law or rule; or
(vi) fails to comply with the notification requirements under Subsection 76-8-1203(2).
(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) This section does not apply to offenses by providers under the state's Medicaid program that are actionable under Title 26B, Chapter 3, Part 11, Utah False Claims Act.
(7) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.7 Fraudulently misappropriating public assistance funds.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits fraudulently misappropriating public assistance funds if the actor:
(a)
(i) is an administrator of a state or federally funded public assistance program; and
(ii) while performing the actor's duties as an administrator, intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for:
(A) SNAP benefits;
(B) an identification card;
(C) a certificate of eligibility for medical services;
(D) a Medicaid identification card; or
(E) other public assistance the actor has been entrusted with or that has come into the actor's possession as a result of the actor's duties; or
(b)
(i) is an individual entrusted with:
(A) SNAP benefits;
(B) an identification card;
(C) a certificate of eligibility for medical services;
(D) a Medicaid identification card; or
(E) other public assistance with which the individual has been entrusted; and
(ii) intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for a benefit described in Subsection (2)(b)(i) with which the individual has been entrusted.

(3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
(5)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.9 Public assistance fraud by a person facilitating an inaccurate public assistance application.
(1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
(2) An actor commits public assistance fraud by a person facilitating an inaccurate public assistance application if the actor:
(a) assists an applicant with the completion of a public assistance application for the applicant;
(b) knowingly:
(i) includes, or instructs the applicant to include, false information relating to a material fact required to be disclosed in the applicant's application under Subsection 76-8-1203(1); or
(ii) does not disclose, or instructs the applicant to not disclose, a material fact required to be disclosed in the applicant's application under Subsection 76-8-1203(1); and
(c) undertakes the action described in Subsection (2)(b) for the purpose of causing the applicant for whom the application is being completed to receive public assistance to which the actor knows the applicant would otherwise not be entitled.
(3) Subject to Subsection (4), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
(a) a second degree felony if the value is or exceeds $5,000;
(b) a third degree felony if the value is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value is less than $500.
(4)
(a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of a violation of this section committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
(b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
(5) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 340, 2026 General Session

76-8-1207 Evidence in criminal actions for public assistance fraud.

In a criminal action under this part:

(1) a paid state warrant made to the order of an individual or a payment made through an electronic benefit card issued to an individual constitutes prima facie evidence that the individual received financial assistance from the state; and

(2) all of the records in the custody of the state agency administering public assistance relating to the application for, verification of, issuance of, receipt of, and use of public assistance constitute records of regularly conducted activity within the meaning of the exceptions to the hearsay rule of evidence.

Amended by Chapter 96, 2024 General Session

Part 13
Unemployment Insurance Fraud

76-8-1301 False statement to obtain or increase unemployment compensation.

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

(2) An actor commits false statement to obtain or increase unemployment compensation if the actor, to obtain or increase a benefit or other payment under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government:

(a) makes a false statement or representation, knowing the representation is false; or

(b) knowingly fails to disclose a material fact.

(3)

(a) A violation of Subsection (2) is:

(i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;

(ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;

(iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or

(iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.

(b) The determination of the degree of an offense under Subsection (3)(a) is measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

Amended by Chapter 96, 2024 General Session

76-8-1302 False statement to prevent or reduce unemployment compensation or liability.

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

(2) An actor commits false statement to prevent or reduce unemployment compensation or liability if the actor, to prevent or reduce the payment of unemployment compensation benefits to an individual entitled to those benefits, or to avoid becoming or remaining a subject employer, or to avoid or reduce a contribution or other payment required from an employing unit under Title

35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of a state or of the federal government:
(a) makes a false statement or representation, knowing the representation is false; or
(b) knowingly fails to disclose a material fact.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;
(b) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(c) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(d) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.
(4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1303 Unlawful failure to comply with Employment Security Act requirement.
(1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful failure to comply with Employment Security Act requirements if the actor willfully:
(a) fails or refuses:
(i) to make a contribution or other payment required under Title 35A, Chapter 4, Employment Security Act;
(ii) to furnish a report required under Title 35A, Chapter 4, Employment Security Act; or
(iii) to produce or permit the inspection or copying of records required under Title 35A, Chapter 4, Employment Security Act; or
(b) violates a provision of Title 35A, Chapter 4, Employment Security Act, or an order made under that chapter, for which the violation:
(i) is made unlawful or the observance of which is required under the terms of Title 35A, Chapter 4, Employment Security Act;
(ii) does not have a prescribed penalty in Title 35A, Chapter 4, Employment Security Act, or another applicable statute; and
(iii) is for conduct not described in Subsection (2)(a).
(3)
(a) A violation of Subsection (2)(a) is:
(i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than $500;
(ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds $500 but is less than $1,500;
(iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds $1,500 but is less than $5,000; or
(iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds $5,000.
(b) A violation of Subsection (2)(b) is a class A misdemeanor.
(4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1304 Unlawful use or disclosure of employment information.

(1)
(a) As used in this section, "employing unit" means the same as that term is defined in Section 35A-4-202.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) An actor commits unlawful use or disclosure of employment information if the actor:
(a)
(i) is an employee of the Department of Workforce Services; and
(ii) willfully violates Section 35A-4-312 by making a disclosure of information obtained from an employing unit or individual in the administration of Title 35A, Chapter 4, Employment Security Act; or
(b)
(i) obtains a list of applicants for work or of claimants or recipients of benefits under Title 35A, Chapter 4, Employment Security Act; and
(ii) uses or permits the use of the list described in Subsection (2)(b)(i) for a political purpose.

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

Enacted by Chapter 96, 2024 General Session

Part 14
Disruption of School Activities

76-8-1402 Disruption of activity in or near school building.

(1)
(a) As used in this section:
(i)
(A) "Chief administrator" means the principal of a school or the chief administrator of a school that does not have a principal.
(B) "Chief administrator" includes the chief administrator's designee or representative.
(ii) "School" means a public or private kindergarten, elementary, or secondary school through grade 12.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

(2) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (2), an actor commits disruption of activity in or near school building if the actor, while on a street, sidewalk, or public way adjacent to a school building or ground:
(a) materially disrupts the peaceful conduct of school activities by the actor's presence or act; and
(b) remains upon the place under Subsection (2)(a) after being asked to leave by the chief administrator of that school.

(3)
(a) Except as provided under Subsection (4), a first or second violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided under Subsection (4), a third or subsequent violation of Subsection (2) is a class A misdemeanor.

(4) If an actor's conduct violates Subsection (2) and the actor's conduct also amounts to a violation of another offense with a greater penalty, the offense with the greater penalty applies.

Amended by Chapter 96, 2024 General Session

76-8-1403 Unlawful evasion of law enforcement by entering school property-- Restitution.

(1)
(a) As used in this section:
(i) "School" means a public or private kindergarten, elementary, or secondary school through grade 12, including all buildings and property of the school.
(ii) "School property" means real property:
(A) that is owned or occupied by a public or private school; or
(B)
(I) that is temporarily occupied by students for a school-related activity or program; and
(II) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
(b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
(2) An actor commits unlawful evasion of law enforcement by entering school property if the actor enters onto school property when:
(a) students are attending the school or students are participating in any school-related activity or program on school property; and
(b) the actor is in the act of fleeing or evading, or attempting to flee or evade, pursuit or apprehension by a peace officer.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) It is not a defense to a violation of this section that the actor did not know that the actor had entered onto school property.
(5) As a part of the sentence for violation of this section, the court shall order the actor to reimburse the school for costs incurred by the school in responding to the actor's presence on the school property.
(6) The offense under this section is a separate offense from a violation of:
(a) failure to respond to officer's signal to stop under Section 41-6a-210; or
(b) failure to stop at the command of a peace officer under Section 76-8-305.5.

Amended by Chapter 96, 2024 General Session

Chapter 9
Offenses Against Public Order, Health, and Safety

Part 1
Breaches of the Peace and Related Offenses

76-9-101 Riot.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits riot if the actor:

(a) simultaneously with two or more other individuals engages in violent conduct, knowingly or recklessly creating a substantial risk of causing public alarm;
(b) assembles with two or more other individuals with the purpose of engaging, soon thereafter, in violent conduct, knowing, that two or more other individuals in the assembly have the same purpose;
(c) assembles with two or more other individuals with the purpose of committing an offense against a person, or the property of another person who the actor supposes to be guilty of a violation of law, believing that two or more other individuals in the assembly have the same purpose; or
(d) refuses to comply with a lawful order to withdraw prior to, during, or immediately following a violation of Subsection (2)(a), (b), or (c).

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if, in the course of the violation:
(i) the actor causes substantial or serious bodily injury;
(ii) the actor causes substantial property damage or commits arson; or
(iii) the actor was in possession of a dangerous weapon.

(4) It is not a defense to a prosecution under Subsection (2)(d) that in order for an actor to comply with an order to withdraw the actor must enter or cross over private property.
(5) An actor is not criminally or civilly liable for actions that the actor takes that are reasonably necessary to comply with an order to withdraw under Subsection (2)(d).
(6) An actor arrested for a violation of Subsection (2) may not be released from custody before the actor appears before a magistrate or a judge.

Amended by Chapter 173, 2025 General Session

76-9-102 Disorderly conduct.

(1)
(a) As used in this section:
(i) "Official meeting" means:
(A) a meeting, as defined in Section 52-4-103;
(B) a meeting of the Legislature, the Utah Senate, the Utah House of Representatives, a legislative caucus, or any committee, task force, working group, or other organization in the state legislative branch; or
(C) a meeting of an entity created by the Utah Constitution, Utah Code, Utah administrative rule, legislative rule, or a written rule or policy of the Legislative Management Committee.
(ii) "Public place" means a place to which the public or a substantial group of the public has access, including:
(A) streets or highways; and
(B) the common areas of schools, hospitals, apartment houses, office buildings, public buildings, public facilities, transport facilities, and shops.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits disorderly conduct if:
(a) the actor refuses to comply with the lawful order of a law enforcement officer to move from a public place or an official meeting, or knowingly creates a hazardous or physically offensive condition by any act that serves no legitimate purpose; or

(b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating a risk of public inconvenience, annoyance, or alarm, the actor:
(i) engages in fighting or in violent, tumultuous, or threatening behavior;
(ii) makes unreasonable noises in a public place or an official meeting;
(iii) makes unreasonable noises in a private place that can be heard in a public place or an official meeting; or
(iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.

(3)
(a) Except as provided in Subsection (3)(b), (c), or (d), a violation of Subsection (2) is an infraction.
(b) Except as provided in Subsection (3)(c) or (d), a violation of Subsection (2) is a class C misdemeanor if the violation occurs after the actor has been asked to cease conduct prohibited under this section.
(c) Except as provided in Subsection (3)(d), a violation of Subsection (2) is a class B misdemeanor if:
(i) the violation occurs after the actor has been asked to cease conduct prohibited under this section; and
(ii) within five years before the day on which the actor violates this section, the actor was previously convicted of a violation of this section.
(d) A violation of Subsection (2) is a class A misdemeanor if:
(i) the violation occurs after the actor has been asked to cease conduct prohibited under this section; and
(ii) within five years before the day on which the actor violates this section, the actor was previously convicted of two or more violations of this section.

(4)
(a) The mere carrying or possession of a holstered or encased firearm, whether visible or concealed, without additional behavior or circumstances that would cause a reasonable person to believe the holstered or encased firearm was carried or possessed with criminal intent, does not constitute a violation of this section.
(b) Subsection (4)(a) does not limit or prohibit a law enforcement officer from approaching or engaging an individual in a voluntary conversation.

Amended by Chapter 173, 2025 General Session

76-9-102.1 Aggravated disorderly conduct on a street or highway.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated disorderly conduct on a street or highway if the actor:
(a) intentionally, knowingly, or recklessly obstructs vehicular or pedestrian traffic on a street or highway with:
(i) a speed limit of 40 miles per hour or more; or
(ii) at least two lanes in the same direction of travel; and
(b) refuses to comply with the lawful order of a law enforcement officer to move from the street or highway.

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

(b) A violation of Subsection (2) is a class A misdemeanor if within one year before the day on which the actor violates this section, the actor was previously convicted of a violation of Subsection (2).

Enacted by Chapter 195, 2025 General Session

76-9-103 Disrupting a meeting or procession.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disrupting a meeting or procession if the actor:
(a) obstructs or interferes with a lawful meeting, procession, or gathering by physical action, verbal utterance, or any other means; and
(b) intends the obstruction or disruption described in Subsection (2)(a) to prevent or disrupt the meeting, procession, or gathering.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-9-104 Failure to disperse.

(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits failure to disperse if the actor:
(a) is at the scene of a riot, disorderly conduct, or an unlawful assembly; and
(b) remains at the scene of the riot, disorderly conduct, or unlawful assembly after having been ordered to disperse by a peace officer.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) This section does not apply to an actor who attempts to leave the scene of a riot, disorderly conduct, or unlawful assembly but is unsuccessful in leaving the scene.

Amended by Chapter 173, 2025 General Session

76-9-105 Making a false alarm.

(1)
(a) As used in this section, "weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits making a false alarm if the actor:
(a) initiates or circulates a report or warning of a fire, impending bombing, or other crime or catastrophe; and
(b) knows that that the report or warning described in Subsection (2)(a) is:
(i) false or baseless;
(ii) is likely to cause the evacuation of a building, place of assembly, or facility of public transport; and
(iii) likely to cause public inconvenience or alarm or action of any sort by an official or volunteer agency organized to deal with emergencies.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third degree felony if:

(i) the actor makes a false alarm alleging an ongoing act or event, or an imminent threat; and
(ii) the false alarm causes or threatens to cause bodily harm, serious bodily injury, or death to another individual.
(c) A violation of Subsection (2) is a second degree felony if the false alarm is regarding a weapon of mass destruction.
(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a felony violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the court finds the reimbursement would be inappropriate.

Amended by Chapter 173, 2025 General Session

76-9-105.5 Emergency reporting abuse.
(1)
(a) As used in this section:
(i) "Emergency" means a situation in which property or human life is in jeopardy and the prompt summoning of aid is essential to the preservation of human life or property.
(ii) "Weapon of mass destruction" means the same as that term is defined in Section 76-15-301.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits emergency reporting abuse if the actor:
(a) reports an emergency or causes an emergency to be reported, through any means, to a public, private, or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when the actor knows the reported emergency does not exist;
(b) makes a false report, or intentionally aids, abets, or causes another person to make a false report, through any means to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, if the false report claims that:
(i) an emergency exists or will exist;
(ii) the emergency described in Subsection (2)(b)(i) involves an imminent or future threat of serious bodily injury, serious physical injury, or death; and
(iii) the emergency described in Subsection (2)(b)(i) is occurring, or will occur, at a specified location;
(c) makes a false report after having previously made a false report, or intentionally aids, abets, or causes a third party to make a false report, to an emergency response service, including a law enforcement dispatcher or a 911 emergency response service, alleging a violation of Section 63G-31-302 regarding a sex-designated changing room; or
(d)
(i) under circumstances not amounting to an offense described in Subsection (2)(a) or (b), contacts, through any means, a 911 emergency response service, when the actor knows, or reasonably should know, that no actual or perceived emergency, crime, or other circumstance jeopardizing public safety exists; and
(ii) has previously been informed by a 911 response service dispatcher, a law enforcement officer, or a prosecuting attorney that the circumstance the actor is reporting to a 911 emergency response service, or a substantially similar circumstance, is not a circumstance that is appropriate for being reported to a 911 emergency response service.
(3)

(a) Except as provided in Subsection (3)(b), (f), or (g), a violation of Subsection (2)(a) is a class B misdemeanor.
(b) A violation of Subsection (2)(a) is a second degree felony if the report is regarding a weapon of mass destruction.
(c) A violation of Subsection (2)(b) is a second degree felony.
(d) A violation of Subsection (2)(c) is a class B misdemeanor.
(e) Except as provided in Subsection (3)(f) or (g), a violation of Subsection (2)(d) is a class B misdemeanor.
(f) Except as provided in Subsection (3)(b) or (g), a violation of Subsection (2)(a) or (d) is a class A misdemeanor if:
(i) the violation is the actor's third or subsequent conviction or adjudication under Subsection (2)(a), (b), or (d); or
(ii)
(A) the actor was reckless as to whether the actor's violation could jeopardize the safety of any individual; and
(B) the actor's violation causes an emergency response, or a delay of an emergency response to another request for emergency services, that results in serious bodily injury to an individual or pecuniary loss equal to, or in excess of, $5,000 in value.
(g) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) or (d) is a third degree felony if:
(i) the actor was reckless as to whether the actor's violation could jeopardize the safety of any individual; and
(ii) the actor's violation causes an emergency response, or a delay of an emergency response to another request for emergency services, that results in the death of any individual.
(4)
(a) In addition to another penalty authorized by law, a court shall order an actor convicted of a violation of this section to:
(i) reimburse a federal, state, or local unit of government, or a private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation; and
(ii)
(A) serve a minimum of four days of incarceration; or
(B) perform a minimum of 40 hours of community service.
(b) The court may order that the actor pay less than the full amount of the costs described in Subsection (4)(a)(i) only if the court states on the record the reasons why the reimbursement would be inappropriate.

Amended by Chapter 453, 2026 General Session

76-9-105.6 Prohibited use of a party line or public pay telephone in an emergency.
(1)
(a) As used in this section:
(i) "Emergency" means the same as that term is defined in Section 76-9-105.5.
(ii) "Party line" means a subscriber's line or telephone circuit:
(A) that consists of two or more connected main telephone stations; and
(B) where each telephone station has a distinctive ring or telephone number.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits prohibited use of a party line or public pay telephone in an emergency if the actor:

(a) intentionally refuses to yield or surrender the use of a party line or a public pay telephone to another individual upon being informed that the party line or public pay telephone is needed to report a fire or summon police, medical, or other aid in case of an emergency; or
(b) asks for or requests the use of a party line or a public pay telephone on the pretext that an emergency exists, knowing that no emergency exists.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) Subsection (2)(a) does not apply if the actor refuses to yield or surrender the use of the party line or public pay telephone because the actor is using the party line or public pay telephone to report an emergency.
(5)
(a) In addition to another penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse a federal, state, or local unit of government, or a private business, organization, individual, or entity for all expenses and losses incurred in responding to the violation.
(b) The court may order that the actor pay less than the full amount of the costs described in Subsection (5)(a) only if the court states on the record the reasons why the full reimbursement would be inappropriate.

Amended by Chapter 453, 2026 General Session

76-9-106 Disrupting the operation of a school.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disrupting the operation of a school if the actor:
(a) is on the property of a private or public school, including property being used by the school for a school function;
(b) has the purpose of encouraging or creating an unreasonable and substantial disruption or risk of disruption of a class, activity, program, or other function of the school; and
(c) remains on the property after being requested to leave by a school official.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-9-107 Unauthorized entry onto a school bus.
(1)
(a) As used in this section:
(i) "Driver" means the driver of a school bus.
(ii) "School bus" means a publicly or privately owned motor vehicle designed for transporting 10 or more passengers and operated for the transportation of children to or from school or school activities.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits unauthorized entry onto a school bus if the actor:
(a) enters a school bus with the intent to commit a criminal offense;
(b) enters a school bus and disrupts or interferes with the driver; or
(c) enters a school bus and refuses to leave the school bus after being ordered to leave by the driver and the actor:
(i) causes or attempts to cause a disruption or an annoyance to any passenger on the school bus; or

(ii) is reckless as to whether the actor's presence or behavior will cause fear to a passenger on the school bus.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2)(c) does not apply:
(a) if the actor is a peace officer acting within the scope of the peace officer's authority; or
(b) the actor is authorized by the school district to board the school bus as:
(i) a student;
(ii) an individual employed by the school district; or
(iii) a volunteer participant in a school activity.
(5) Each school district shall ensure that clearly legible signs warning that unauthorized entry onto a school bus is a violation of the law are placed on each school bus and next to each entrance to the bus.

Amended by Chapter 173, 2025 General Session

76-9-108 Disrupting a funeral or memorial service.
(1)
(a) As used in this section:
(i) "Funeral procession" means a procession of two or more motor vehicles where:
(A) the operators of the vehicles identify themselves as being part of the procession by having the lamps or lights of the vehicle on and by keeping in close formation with the other vehicles in the procession;
(B) at least one vehicle contains the body or remains of a deceased person being memorialized; and
(C) the vehicles are going to or from a memorial service.
(ii) "Memorial service" means a wake, funeral, graveside service, burial, or other ceremony or rite held in connection with the burial or cremation of an individual.
(iii) "Memorial site" means a church, synagogue, mosque, funeral home, mortuary, cemetery, grave site, mausoleum, or other place at which a memorial service is conducted.
(iv) "Disruptive activity" means:
(A) a loud or disruptive oration or speech that is not part of the memorial service;
(B) the display of a placard, banner, poster, flag, or other item that is not part of the memorial service; or
(C) the distribution of any handbill, pamphlet, leaflet, or other written material or other item that is not part of the memorial service.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits disrupting a funeral or memorial service if the actor:
(a) intends to disrupt a memorial service; and
(b) does any of the following during the period beginning 60 minutes immediately before the scheduled commencement of the memorial service and ending 60 minutes after the conclusion of the memorial service:
(i) obstructs, hinders, impedes, or blocks another individual's entry to or exit from the memorial site;
(ii) obstructs, hinders, impedes, or blocks a funeral procession;
(iii) makes unreasonable noise; or
(iv) engages in a disruptive activity within 200 feet of the memorial service.
(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 173, 2025 General Session

76-9-109 Targeted residential picketing.

(1)
(a) As used in this section:
(i) "Picketing" means the stationing or posting of one or more individuals to apprise the public, vocally or by standing or marching with signs, banners, sound amplification devices, or other means, of an opinion or a message.
(ii) "Residence" means any single-family, duplex, or multi-family dwelling unit that is not being used as a targeted occupant's sole place of business or as a place of public meeting.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits targeted residential picketing if:
(a)
(i) the actor engages in picketing, with or without signs, specifically directed or focused toward a residence, or one or more occupants of the residence; and
(ii) the actor's conduct described in Subsection (2)(a)(i) takes place:
(A) on a portion of a sidewalk or street in front of the residence, in front of an adjoining residence, or on either side of the targeted residence; or
(B) within 100 feet of the property line of the targeted residence; or
(b)
(i) the actor publishes, posts, disseminates, or discloses another individual's residential address, or other information identifying the specific location of the individual's residence; and
(ii) the actor intends to cause another individual to engage in the conduct described in Subsection (2)(a) directed or focused toward the individual's residence.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to:
(a) an actor picketing at the actor's own residence;
(b) the picketing of a meeting place or assembly area commonly used to discuss subjects of general public interest; or
(c) general picketing that proceeds through residential neighborhoods or that proceeds past residences.

Amended by Chapter 173, 2025 General Session

76-9-110 Public intoxication.

(1)
(a) As used in this section, "minor" means an individual who is younger than 21 years old.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits public intoxication if the actor:
(a)
(i) is in a public place; or
(ii) in a private place where the actor could unreasonably disturb other individuals;
(b) is under the influence of alcohol, a controlled substance, or any substance having the property of releasing toxic vapors; and
(c) is under the influence to a degree that it may endanger the actor or another individual.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4)

(a) A peace officer or a magistrate may release an actor from custody arrested under this section if the peace officer or magistrate believes incarceration is unnecessary for the protection of the actor or another individual.

(b) A peace officer may take the actor to a detoxification center or other special facility as an alternative to incarceration or release from custody.

(5)

(a) If a minor is found by a court to have committed a violation of Subsection (2) and the violation is the minor's first violation of Subsection (2), the court may:

(i) order the minor to complete a screening as defined in Section 41-6a-501;

(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and

(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(b) If a minor is found by a court to have violated Subsection (2) and the violation is the minor's second or subsequent violation of Subsection (2), the court shall:

(i) order the minor to complete a screening as defined in Section 41-6a-501;

(ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the screening indicates an assessment to be appropriate; and

(iii) order the minor to complete an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment.

(6)

(a) When a minor who is at least 18 years old, but younger than 21 years old, is found by a court to have violated Subsection (2), the court shall suspend the minor's driving privileges under Section 53-3-219.

(b) Notwithstanding the requirement in Subsection (6)(a), the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's first violation of Subsection (2); and

(ii)

(A) the minor completes an educational series as defined in Section 41-6a-501; or

(B) the minor demonstrates substantial progress in substance use disorder treatment.

(c) Notwithstanding the requirement in Subsection (6)(a) and in accordance with the requirements of Section 53-3-219, the court may reduce the suspension period required under Section 53-3-219 if:

(i) the violation is the minor's second or subsequent violation of Subsection (2);

(ii) the minor has completed an educational series as defined in Section 41-6a-501 or demonstrated substantial progress in substance use disorder treatment; and

(iii)

(A) the minor is 18 years old or older and provides a sworn statement to the court that the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (6)(a); or

(B) the minor is under 18 years old and has the minor's parent or legal guardian provide an affidavit or sworn statement to the court certifying that to the parent or legal guardian's knowledge the minor has not unlawfully consumed alcohol or drugs for at least a one-year consecutive period during the suspension period imposed under Subsection (6)(a).

(7) When a minor who is younger than 18 years old is found by a court to have violated Subsection (2), the provisions regarding suspension of the driver's license under Section 80-6-707 apply to the violation.

(8) Notwithstanding Subsections (5)(a) and (b), if a minor is adjudicated under Section 80-6-701, the court may only order substance use disorder treatment or an educational series if the minor has an assessed need for the intervention based on the results of a validated assessment.
(9) When the court issues an order suspending an actor's driving privileges for a violation of Subsection (2), the actor's driver license shall be suspended under Section 53-3-219.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-111 Public urination.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits public urination if the actor urinates or defecates:
  (a) in a public place, other than a public rest room; and
  (b) under circumstances which the actor should know will likely cause affront or alarm to another individual.
(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-112 Participation in an ultimate fighting match.
(1) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits participation in an ultimate fighting match if the actor publicizes, promotes, conducts, or engages in a live fighting match in which:
  (a) an admission fee is charged;
  (b) match rules permit professional contestants to use a combination of boxing, kicking, wrestling, hitting, punching, or other combative, contact techniques; and
  (c) match rules do not:
    (i) incorporate a formalized system of combative techniques against which a contestant's performance is judged to determine the prevailing contestant;
    (ii) divide a match into two or more equal and specified time periods for a match total of no more than 50 minutes; or
    (iii) prohibit contestants from:
      (A) using anything that is not part of the human body, except for boxing gloves, to intentionally inflict serious bodily injury upon an opponent through direct contact or the expulsion of a projectile;
      (B) striking an individual who demonstrates an inability to protect the individual's self from the advances of an opponent;
      (C) biting; or
      (D) using direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the neck, or temple area of the head.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-113 Commercial obstruction.
(1)
  (a) As used in this section:
    (i)

(A) "Building" means a watercraft, aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight accommodations of individuals or for carrying on business and includes:
(I) each separately secured or occupied portion of the building or vehicle; and
(II) each structure appurtenant or connected to the building or vehicle.
(B) "Building" includes the commonly accepted meaning of building.
(ii) "Business" means a retail business dealing in tangible personal property.
(iii) "Enter" means:
(A) an intrusion of any part of the body; or
(B) the intrusion of any physical object under the control of the actor.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits commercial obstruction if the actor:
(a) enters or remains unlawfully on the premises of or in a building of any business; and
(b) intends to interfere with the employees, customers, personnel, or operations of the business.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) This section does not apply to:
(a) an action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.; or
(b) an individual's exercise of the rights under the First Amendment to the Constitution of the United States or under Utah Constitution, Article I, Section 15.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-114 Aggravated commercial obstruction.
(1)
(a) As used in this section:
(i) "Building" means the same as that term is defined in Section 76-9-113.
(ii) "Business" means the same as that term is defined in Section 76-9-113.
(iii) "Enter" means the same as that term is defined in Section 76-9-113.
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits aggravated commercial obstruction if the actor:
(a) enters or remains unlawfully on the premises or in a building of any business;
(b) intends to interfere with the employees, customers, personnel, or operations of the business; and
(c) intends to:
(i) obtain unauthorized control over any merchandise, property, records, data, or proprietary information of the business;
(ii) alter, eradicate, or remove any merchandise, records, data, or proprietary information of the business;
(iii) damage, deface, or destroy any property on the premises of the business;
(iv) commit an assault on any person; or
(v) commit any other felony.
(3) A violation of Subsection (2) is a second degree felony.
(4) This section does not apply to:
(a) an action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq., or the Federal Railway Labor Act, 45 U.S.C. Sec. 151 et seq; or
(b) an individual's exercise of the rights under the First Amendment to the Constitution of the United States or under Utah Constitution, Article I, Section 15.

Enacted by Chapter 173, 2025 General Session

76-9-115 Intentional concealment of identity while committing an offense in public.

(1)
(a) As used in this section, "public place" means a place to which the public or a substantial group of the public has access, including:
(i) a street or highway; and
(ii) the common areas of a school, hospital, apartment house, office building, public building, public facility, transport facility, and a retail establishment.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits intentional concealment of identity while committing an offense in public if the actor intentionally or knowingly:
(a) wears a mask or other facial obscurant or disguise with the intent to conceal the actor's identity from law enforcement or other government officials;
(b) is in a public place; and
(c) while wearing the mask or other facial obscurant or disguise, is:
(i) committing, or attempting to commit, a local, state, or federal criminal offense; or
(ii) congregating with other individuals who the actor knows are committing, or attempting to commit, a local, state, or federal criminal offense.

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

Enacted by Chapter 368, 2026 General Session

76-9-116 Unlawful deprivation of religious rights.

(1)
(a) As used in this section, "house of worship" means the same as that term is defined in Section 76-11-201.
(b) Terms defined in Section 76-1-101.5 apply to this section.

(2) An actor commits unlawful deprivation of religious rights if the actor:
(a) in concert with two or more individuals, intentionally or knowingly deprives another individual of the right to enter or exit a house of worship; and
(b) the act described in Subsection (2)(a) is done with the purpose of preventing the individual from exercising the individual's religious liberty rights protected under the First Amendment to the United States Constitution or under Utah Constitution, Article I, Sections 1 and 4.

(3) A violation of Subsection (2) is a third degree felony.

(4)
(a) An individual, or the heirs of a deceased individual, who has been injured by a violation of Subsection (2) may bring an action against the actor who committed the violation.
(b) If, in the action described in Subsection (4)(a), the court finds by a preponderance of the evidence that the defendant has committed a violation of Subsection (2) and that the plaintiff was injured by the actor's violation of Subsection (2), the court shall, subject to Subsection (4)(c)(ii), award the plaintiff:
(i) reasonable attorney fees; and
(ii)
(A) compensatory damages; or
(B) statutory damages of $2,000, whichever is greater.
(c)

(i) If an actor at a criminal trial is found not guilty of violating Subsection (2), the not guilty verdict does not preclude a court from finding that the actor is liable under Subsection (4)(b).
(ii) If restitution is ordered in the criminal action, the amount ordered shall be deducted from any damages awarded under Subsection (4)(b)(ii).
(5) This section does not apply to an individual's exercise of the individual's rights under the First Amendment to the United States Constitution or under Utah Constitution, Article I, Section 15.

Enacted by Chapter 368, 2026 General Session

Part 6
Offenses Concerning the Military.

76-9-602 False representation of the military.

(1)
(a) As used in this section:
(i) "Military related organization" means a public or private society, order, or organization that:
(A) only accepts as a member, an individual, or the relative of an individual, who is:
(I) a member of the military; or
(II) an honorably discharged member of the military; and
(B) is organized for the purpose of:
(I) recognizing or honoring an individual for military service;
(II) assisting an individual described in Subsection (1)(a)(i) to lawfully associate with, or provide service with, other individuals described in Subsection (1)(a)(i); or
(III) provide support for, or assistance to, an individual described in Subsection (1)(a)(i).
(ii) "Service medal" means:
(A) a congressional medal of honor, as defined in 18 U.S.C. 704(c)(2);
(B) a distinguished service cross, as defined in 10 U.S.C 3742;
(C) a Navy cross, as defined in 10 U.S.C. 6242;
(D) an Air Force cross, as defined in 10 U.S.C. 8742;
(E) a silver star, as defined in 10 U.S.C. 3746, 6244, or 8746;
(F) a bronze star, as defined in 10 U.S.C. 1133;
(G) a purple heart, as defined in 10 U.S.C. 1129;
(H) any decoration or medal authorized by the Congress of the United States for the armed forces of the United States;
(I) any service medal or badge awarded to members of the armed forces of the United States;
(J) any of the following Utah National Guard medals or ribbons:
(I) medal of valor;
(II) Utah cross;
(III) joint medal of merit;
(IV) Utah medal of merit;
(V) joint commendation medal;
(VI) commendation medal;
(VII) achievement ribbon;
(VIII) joint staff service ribbon;
(IX) state partnership service ribbon;
(X) service ribbon;

(XI) military funeral honors service ribbon;
(XII) emergency service ribbon; or
(XIII) recruiting ribbon;
(K) any ribbon, button, or rosette for a decoration, medal, or badge described in Subsections (1)(a)(ii)(A) through (J); or
(L) an imitation of a decoration, medal, badge, ribbon, button, or rosette described in Subsections (1)(a)(ii)(A) through (K).
(b) Terms defined in Section 76-1-101.5 apply to this section.
(2) An actor commits false representation of the military if the actor:
(a) intentionally makes a false representation, verbally or in writing, that the actor has been awarded a service medal;
(b)
(i) purchases, attempts to purchase, solicits for purchase, mails, ships, imports, exports, produces blank certificates of receipt for, manufactures, sells, attempts to sell, advertises for sale, trades, barters, or exchanges for anything of value a service medal, or a colorable imitation of a service medal; and
(ii) intends to defraud another individual or to falsely represent that the actor or another individual has been awarded a service medal;
(c) wears or uses a service medal of a military related organization:
(i) that the actor is not entitled to wear or use; and
(ii) with the intention to defraud another individual or to falsely represent that the actor or another individual has been awarded the service medal; or
(d) uses the name, an officer title, an insignia, a ritual, or a ceremony of a military related organization:
(i) that the actor is not entitled to use; and
(ii) with the intention to defraud or falsely represent that the actor or another individual was or is a member, representative, or officer of the military related organization.
(3) A violation of Subsection (2) is an infraction.
(4) Subsection (2)(b) does not apply if the actor is authorized under a federal law or a federal regulation to undertake the conduct described.

Renumbered and Amended by Chapter 173, 2025 General Session

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 individuals, whether operated formally or informally:
(a) that is currently in operation;
(b) that has as one of the organization's, association's, or group's primary activities the commission of a criminal offense;
(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) "Gang loitering" means an individual remains in one place under circumstances that would cause a reasonable person to believe that the purpose or effect of that behavior is to enable or facilitate a criminal street gang to:
(a) establish control over one or more identifiable areas;
(b) intimidate other individuals from entering those areas; or
(c) conceal illegal activities.
(3) "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.
(4) "Minor" means an individual younger than 18 years old.
(5) "Pattern of criminal gang activity" means:
(a) committing, attempting to commit, conspiring to commit, or soliciting the commission of two or more criminal offenses within five years;
(b) the criminal offenses are:
(i) committed by two or more individuals; or
(ii) committed by an individual at the direction of, or in association with, a criminal street gang; and
(c) the criminal offenses were committed with the specific intent to promote, further, or assist in any criminal conduct by members of the criminal street gang.
(6)
(a) "Public place" means any location or structure that the public or a substantial group of the public has access to.
(b) "Public place" includes:
(i) a sidewalk, street, or highway;
(ii) a public park, public recreation facility, or any other area open to the public;
(iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or playhouse;
(iv) a parking lot or structure adjacent to a shopping mall, sports facility, stadium, arena, theater, movie house, or playhouse;
(v) a common area of a school, hospital, apartment building, office building, transport facility, or a business; and
(vi) a lobby, hallway, elevator, restaurant or other dining area, or restroom of a location or structure described in Subsections (6)(b)(i) through (v).

Amended by Chapter 173, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-9-803 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 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 violation of Subsection (2) is:
(a) a class A misdemeanor if the actor is a minor; or
(b) 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 did not join the criminal street gang.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 178, 2025 General Session
Amended by Chapter 510, 2025 General Session

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 violation of Subsection (2) is:
  (a) a third degree felony if the actor is a minor; or
  (b) 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 did not join the criminal street gang.

Enacted by Chapter 178, 2025 General Session

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 violation of Subsection (2) is:
  (a) a class A misdemeanor if the actor is a minor; or
  (b) 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.

Enacted by Chapter 178, 2025 General Session

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 emotional distress to any individual.
(3) A violation of Subsection (2) is:
  (a) a third degree felony if the actor is a minor; or
  (b) 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.

Enacted by Chapter 178, 2025 General Session

76-9-804 Possession of a dangerous weapon by a convicted criminal gang offender.

(1)
  (a) As used in this section, "dangerous weapon" means the same as that term is defined in Sections 76-1-101.5 and 76-11-101.
  (b) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits possession of a dangerous weapon by a convicted criminal gang offender if:
  (a) the actor possess a dangerous weapon, ammunition, or a facsimile of a firearm; and
  (b) the actor's possession described in Subsection (2)(a) occurs within five years after the day on which the actor was convicted of an offense that was enhanced under Section 76-3-203.1.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 173, 2025 General Session
Amended by Chapter 208, 2025 General Session

76-9-805 Failure to disperse.

(1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.
(2) An actor commits failure to disperse if the actor:
  (a) is in a place designated as an area where gang loitering is prohibited under Section 11-48-104;
  (b) is ordered by a law enforcement officer under Section 53-25-602 to disperse from within sight and hearing of the location described in Subsection (2)(a); and
  (c)
    (i) fails to disperse as ordered in Subsection (2)(b); or
    (ii) disperses and then returns to the location within the next eight hours after receiving the order to disperse under Subsection (2)(b).
(3)
  (a) Subject to Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
  (b) In addition to the punishment described in Subsection (3)(a), a subsequent violation of Subsection (2) is subject to a fine of not less than $100.
(4) A court may sentence an actor under Subsection (3)(b) with a lesser punishment if the court, on the record, finds that mitigating circumstances justify the lesser punishment.
(5) This section does not affect or limit an actor's constitutional right to engage in collective advocacy activities that are protected by the constitution or laws of this state or by the constitution or laws of the United States.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 11
Cigarettes, Tobacco, and Psychotoxic Chemical Solvents

76-9-1101 Definitions.

As used in this part:

(1)
(a) "Alternative nicotine product" means a product, other than a cigarette, a counterfeit cigarette, an electronic cigarette product, a nontherapeutic nicotine product, or a tobacco product, that:
(i) contains nicotine;
(ii) is intended for human consumption;
(iii) is not purchased with a prescription from a licensed physician; and
(iv) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.
(b) "Alternative nicotine product" includes:
(i) pure nicotine;
(ii) snortable nicotine;
(iii) dissolvable salts, orbs, pellets, sticks, or strips; and
(iv) nicotine-laced food and beverage.
(c) "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that contains naturally occurring nicotine.

(2) "Cigar" means a product that contains nicotine, is intended to be burned under ordinary conditions of use, and consists of any roll of tobacco wrapped in leaf tobacco, or in any substance containing tobacco, other than any roll of tobacco that is a cigarette.

(3) "Cigarette" means a product that contains nicotine, is intended to be heated or burned under ordinary conditions of use, and consists of:
(a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or
(b) any roll of tobacco wrapped in any substance containing tobacco which, because of its appearance, the type of tobacco used in the filler, or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette described in Subsection (4)(a).

(4)
(a) "Electronic cigarette" means:
(i) an electronic oral device:
(A) that provides an aerosol or a vapor of nicotine or other substance; and
(B) that simulates smoking through the use or inhalation of the device;
(ii) a component of the device described in Subsection (4)(a)(i); or
(iii) an accessory sold in the same package as the device described in Subsection (4)(a)(i).
(b) "Electronic cigarette" includes an oral device that is:
(i) composed of a heating element, battery, or electronic circuit; and
(ii) marketed, manufactured, distributed, or sold as:
(A) an e-cigarette;
(B) an e-cigar;
(C) an e-pipe; or
(D) any other product name or descriptor, if the function of the product meets the definition of Subsection (4)(a).
(c) "Electronic cigarette" does not mean a medical cannabis device, as that term is defined in Section 26B-4-201.

(5)
(a) "Electronic cigarette product" means an electronic cigarette, an electronic cigarette substance, or a prefilled electronic cigarette.
(b) "Electronic cigarette product" includes a non-nicotine inhalation product and a non-nicotine inhalation substance.

(6) "Electronic cigarette substance" means any substance containing nicotine that is used or intended for use in an electronic cigarette.

(7)

(a) "Flavored electronic cigarette product" means an electronic cigarette product that has a taste or smell that is distinguishable by an ordinary consumer either before or during use or consumption of the electronic cigarette product.

(b) "Flavored electronic cigarette product" includes an electronic cigarette product that is labeled as, or has a taste or smell of any fruit, chocolate, vanilla, honey, candy, cocoa, dessert, alcoholic beverage, herb, spice, or mint.

(c) "Flavored electronic cigarette product" does not include an electronic cigarette product that has a taste or smell of only tobacco or menthol.

(8) "Nicotine" means:

(a) a poisonous, nitrogen containing chemical that is made synthetically or derived from tobacco or other plants; or

(b) a nicotine analog.

(9) "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine product.

(10)

(a) "Non-nicotine inhalation product" means a product that:

(i) is a manufacturer sealed prefilled electronic cigarette that the manufacturer does not intend for a consumer to open;

(ii) contains a substance other than nicotine;

(iii) is designed specifically to be used with an electronic cigarette to produce an aerosol or vapor of the substance described in Subsection (10)(a)(ii);

(iv) does not contain a cannabinoid; and

(v) does not contain nicotine.

(b) "Non-nicotine inhalation product" includes a product that contains a vitamin, mineral, dietary supplement, or an alkaloid.

(c) "Non-nicotine inhalation product" does not include:

(i) a product that the manufacturer did not design to be placed directly on an individual's mouth to simulate smoking; or

(ii) a medical cannabis device, as that term is defined in Section 26B-4-201.

(11) "Non-nicotine inhalation substance" means any substance not containing nicotine or a cannabinoid that is used or intended for use in an electronic cigarette.

(12)

(a) "Nontherapeutic nicotine device" means a device that:

(i) has a pressurized canister that is used to administer nicotine to the user through inhalation or intranasally;

(ii) is not purchased with a prescription from a licensed physician; and

(iii) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(b) "Nontherapeutic nicotine device" includes a nontherapeutic nicotine inhaler or a nontherapeutic nicotine nasal spray.

(13) "Nontherapeutic nicotine device substance" means a substance that:

(a) contains nicotine;

(b) is sold in a cartridge for use in a nontherapeutic nicotine device;

(c) is not purchased with a prescription from a licensed physician; and

(d) is not approved by the United States Food and Drug Administration as nicotine replacement therapy.

(14) "Nontherapeutic nicotine product" means a nontherapeutic nicotine device, a nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine device.
(15) "Place of business" includes:
(a) a shop;
(b) a store;
(c) a factory;
(d) a public garage;
(e) an office;
(f) a theater;
(g) a recreation hall;
(h) a dance hall;
(i) a poolroom;
(j) a cafe;
(k) a cafeteria;
(l) a cabaret;
(m) a restaurant;
(n) a hotel;
(o) a lodging house;
(p) a streetcar;
(q) a bus;
(r) an interurban or railway passenger coach;
(s) a waiting room; and
(t) any other place of business.
(16) "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with an electronic cigarette substance.
(17) "Prefilled nontherapeutic nicotine device" means a nontherapeutic nicotine device that is sold prefilled with a nontherapeutic nicotine device substance.
(18) "Premarket authorized or pending electronic cigarette product" means an electronic cigarette product that:
(a)
(i) has been approved by an order granting a premarket tobacco product application of the electronic cigarette product by the United States Food and Drug Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
(ii)
(A) was marketed in the United States on or before August 8, 2016;
(B) the manufacturer submitted a premarket tobacco product application for the electronic cigarette product to the United States Food and Drug Administration under 21 U.S.C. Sec. 387j on or before September 9, 2020; and
(C) has an application described in Subsection (18)(a)(ii) that either remains under review by the United States Food and Drug Administration or a final decision on the application has not taken effect; and
(b) does not exceed:
(i) 4.0% nicotine by weight per container; or
(ii) a nicotine concentration of 40 milligrams per milliliter.
(19) "Retail tobacco specialty business" means the same as that term is defined in Section 26B-7-501.
(20) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted smoking equipment.

(21)
(a) "Tobacco paraphernalia" means equipment, product, or material of any kind that is used, intended for use, or designed for use to package, repackage, store, contain, conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic cigarette substance, or a nontherapeutic nicotine device substance into the human body.
(b) "Tobacco paraphernalia" includes:
(i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
(ii) water pipes;
(iii) carburetion tubes and devices;
(iv) smoking and carburetion masks;
(v) roach clips, meaning objects used to hold burning material, such as a cigarette, that has become too small or too short to be held in the hand;
(vi) chamber pipes;
(vii) carburetor pipes;
(viii) electric pipes;
(ix) air-driven pipes;
(x) chillums;
(xi) bongs; and
(xii) ice pipes or chillers.
(c) "Tobacco paraphernalia" does not include matches or lighters.
(22) "Tobacco product" means:
(a) a cigar;
(b) a cigarette; or
(c) tobacco in any form, including:
(i) chewing tobacco; and
(ii) any substitute for tobacco, including flavoring or additives to tobacco.
(23) "Tobacco retailer" means:
(a) a general tobacco retailer, as that term is defined in Section 26B-7-501; or
(b) a retail tobacco specialty business.

Amended by Chapter 308, 2026 General Session

76-9-1102 Cigarette, electronic cigarette, nicotine product, or tobacco advertising violation.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits cigarette or tobacco advertising violation if the actor displays on a billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of display, an advertisement of cigarettes, electronic cigarette products, cigarette papers, cigars, chewing tobacco, nicotine products, or smoking tobacco or any disguise or substitute of cigarettes, cigarette papers, tobacco, or cigars.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4)
(a) A dealer of cigarettes, electronic cigarette products, cigarette papers, tobacco, cigars, nicotine products, or a substitute for cigarettes, cigarette papers, tobacco, or cigars may have a sign on the front of the dealer's place of business stating that the dealer is a dealer of cigarettes, electronic cigarette products, cigarette papers, tobacco, cigars, nicotine products, or a substitute for cigarettes, cigarette papers, tobacco, or cigars.

(b) This section does not prohibit the advertisement of an item listed in Subsection (4)(a) in a newspaper, magazine or periodical printed or circulating in this state.

Amended by Chapter 420, 2026 General Session

76-9-1103 Permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) An actor commits permitting a minor to use a tobacco product, electronic cigarette product, or nicotine product in a place of business if the actor:

(a) is a proprietor of a place of business; and

(b) knowingly permits an individual under 21 years old to frequent the actor's place of business while the individual is using a tobacco product, an electronic cigarette product, or a nicotine product.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1104 Providing a cigar, a cigarette, an electronic cigarette product, a nicotine product, or tobacco to a minor.

(1)

(a) As used in this section, "provides":

(i) includes selling, giving, furnishing, sending, or causing to be sent; and

(ii) does not include the acts:

(A) of the United States Postal Service or other common carrier when engaged in the business of transporting and delivering packages for others; or

(B) of a person, whether compensated or not, who transports or delivers a package for another person without any reason to know of the package's content.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits providing a cigar, cigarette, electronic cigarette product, nicotine product, or tobacco to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provides a tobacco product, an electronic cigarette product, or a nicotine product to an individual who is under 21 years old.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense;

(b) a class B misdemeanor on the second offense; or

(c) a class A misdemeanor on the third or subsequent offense.

(4) This section does not apply to conduct of an employee of a tobacco retailer that is a violation of Section 76-9-1116.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1105 Providing tobacco paraphernalia to a minor.

(1)

(a) As used in this section, "provides" means the same as that term is defined in Section 76-9-1104.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) An actor commits providing tobacco paraphernalia to a minor if the actor knowingly, intentionally, recklessly, or with criminal negligence provide tobacco paraphernalia to an individual under 21 years old.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1106 Buying or possessing a tobacco product or an electronic cigarette product by a minor.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits buying or possessing a tobacco product or an electronic cigarette product by a minor if the actor:
(a) is younger than 21 years old; and
(b) buys or attempts to buy, accepts, or has in the actor's possession a tobacco product, an electronic cigarette product, or a nicotine product.
(3)
(a) If the actor is 18 years old or older but younger than 21 years old, a violation of Subsection (2) is:
(i) an infraction; and
(ii) subject to:
(A) a minimum fine or penalty of $60; and
(B) participation in a court-approved tobacco education or cessation program, which may include a participation fee.
(b) If the actor is under 18 years old, a violation of Subsection (2) is a citation under Section 80-6-302, unless the violation is committed on school property under Section 53G-8-211.
(c) If a violation under this section is adjudicated under Section 80-6-701, the minor may be subject to the following:
(i) a fine or penalty, in accordance with Section 80-6-709; and
(ii) participation in a court-approved tobacco education program, which may include a participation fee.
(4)
(a) A compliance officer appointed by a board of education under Section 53G-4-402 may not issue a citation for a violation of this section committed on school property.
(b) A cited violation committed on school property shall be addressed in accordance with Section 53G-8-211.

Renumbered and Amended by Chapter 173, 2025 General Session

Superseded 1/1/2027
76-9-1107 Illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product.
(1)
(a) As used in this section:
(i)
(A) "Face-to-face exchange" means a transaction made in person between an individual and a retailer or retailer's employee.

(B) "Face-to-face exchange" does not include a sale through a vending machine or a self-service display.

(ii) "Retailer" means a person who:

(A) sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual for personal consumption; or

(B) operates a facility with a vending machine that sells a tobacco product, an electronic cigarette product, or a nicotine product.

(iii) "Self-service display" means a display of a tobacco product, an electronic cigarette product, or a nicotine product to which the public has access without the intervention of a retailer or retailer's employee.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if the actor:

(a) is a retailer; and

(b) sells a tobacco product, an electronic cigarette product, or a nicotine product in a manner that does not include a face-to-face exchange.

(3) A violation of Subsection (2) is:

(a) a class C misdemeanor on the first offense;

(b) a class B misdemeanor on the second offense; or

(c) a class A misdemeanor on the third or subsequent offense.

(4) The face-to-face sale requirement in Subsection (2) does not apply to:

(a) a mail-order, telephone, or Internet sale made in compliance with Section 59-14-509;

(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility:

(i) that is distinct and separate from the rest of the facility; and

(ii) where the retailer only allows an individual who is under 21 years old to be present if the individual:

(A) is accompanied by the actor's parent or legal guardian; or

(B)

(I) is present solely for the purpose of providing a service to the business, including making a delivery;

(II) is monitored by the proprietor business or an employee of the business; and

(III) is not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or

(c) a sale at a retail tobacco specialty business.

(5)

(a) An individual's parent or legal guardian who accompanies an individual into an area described in Subsection (4)(b)(ii)(A) may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.

(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Renumbered and Amended by Chapter 173, 2025 General Session

Effective 1/1/2027

76-9-1107 Illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product.

(1)

(a) As used in this section:

(i)
(A) "Face-to-face exchange" means a transaction made in person between an individual and a retailer or retailer's employee.
(B) "Face-to-face exchange" does not include a sale through a vending machine or a self-service display.
(ii) "Retailer" means a person who:
(A) sells a tobacco product, an electronic cigarette product, or a nicotine product to an individual for personal consumption; or
(B) operates a facility with a vending machine that sells a tobacco product, an electronic cigarette product, or a nicotine product.
(iii) "Self-service display" means a display of a tobacco product, an electronic cigarette product, or a nicotine product to which the public has access without the intervention of a retailer or retailer's employee.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if the actor:
(a) is a retailer; and
(b) sells a tobacco product, an electronic cigarette product, or a nicotine product in a manner that does not include a face-to-face exchange.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) The face-to-face sale requirement in Subsection (2) does not apply to:
(a) a mail-order, telephone, or internet sale made in compliance with Section 59-14-509 or a remote retail sale, as defined in Section 59-14-901, of a cigar or pipe tobacco made in compliance with Section 59-14-902;
(b) a sale from a vending machine or self-service display that is located in an area of a retailer's facility:
(i) that is distinct and separate from the rest of the facility; and
(ii) where the retailer only allows an individual who is under 21 years old to be present if the individual:
(A) is accompanied by the actor's parent or legal guardian; or
(B)
(I) is present solely for the purpose of providing a service to the business, including making a delivery;
(II) is monitored by the proprietor business or an employee of the business; and
(III) is not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or
(c) a sale at a retail tobacco specialty business.
(5)
(a) An individual's parent or legal guardian who accompanies an individual into an area described in Subsection (4)(b)(ii)(A) may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.
(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Amended by Chapter 321, 2026 General Session

76-9-1108 Illegal presence of a minor inside a tobacco specialty business.

(1)
(a) As used in this section, "self-service display" means the same as that term is defined in Section 76-9-1107.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal presence of a minor inside a tobacco specialty business if the actor:
(a) is under 21 years old; and
(b) enters or is present inside a retail tobacco specialty business.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense;
(b) a class B misdemeanor on the second offense; or
(c) a class A misdemeanor on the third or subsequent offense.
(4) An actor under 21 years old may enter or be present inside a tobacco specialty business if the actor is:
(a) accompanied by the actor's parent or legal guardian; or
(b)
(i) present at the retail tobacco specialty business solely for the purpose of providing a service to the tobacco retail specialty business, including making a delivery;
(ii) monitored by the proprietor of the retail tobacco specialty business or an employee of the retail tobacco specialty business; and
(iii) not permitted to make any purchase or conduct any commercial transaction other than the service described in Subsection (4)(b)(i).
(5)
(a) An individual's parent or legal guardian who accompanies an individual under Subsection (4)(a) inside a tobacco specialty business may not allow the individual to purchase a tobacco product, an electronic cigarette product, or a nicotine product.
(b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

Enacted by Chapter 173, 2025 General Session

76-9-1109 Illegal sale or gift of clove cigarette.

(1)
(a) As used in this section, "clove cigarette" means a cigarette that contains more than 10%, by weight, of raw eugenia caryophyllata or caryophyllus, commonly known as clove.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits illegal sale or gift of clove cigarette if the actor knowingly sells, offers for sale, gives, or furnishes a clove cigarette in this state.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1110 Abuse of psychotoxic chemical solvent.

(1)
(a) As used in this section, "psychotoxic chemical solvent" includes any glue, cement, or other substance containing one or more of the following chemical compounds:
(i) acetone and acetate;
(ii) amyl nitrite or amyl nitrate or their isomers;

(iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;
(iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;
(v) ethylene dichloride;
(vi) isobutyl alcohol;
(vii) methyl alcohol;
(viii) methyl ethyl ketone;
(ix) n-propyl alcohol;
(x) pentachlorophenol;
(xi) petroleum ether;
(xii) propyl nitrite or propyl nitrate or their isomers;
(xiii) toluene;
(xiv) xylene; or
(xv) another chemical substance capable of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the brain or nervous system as a result of the inhalation of the fumes or vapors of such chemical substance.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits abuse of psychotoxic chemical solvent if:

(a) for the purpose of causing a condition of intoxication, inebriation, excitement, stupefaction, or the dulling of the actor's brain or nervous system, the actor intentionally:
(i) smells or inhales the fumes of a psychotoxic chemical solvent; or
(ii) possesses, purchases, or attempts to possess or purchase a psychotoxic chemical solvent; or

(b) the actor offers, sells, or provides a psychotoxic chemical solvent to another person, knowing that other person or a third party intends to possess or use that psychotoxic chemical solvent in violation of Subsection (2)(a).

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

(4) This section does not apply to:

(a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a medical or dental purpose; or

(b) a controlled substance regulated by the provisions of Chapter 18, Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.

Amended by Chapter 362, 2026 General Session

76-9-1111 Abuse of nitrous oxide.

(1)

(a) As used in this section, "nitrous oxide" means:
(i) N_2O, a colorless gas or liquid that is also referred to as dinitrogen monoxide, nitrogen oxide, or laughing gas; or
(ii) any substance containing nitrous oxide.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) Except as provided in Subsection (4), an actor commits abuse of nitrous oxide if the actor:

(a) possesses nitrous oxide with the intent to breathe, inhale, or ingest the nitrous oxide for the purpose of:
(i) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or dulling of the senses; or
(ii) in any manner changing, distorting, or disturbing the audio, visual, or mental processes;

(b) knowingly or intentionally is under the influence of nitrous oxide; or
(c) offers, sells, or provides nitrous oxide to another person, knowing that other person or a third party intends to possess or use the nitrous oxide in violation of Subsection (2)(a) or (b).
(3) A violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Subsection (2)(b) does not apply to any person who is under the influence of nitrous oxide pursuant to an administration for the purpose of medical, surgical, or dental care by a person holding a license under state law that authorizes the administration of nitrous oxide.
(b) Subsection (2)(c) does not apply to any person who:
(i) administers nitrous oxide for the purpose of medical, surgical, or dental care; and
(ii) holds a license under state law that authorizes the administration of nitrous oxide.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1112 Illegal provision of smokeless tobacco or electronic cigarette product -- Exceptions.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal provision of smokeless tobacco or electronic cigarette product if the actor:
(a) is a manufacturer, wholesaler, and retailer ; and
(b)
(i) gives or distributes without charge smokeless tobacco, chewing tobacco, or an electronic cigarette product in this state;
(ii) sells, offers for sale, or furnishes an electronic cigarette product at less than the cost, including the amount of any applicable tax, of the product to the manufacturer, wholesaler, or retailer; or
(iii) gives, distributes, sells, offers for sale, or furnishes an electronic cigarette product for free or at a lower price because the recipient of the electronic cigarette product makes another purchase.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.
(4)
(a) The price that a manufacturer, wholesaler, or retailer may charge under Subsection (2)(b)(ii) does not include a discount for:
(i) a physical manufacturer coupon:
(A) that is surrendered to the wholesaler or retailer at the time of sale; and
(B) for which the manufacturer will reimburse the wholesaler or the retailer for the full amount of the discount described in the manufacturer coupon and provided to the purchaser;
(ii) a rebate that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the rebate provided to the purchaser; or
(iii) a promotional fund that will be paid to the manufacturer, the wholesaler, or the retailer for the full amount of the promotional fund provided to the purchaser.
(b) Smokeless tobacco, chewing tobacco, or an electronic cigarette product may be distributed to adults without charge at professional conventions where the general public is excluded.
(5) The Legislature finds that:
(a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who use those products because research indicates that they may cause mouth or oral cancers;

(b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;
(c) the use of electronic cigarette products may lead to unhealthy behavior such as the use of tobacco products; and
(d) it is necessary to restrict the gift of the products described in this section in the interest of the health of the citizens of this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1113 Illegal distribution of a tobacco product -- Exceptions.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits illegal distribution of a tobacco product if the actor:
(a) is a manufacturer, wholesaler, or retailer; and
(b) gives or distributes a tobacco product in this state without charge.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.
(4)
(a) A tobacco product may be distributed to an adult without charge at a professional convention where the general public is excluded.
(b) The prohibition described in Subsection (2) does not apply to a tobacco retailer, a manufacturer, or a distributor that gives a tobacco product to an individual who is 21 years old or older upon the individual's purchase of a tobacco product.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1114 Illegal distribution of a flavored electronic cigarette product.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits illegal distribution of a flavored electronic cigarette product if the actor gives, distributes, sells, offers for sale, or furnishes to any person a flavored electronic cigarette product.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1115 Illegal distribution of an electronic cigarette product without federal authorization.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits illegal distribution of an electronic cigarette product without federal authorization if the actor gives, distributes, sells, offers for sale, or furnishes to any person an electronic cigarette product that is not a premarket authorized or pending electronic cigarette product.
(3) A violation of Subsection (2) is:
(a) a class C misdemeanor on the first offense; or
(b) a class B misdemeanor on a subsequent offense.

Enacted by Chapter 173, 2025 General Session

76-9-1116 Unlawful sale of a tobacco product, electronic cigarette product, or nicotine product.

(1)
(a) As used in this section:
(i) "Compensatory service" means service or unpaid work performed by an employee, in lieu of the payment of a fine or imprisonment.
(ii) "Employee" means an employee or an owner of a tobacco retailer.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) An actor commits unlawful sale of a tobacco product, electronic cigarette product, or nicotine product if the actor:
(a) is an employee; and
(b) with criminal negligence, sells or gives a tobacco product, an electronic cigarette product, or a nicotine product in the course of business to an individual younger than 21 years old.
(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 420, 2026 General Session

76-9-1117 Unlawful transfer of proof of age.

(1)
(a) As used in this section:
(i) "Proof of age" means:
(A) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(B) a valid identification that:
(I) is substantially similar to an identification card issued under Title 53, Chapter 3, Part 8, Identification Card Act;
(II) is issued in accordance with the laws of a state other than Utah in which the identification is issued;
(III) includes date of birth; and
(IV) has a picture affixed;
(C) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform Driver License Act, or in accordance with the laws of the state in which the valid driver license is issued;
(D) a valid United States military identification card that:
(I) includes date of birth; and
(II) has a picture affixed; or
(E) a valid passport.
(ii) "Proof of age" does not include a driving privilege card issued in accordance with Section 53-3-207.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful transfer of proof of age if the actor intentionally or knowingly transfers the actor's proof of age to another individual to aid that individual in:
(a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gaining admittance to any part of the premises of a retail tobacco specialty business.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1118 Unlawful use of proof of age containing false information.

(1)
(a) As used in this section, "proof of age" means the same as that term is defined in Section 76-9-1117.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

(2) An actor commits unlawful use of proof of age containing false information if the actor intentionally or knowingly uses proof of age containing false information with the intent to:
(a) purchase a tobacco product, an electronic cigarette product, or a nicotine product; or
(b) gain admittance to any part of the premises of a retail tobacco specialty business.

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

(4) Subsection (2) does not apply to an individual who uses a false identification in accordance with Subsection 77-39-101(4) at the request of a peace officer.

Enacted by Chapter 173, 2025 General Session

76-9-1119 Ordinances, rules, and regulations.

(1) Except as provided in Subsection (2) or (3), an ordinance, rule, or regulation adopted by a governing body of a political subdivision of the state or a state agency is superseded if:
(a) the ordinance, rule, or regulation affects:
(i) the minimum age of sale for a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(ii) the provision or sale of a tobacco product, an electronic cigarette product, or tobacco paraphernalia;
(iii) the flavoring of a tobacco product or an electronic cigarette product;
(iv) the purchase or possession of a tobacco product, an electronic cigarette product, or tobacco paraphernalia; or
(v) the placement or display of a tobacco product or an electronic cigarette product; and
(b) the ordinance, rule, or regulation is not essentially identical to a state statute relating to the applicable subject described in Subsection (1)(a).

(2) A governing body of a political subdivision of the state or a state agency may adopt an ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v) if the governing body of a political subdivision of the state or a state agency is authorized by statute to adopt the ordinance, rule, or regulation.

(3) Subsection (1) does not apply to the adoption or enforcement of a land use ordinance by a municipal or county government.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1120 Unlawful sale of a cannabinoid inhalation product or a cannabinoid inhalation substance.

(1) As used in this section:
(a) "Cannabinoid inhalation product" means an electronic cigarette that contains a cannabinoid.
(b) "Cannabinoid inhalation substance" means a substance containing a cannabinoid that is used or intended for use in an electronic cigarette.

(c) "Compensatory service" means service or unpaid work performed by an employee, in lieu of the payment of a fine or imprisonment.
(d) "Employee" means an employee or an owner of a retailer.
(2) An actor commits unlawful sale of a cannabinoid inhalation product or a cannabinoid inhalation substance if the actor:
(a) is an employee; and
(b) intentionally or knowingly sells or gives a cannabinoid inhalation product or a cannabinoid inhalation substance in the course of business to an individual.
(3) A violation of Subsection (2) is:
(a) on a first violation:
(i) a class C misdemeanor; and
(ii) subject to:
(A) a fine not exceeding $1,000; or
(B) compensatory service; or
(b) on a subsequent violation:
(i) a class B misdemeanor; and
(ii) subject to:
(A) a fine not exceeding $2,000; or
(B) compensatory service.
(4) This section does not prohibit or restrict the sale of medical cannabis or a medical cannabis device if done in accordance with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis, and with Title 4, Chapter 41a, Cannabis Production Establishments and Pharmacies.

Enacted by Chapter 308, 2026 General Session

Part 12
Offenses Concerning Water, Shafts, and Wells

76-9-1201 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

76-9-1202 Unlawful interference with water flow.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) An actor commits unlawful interference with water flow if the actor intentionally or knowingly interferes with or alters the flow of water in any stream, ditch, or lateral while under the control or management of any water commissioner.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1203 Unlawful taking of water or damaging a water facility.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

(2) An actor commits unlawful taking of water or damaging a water facility if the actor, in violation of a right of another person, intentionally or knowingly:
(a) turns on or uses the water, or a part thereof, of a canal, ditch, pipeline, or reservoir, except at a time when the use of the water has been duly distributed to the actor;
(b) uses a greater quantity of the water than has been duly distributed to the actor;
(c) in any way changes the flow of water when lawfully distributed for irrigation or other useful purposes, except when duly authorized to make the change; or
(d) breaks or injures a dam, canal, pipeline, watergate, ditch, or other means of diverting or conveying water for irrigation or other useful purposes.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.
(4) Subsection (2) applies to violations of a right to the use of water, including:
(a) a water right; or
(b) authorization of a person's use of water by:
(i) a water company, as defined in Subsection 73-3-3.5(1)(b); or
(ii) an entity having a valid water right under Utah law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1204 Unlawful obstruction of watergates.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) An actor commits unlawful obstruction of watergates if the actor:
(a) rafts or floats logs, timber, or wood down any river or stream; and
(b) allows the logs, timber, or wood described in Subsection (2)(a) to accumulate at or obstruct the watergates owned by a person or irrigation company taking or diverting the water of the river or stream for irrigation or manufacturing purposes.
(3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1205 Unlawful damage to a bridge, dam, canal, or other water-related structure.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful damage to a bridge, dam, canal, or other water-related structure if the actor intentionally, knowingly, or recklessly:
(a) cuts, breaks, damages, or destroys a bridge, dam, canal, flume, aqueduct, levee, embankment, reservoir, or other structure erected:
(i) to create hydraulic power;
(ii) to drain or reclaim a swamp, overflowed land, or marsh land; or
(iii) to conduct water for mining, manufacturing, reclamation, or agricultural purposes, or for the supply of the inhabitants of any city or town;
(b) makes or causes to be made an aperture in a dam, canal, flume, aqueduct, reservoir, embankment, levee, or similar structure with intent to injure or destroy the dam, canal, flume, aqueduct, reservoir, embankment, levee, or similar structure; or
(c) draws up, cuts, or injures a pile fixed in the ground and used for securing a lake or river bank or wall or a dock, quay, jetty, or lock.
(3) A violation of Subsection (2) is a third degree felony.
(4) Subsection (2) applies to conduct that does not amount to a violation of Subsection 76-6-106(2)(a)(ii) or Section 76-6-106.3.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1206 Unlawful failure to fence a shaft or well.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

(2) An actor commits unlawful failure to fence a shaft or well if the actor:

(a) has sunk or sinks a shaft or well on the public domain for any purpose; and

(b) fails to enclose the shaft or well with a substantial curb or fence that is at least 4.5 feet high.

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

Renumbered and Amended by Chapter 173, 2025 General Session

Part 13
Criminal Nuisance

76-9-1301 Definitions.

As used in this part:

(1) "Agricultural operation" means the same as that term is defined in Section 78B-6a-101.

(2) "Agricultural protection area" means the same as that term is defined in Section 17-18-101.

(3) "Controlled substance" means the same as that term is defined in Section 58-37-101.

(4) "Critical infrastructure materials operation" means the same as the term "critical infrastructure materials use" is defined in Section 10-20-701.

(5) "Manufacturing facility" means the same as that term is defined in Section 78B-6a-101.

(6) "Migratory bird production area" means the same as that term is defined in Section 23A-13-101.

(7) "Nuisance" means an item, thing, manner, or condition that:

(a) is dangerous to human life or health; or

(b) renders soil, air, water, or food impure or unwholesome.

(8)

(a) "Public nuisance" means unlawfully committing an act or omitting to perform a duty and the act or duty:

(i) annoys, injures, or endangers the comfort, repose, health, or safety of three or more persons, regardless of the extent to which the annoyance, injury, or endangerment inflicted on the persons is unequal;

(ii) offends public decency;

(iii) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous for passage, a lake, stream, canal, or basin, or a public park, square, street, or highway;

(iv) is a private nuisance as defined in Section 78B-6a-101; or

(v) renders three or more persons insecure in life or the use of property, regardless of the extent to which the effect inflicted on the persons is unequal.

(b) "Public nuisance" does not include:

(i) an activity conducted in the normal and ordinary course of an agricultural operation and conducted in accordance with sound agricultural practices, with the presumption that an agricultural operation undertaken in conformity with federal, state, and local laws and regulations, including zoning ordinances, is operating within sound agricultural practices;

(ii) an activity conducted in the normal and ordinary course of a critical infrastructure materials operation and conducted in accordance with sound critical infrastructure materials practices, with the presumption that a critical infrastructure materials operation undertaken in

conformity with federal, state, and local laws and regulations, including zoning ordinances, is operating within sound critical infrastructure materials practices;

(iii) an activity normally associated with a migratory bird production area, that is conducted within a migratory bird production area, and is not in violation of state or federal law;

(iv) an activity at a manufacturing facility if the manufacturing facility has a defense against a civil action for the activity under Section 78B-6a-402;

(v) noise or noise pollution resulting from the operation or use of a shooting range if the shooting range:

(A)

(I) was established, constructed, or operated before the implementation of any noise ordinances, rules, or regulations; and

(II) does not substantially and adversely affect public health or safety; or

(B)

(I) is in compliance with any noise control laws, ordinances, rules, or regulations that applied to the shooting range and the shooting range's operation at the time of establishment, construction, or initial operation of the range; and

(II) does not substantially and adversely affect public health or safety; or

(vi) noise generated by a shooting range that is operated in accordance with nationally recognized standards and operating practices.

(9) "Shooting range" means the same as that term is defined in Section 53-5a-701.

(10)

(a) "Supervised drug consumption site" means a facility or premises operated or intended to provide an environment for the unlawful use of a controlled substance.

(b) "Supervised drug consumption site" does not include a facility or premises that provides or facilitates:

(i) an opioid treatment program, as that term is defined in Section 58-17b-309.7; or

(ii) the use of medication pursuant to a medication assisted treatment plan, as that term is defined in Section 64-13-25.1.

Amended by Chapter 362, 2026 General Session

76-9-1302 Creating, supporting, or retaining a nuisance.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

(2) An actor commits creating, supporting, or retaining a nuisance if the actor:

(a) is an owner, agent, or occupant; and

(b)

(i) creates, aids in creating, or contributes to a nuisance; or

(ii) supports, continues, or retains a nuisance.

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

Enacted by Chapter 173, 2025 General Session

76-9-1303 Befouling waters.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

(2) An actor commits the offense of befouling waters if the actor:

(a) constructs or maintains a corral, sheep pen, goat pen, stable, pigpen, chicken coop, or other offensive yard or outhouse from which the waste or drainage will flow directly into the waters of any stream, well, or spring of water used for domestic purposes;
(b) deposits, piles, unloads, or leaves a manure heap, offensive rubbish, or the carcass of a dead animal from which the waste or drainage will flow directly into the waters of any stream, well, or spring of water used for domestic purposes;
(c) dips or washes sheep in a stream, or constructs, maintains, or uses a pool or dipping vat for dipping or washing sheep in such close proximity to a stream used for domestic purposes by the inhabitants of any city or town so as to make the waters of the stream impure or unwholesome;
(d) constructs or maintains a corral, yard, or vat to be used for the purpose of shearing or dipping sheep within 12 miles of any city or town, from which the refuse or filth from the corral or yard would naturally find its way into any stream of water used for domestic purposes by the inhabitants of any city or town; or
(e) establishes and maintains a corral, camp, or bedding place for the purpose of herding, holding, or keeping cattle, horses, sheep, goats, or hogs within seven miles of any city or town, from which the refuse or filth from the corral, camp, or bedding place will naturally find its way into any stream of water used for domestic purposes by the inhabitants of any city or town.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1304 Unlawful disposal of carcass or offal.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits unlawful disposal of carcass or offal if the actor:
(a) puts the carcass of a dead animal, or the offal from a slaughter pen, corral, or butcher shop, into a river, creek, pond, street, alley, or public highway, or road in common use; or
(b) attempts to destroy by fire the carcass of a dead animal, or the offal from a slaughter pen, corral, or butcher shop, within one-fourth of a mile of a city or town.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1305 Maintaining, committing, or failing to remove a public nuisance.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits maintaining, committing, or failing to remove a public nuisance if the actor:
(a) maintains or commits a public nuisance, the punishment for which is not otherwise prescribed; or
(b) willfully omits to perform a legal duty relating to the removal of a public nuisance.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1308 Criminal violation of an order enjoining a public nuisance.

(1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.
(2) An actor commits criminal violation of an order enjoining a public nuisance if the actor knowingly violates a judgment or order abating or otherwise enjoining a public nuisance.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1309 Maintenance of a drug-involved premises.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1301 apply to this section.

(2) An actor commits maintenance of a drug-involved premises if the actor knowingly:

(a) opens, leases, rents, uses, or maintains any facility or premises, whether permanently or temporarily, for the purpose of the unlawful manufacturing, distributing, or using any controlled substance;

(b)

(i) manages or controls any facility or premises, whether permanently or temporarily, as an owner, tenant, lessee, agent, employee, occupant, or mortgagee; and

(ii) intentionally rents, leases, profits from, or makes available for use, with or without compensation, the facility or premises for the purpose of unlawfully manufacturing, storing, distributing, or using a controlled substance;

(c) operates a supervised drug consumption site; or

(d) as an owner, tenant, lessee, agent, employee, occupant, or mortgagee, intentionally opens, rents, leases, profits from, maintains, or makes available for use, with or without compensation, any premises for the purpose of operating a supervised drug consumption site.

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

Enacted by Chapter 141, 2025 General Session

Part 14
Gambling

76-9-1401 Definitions.

As used in this part:

(1)

(a) "Amusement device" means a game that:

(i) is activated by a coin, token, or other object of consideration or value; and

(ii) does not provide the opportunity to:

(A) enter into a sweepstakes, lottery, or other gambling event; or

(B) receive any form of consideration or value, except an appropriate reward.

(b) "Amusement device" includes:

(i) a video game;

(ii) a driving simulator;

(iii) an electronic game;

(iv) a claw machine;

(v) a bowling game;

(vi) a shuffleboard game;

(vii) a skee-ball game;

(viii) a pool table;

(ix) a pinball machine;

(x) a target machine; and
(xi) a baseball machine.
(2) "Amusement facility" means a facility that:
(a) is operated primarily for the purpose of providing amusement or entertainment to customers;
(b) is located on property that is open to customers for the purpose of providing customers with an opportunity to use an amusement device;
(c) receives a substantial amount of the facility's revenue from the operation of amusement devices; and
(d) does not provide an opportunity for, or a machine or device that enables, gambling or fringe gambling.
(3)
(a) "Appropriate reward" means a reward that:
(i) an individual receives as a result of the individual's participation in or use of an amusement device; and
(ii) provides:
(A) full and adequate return for money, a token, or other consideration or value invested into the amusement device;
(B) an immediate and unrecorded ability to replay a game featured on an amusement device that is not exchangeable for value;
(C) a toy, novelty, or other non-monetary prize with a value of less than $100 as a reward for playing; or
(D) tickets or credits that are redeemable for a toy, novelty, or non-monetary prize at an amusement facility, or at any franchise or chain of the amusement facility, where the amusement device is located.
(b) "Appropriate reward" does not include money, a gift certificate, a gift card, credit to be used in a retail store, or other form of monetary compensation or reward.
(4) "Consumer" means the same as that term is defined in Section 76-5c-401.
(5) "Enter or entry" means an act or process by which an individual becomes eligible to receive a prize offered for participation in any form of sweepstakes, game, or contest.
(6)
(a) "Fringe gambling" means any de facto form of gambling, lottery, fringe gaming device, or video gaming device that is given, conducted, or offered for use or sale by a business in exchange for anything of value or incident to the purchase of another good or service.
(b) "Fringe gambling" does not include:
(i) a promotional activity that is clearly ancillary to the primary activity of a business; or
(ii) use of an amusement device or vending machine.
(7)
(a) "Fringe gaming device" means a mechanically, electrically, or electronically operated machine or device that:
(i) is not an amusement device or a vending machine;
(ii) is capable of displaying or otherwise presenting information on a screen or through any other mechanism; and
(iii) provides the user with a card, token, credit, gift certificate, product, or opportunity to participate in a contest, game, gaming scheme, or sweepstakes with a potential return of money or other prize.
(b) "Fringe gaming device" includes a machine or device similar to a machine or device described in Subsection (7)(a) that seeks to avoid application or circumvent this part or Utah Constitution, Article VI, Section 27.

(8)
(a) "Gambling" means risking anything of value for a return or risking anything of value upon the outcome of a contest, game, gaming scheme, or gaming device when the return or outcome:
(i) is based on an element of chance, regardless of:
(A) the existence of a preview or pre-reveal feature in the device, contest, or game; or
(B) whether the preview or pre-reveal feature described in Subsection (8)(a)(i)(A) allows users to see individual or successive outcomes; and
(ii) is in accord with an agreement or understanding that someone will receive anything of value in the event of a certain outcome.
(b) "Gambling" includes:
(i) a lottery; and
(ii) a proposition bet.
(c) "Gambling" does not include:
(i) a lawful business transaction; or
(ii) use of an amusement device.
(9) "Gambling bet" means money, checks, credit, or any other representation of value.
(10) "Gambling device or record" means anything specifically designed for use in gambling or fringe gambling or used primarily for gambling or fringe gambling.
(11) "Gambling proceeds" means anything of value used in gambling or fringe gambling.
(12) "Internet service provider" means a person engaged in the business of providing internet access service, with the intent of making a profit, to consumers in Utah.
(13) "Lottery" means any scheme for the disposal or distribution of property by chance among persons who have paid or promised to pay any valuable consideration for the chance of obtaining property, or portion of it, or for any share or any interest in property, upon any agreement, understanding, or expectation that it is to be distributed or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by whatever name it is known.
(14) "Online gambling" means gambling, fringe gambling, or gaming by use of:
(a) the internet; or
(b) any mobile electronic device that allows access to data and information.
(15) "Prize" means a gift, award, gratuity, good, service, credit, or anything else of value that may be or is transferred to an individual or placed on an account or other record with the intent to be transferred to an individual.
(16) "Promotional activity that is clearly ancillary to the primary activity of a business" means a promotional activity that:
(a) continues for a limited period of time;
(b) is related to a good or service ordinarily provided by a business or the marketing or advertisement of a good or service ordinarily provided by the business;
(c) does not require an individual to purchase a good or service from the business in consideration for participation or an advantage in the promotional activity or any other contest, game, gaming scheme, sweepstakes, or promotional activity;
(d) promotes a good or service described in Subsection (16)(b) on terms that are commercially reasonable; and
(e) does not, through use of a machine or device:
(i) simulate a gambling environment;
(ii) require the purchase of something of value to participate in the promotional activity that is not regularly used, purchased, or redeemed by users of the machine or device;
(iii) provide a good or service described in Subsection (16)(b):

(A) in a manner in which the person acquiring the good or service is unable to immediately acquire, redeem, or otherwise use the good or service after the time of purchase; or
(B) at a value less than the full value of the good or service;
(iv) appear or operate in a manner similar to a machine or device that is normally found in a casino for the purpose of gambling;
(v) provide an entertaining display, designed to appeal to an individual's senses, that promotes actual or simulated game play that is similar in appearance or function to gambling, including:
(A) a video playing card game, including a video poker game;
(B) a video bingo game;
(C) a video craps game;
(D) a video keno game;
(E) a video lotto game;
(F) an 8-liner machine;
(G) a Pot O' Gold game;
(H) a video game involving a random or chance matching of pictures, words, numbers, or symbols; or
(I) a video game that reveals a prize as the game is played; or
(vi) otherwise create a pretextual transaction to facilitate a contest, game, gaming scheme, or sweepstakes in an attempt to circumvent the requirements of this part or Utah Constitution, Article VI, Section 27.

(17) "Proposition bet" means a gambling bet on an individual action, statistic, occurrence, or non-occurrence.

(18) "Skill-based game" means a game, played on a machine or device, the outcome of which is based, in whole or in part, on the skill of the player, regardless of whether a degree of chance is involved.

(19) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other promotion:
(a) that an individual may enter with or without payment of any consideration;
(b) that qualifies the person to win a prize; and
(c) the result of which is based on chance.

(20) "Vending machine" means a device:
(a) that dispenses merchandise in exchange for money or any other item of value;
(b) that provides full and adequate return of the value deposited;
(c) through which the return of value is not conditioned on an element of chance or skill; and
(d)
(i) does not include a promotional activity; or
(ii) includes a promotional activity that is clearly ancillary to the primary activity of a business.

(21) "Video gaming device" means a device that includes all of the following:
(a) a video display and computer mechanism for playing a game;
(b) the length of play of any single game is not substantially affected by the skill, knowledge, or dexterity of the player;
(c) a meter, tracking, or recording mechanism that records or tracks any money, tokens, games, or credits accumulated or remaining;
(d) a play option that permits a player to spend or risk varying amounts of money, tokens, or credits during a single game, in which the spending or risking of a greater amount of money, tokens, or credits:
(i) does not significantly extend the length of play time of any single game; and
(ii) provides for a chance of greater return of credits, games, or money; and

(e) an operating mechanism that, in order to function, requires inserting money, tokens, or other valuable consideration other than entering the user's name, birthdate, or contact information.

Amended by Chapter 410, 2026 General Session

76-9-1402 Participating in gambling.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits participating in gambling if the actor participates in:
(a) gambling;
(b) fringe gambling; or
(c) online gambling.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).
(4) If federal law authorizes online gambling in the states of the United States and provides that individual states may opt out of online gambling, this state shall opt out of online gambling in the manner provided by federal law and within the time frame provided by that law.
(5) Regardless of whether a federal law is enacted that authorizes online gambling in the states of the United States, this section and Section 76-9-1404 act as this state's prohibition of gambling, fringe gambling, or online gambling, in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1403 Permitting gambling.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits permitting gambling if the actor knowingly:
(a) permits gambling or fringe gambling to be played, conducted, or dealt upon or in real or personal property owned, rented, or under the control of the actor, whether in whole or in part; or
(b) allows the use of a video gaming device that is:
(i) in a business establishment or public place; and
(ii) accessible for use by an individual within the establishment or public place.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of a violation of Subsection (2).

Enacted by Chapter 173, 2025 General Session

76-9-1404 Online gambling promotion.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits online gambling promotion if the actor intentionally provides or offers to provide a form of online gambling to an individual in this state.
(3) A violation of Subsection (2) is a third degree felony.

(4) This section does not apply to an Internet service provider, a hosting company as defined in Section 76-5c-401, a provider of public telecommunications services as defined in Section 54-8b-2, or an Internet advertising service that:
(a) transmits, routes, or provides connections for material without selecting the material; or
(b) stores or delivers the material at the direction of a user.

Enacted by Chapter 173, 2025 General Session

76-9-1405 General gambling promotion.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits general gambling promotion if the actor:
(a) derives, or intends to derive, an economic benefit other than personal winnings from gambling or fringe gambling; and
(b)
(i) induces or aids another individual to engage in gambling or fringe gambling; or
(ii) knowingly invests in, finances, owns, controls, supervises, manages, or participates in gambling or fringe gambling.
(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 has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1406 Gambling fraud.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits gambling fraud if the actor:
(a) participates in gambling or fringe gambling;
(b) wins or acquires gambling proceeds for the actor or another individual; and
(c) knows the actor has a lesser risk of losing or greater chance of winning than one or more of the other participants, and the risk is not known to all the other participants.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $5,000;
(b) a third degree felony if the value of what the actor wins or acquires for the actor or another individual is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value of what the actor wins or acquires for the actor or another individual is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value of what the actor wins or acquires for the actor or another individual is less than $500.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1407 Possessing a gambling device or record.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits possessing a gambling device or record if the actor:
(a) knowingly possesses a gambling device or record; and

(b) intends to use the gambling device or record in gambling or fringe gambling.
(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 has previously been convicted of a violation of Subsection (2).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1408 Deriving a benefit from a fringe gaming device.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits deriving a benefit from a fringe gaming device if the actor:
(a) permits a fringe gaming device to be located on or in real or personal property owned, rented, or under the control of the actor;
(b) allows individual or public access or use of a fringe gaming device as part of a business owned or operated by the actor;
(c) induces or aids an individual to use a fringe gaming device;
(d) invests in, finances, owns, controls, or otherwise manages a fringe gaming device; or
(e) possesses a fringe gaming device with the intent to use or allow another individual to use the fringe gaming device.
(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 has previously been convicted of a violation of Subsection (2).
(4) This section applies regardless of whether the fringe gaming device:
(a) is server-based;
(b) uses a simulated game terminal as a representation of a prize associated with the results of a sweepstakes entry;
(c) uses a simulated game to influence or determine the result of the simulated game or the value of a prize;
(d) selects the winner of a prize from a predetermined or finite pool of entries;
(e) includes a pre-reveal feature;
(f) predetermines a prize and reveals the prize at the time a sweepstakes entry result is revealed;
(g) requires deposit of any money, coin, token, or gift certificate, or the use of a credit card, debit card, prepaid card, or any other method of payment to activate the device;
(h) requires direct payment into the machine or device or remote activation of the device;
(i) requires a purchase of a related product regardless of whether the product has legitimate value;
(j) reveals the prize incrementally, regardless of whether a prize is awarded; or
(k) includes a skill-based game.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1409 Advertising or soliciting participation in a lottery.
(1)

(a) As used in this section, "conspicuously printed" means printed in either larger or bolder type size than the adjacent and surrounding material so as to be clearly legible to an individual viewing the print.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits advertising or soliciting participation in a lottery if the actor distributes or disseminates an advertisement or other written or printed material containing an advertisement or solicitation for participation in a lottery.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is subject to a fine of $2,500.
(b) A violation of Subsection (2) is subject to a fine of $10,000 if the actor has previously been convicted of a violation of Subsection (2).
(4) This section does not apply if the advertisement or solicitation contains or includes the words "Void in Utah" conspicuously printed in the advertisement or solicitation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1410 Obtaining a benefit from a confidence game.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
(2) An actor commits obtaining a benefit from a confidence game if the actor knowingly obtains or attempts to obtain from another individual money or property by any means, instrument, or device commonly referred to as a confidence game.
(3) A violation of Subsection (2) is:
(a) a second degree felony if the value of what the actor obtains is or exceeds $5,000;
(b) a third degree felony if the value of what the actor obtains is or exceeds $1,500 but is less than $5,000;
(c) a class A misdemeanor if the value of what the actor obtains is or exceeds $500 but is less than $1,500; or
(d) a class B misdemeanor if the value of what the actor obtains is less than $500.
(4) An indictment, information, or complaint under this section shall be deemed and held to contain a sufficient description of the offense if the indictment, information, or complaint contains:
(a) the date that the actor is accused of unlawfully and knowingly obtaining money or property from another individual;
(b) the name of the individual from whom the actor is accused of obtaining money or property;
(c) a description of the money or property obtained by the actor from the individual; and
(d) a description of the confidence game the actor used to obtain the money or property from the individual.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1411 Local control -- Seizure and disposition of gambling debts or proceeds.
(1) This part does not preempt or otherwise limit a county or municipality from enacting a local ordinance related to gambling or fringe gambling.
(2) The following that are reasonably identifiable as having been used or obtained in violation of this part or a local ordinance may be seized and are subject to forfeiture proceedings in accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, or Title 77, Chapter 11b, Forfeiture of Seized Property:
(a) gambling bets;

(b) gambling proceeds;
(c) gambling debts; and
(d) fringe gaming devices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1412 Cause of action.

(1) An individual who suffers an economic loss as a result of a fringe gaming device, video gaming device, or gambling device or record may bring a cause of action against a person who operates or receives revenue from the fringe gaming device, video gaming device, or gambling device or record to recover damages, costs, and attorney fees.
(2) An individual who brings suit under Subsection (1) may recover twice the amount of the economic loss described in Subsection (1).

Renumbered and Amended by Chapter 173, 2025 General Session

Part 15
Criminal Offenses Relating to Bus Passenger Safety

76-9-1501 Definitions.

As used in this part:

(1)
(a) "Bus" means a passenger bus or coach or other motor vehicle having a seating capacity of 15 or more passengers operated by a bus company for the purpose of carrying passengers or cargo for hire.
(b) "Bus" includes a transit vehicle, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act.

(2)
(a) "Bus company" or "company" means a person, group of persons, or corporation providing for-hire transportation to passengers or cargo by bus upon the highways in the state, including passengers and cargo in interstate or intrastate travel.
(b) "Bus company" or "company" includes local public bodies, public transit districts, municipalities, public corporations, boards, and commissions established under the laws of the state providing transportation to passengers or cargo by bus upon the highways in the state, whether or not for hire.

(3) "Charter" means a group of persons, pursuant to a common purpose and under a single contract, and at a fixed charge in accordance with a bus company's tariff, which has acquired the exclusive use of a bus to travel together to a specified destination or destinations.
(4) "Passenger" means a person transported or served by a bus company, including persons accompanying or meeting another being transported, any person shipping or receiving cargo, and any person purchasing a ticket or receiving a pass.

(5)
(a) "Terminal" means a bus station or depot or any other facility operated or leased by or operated on behalf of a bus company.
(b) "Terminal" includes:

(i) a transit facility, as defined in Section 17B-2a-802, of a public transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act; and
(ii) a reasonable area immediately adjacent to:
(A) a designated stop along the route traveled by a bus operated by a bus company; or
(B) a parking lot or an area adjacent to a terminal.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1502 Bus hijacking.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits bus hijacking if the actor seizes or exercises control, by force or violence or threat of force or violence, of a bus within the state.
(3) A violation of Subsection (2) is a first degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1503 Assault with intent to commit bus hijacking.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits assault with intent to commit bus hijacking if the actor intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or any other person in control of a bus so as to interfere with the performance of duties by the person.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony.
(b) A violation of Subsection (2) is a first degree felony if the actor used a dangerous weapon during the violation.

Enacted by Chapter 173, 2025 General Session

76-9-1504 Unlawful discharge of a firearm or hurling of a missile into a bus or terminal.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) Except as provided in Subsection (4), an actor commits unlawful discharge of a firearm or hurling of a missile into a bus or terminal if the actor discharges a firearm or hurls a missile at or into a bus or terminal.
(3) A violation of Subsection (2) is a third degree felony.
(4) This section does not apply to elected or appointed peace officers or commercial security personnel who discharge firearms or hurl missiles in the course and scope of the peace officer's or commercial security personnel's employment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1505 Unlawful conduct while on a bus.
(1)
(a) As used in this section, "controlled substance" means the same as that term is defined in Section 58-37-101.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits unlawful conduct while on a bus if the actor:

(a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar language on a bus;
(b) is in or upon any bus while unlawfully under the influence of a controlled substance;
(c) fails to obey a reasonable request or order of a bus driver, bus company representative, a nondrinking designee other than the driver as provided in Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or terminal;
(d) ingests a controlled substance, unless prescribed by a physician or a medical facility, in or upon any bus, or drinks intoxicating liquor in or upon a bus, except a chartered bus as defined and provided in Sections 32B-1-102 and 41-6a-526; or
(e) smokes tobacco or other products in or upon a bus, except a chartered bus.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4)
(a) If an actor violates Subsection (2), the driver of the bus or individual in charge thereof may stop at the place where the offense is committed or at the next regular or convenient stopping place and remove the actor, using only such force as may be necessary to accomplish the removal, and the driver or individual in charge may request the assistance of passengers to assist in removing the actor.
(b) The driver or individual in charge may cause the removed actor to be detained and delivered to the proper authorities.

Amended by Chapter 362, 2026 General Session

76-9-1506 Unlawful refusal to leave a terminal -- Detention of violators -- Private security personnel.
(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits unlawful refusal to leave a terminal if:
(a) an authorized bus company representative asks the actor to identify the actor's self and state the ground for the actor's business in the terminal;
(b) the actor:
(i) fails to comply with the request described in Subsection (2)(a); or
(ii) fails to state an acceptable business purpose;
(c) the authorized bus company representative requests that the actor depart the terminal;
(d) the request for departure described in Subsection (2)(c) is:
(i) within the bus company's ability to refuse admission to a terminal to individuals who do not have a bona fide business within the terminal as part of the bus company's provision of safety, welfare, and comfort of passengers; and
(ii) not inconsistent with or contrary to state or federal laws or regulations, or to an ordinance of the political subdivision in which the terminal is located; and
(e) the actor refuses to comply with the request described in Subsection (2)(c) to depart the terminal.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4)
(a) An authorized bus company representative may detain within a terminal or bus an actor who violates the provisions of this section for a reasonable time until law enforcement authorities arrive.
(b) The detention described in Subsection (4)(a) does not constitute unlawful imprisonment and neither the bus company nor the representative is civilly or criminally liable upon grounds

of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against the detained actor.

(5)

(a) A bus company may employ or contract for private security personnel.

(b) The private security personnel may:

(i) detain within a terminal or bus an actor who violates this section for a reasonable time until law enforcement authorities arrive; and

(ii) use reasonable and necessary force in subduing or detaining the actor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1507 Unlawful material or device in a bus or a terminal -- Detention of violators -- Private security personnel.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits unlawful material or device in a bus or a terminal if the actor carries a highly flammable or hazardous material or device into a terminal or aboard a bus.

(3) A violation of Subsection (2) is a third degree felony.

(4)

(a) A bus company may employ reasonable means, including mechanical, electronic or x-ray devices, to detect the items concealed in baggage or upon the person of a passenger.

(b) Upon discovery of a highly flammable or hazardous material or device, the bus company may obtain possession and retain custody of the material or device until the material or device is transferred to a peace officer.

(5)

(a) An authorized bus company representative may detain within a terminal or bus an actor who violates the provisions of this section for a reasonable time until law enforcement authorities arrive.

(b) The detention does not constitute unlawful imprisonment and neither the bus company nor the representative is civilly or criminally liable upon grounds of unlawful imprisonment or assault, provided that only reasonable and necessary force is exercised against the detained actor.

(6)

(a) A bus company may employ or contract for private security personnel.

(b) The private security personnel may:

(i) detain within a terminal or bus an actor who violates this section for a reasonable time until law enforcement authorities arrive; and

(ii) use reasonable and necessary force in subduing or detaining the actor.

Enacted by Chapter 173, 2025 General Session

76-9-1508 Theft of baggage or cargo.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

(2) An actor commits theft of baggage or cargo if the actor removes any baggage, cargo or other item transported upon a bus or stored in a terminal without the consent of:

(a) the owner of the property; or

(b) the bus company or the bus company's duly authorized representative.

(3) A violation of Subsection (2) is punishable under Section 76-6-404.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1509 Obstructing the operation of a bus.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits obstructing the operation of a bus if the actor unlawfully obstructs or impedes by force or violence, or any means of intimidation, the regular operation of a bus.
(3) A violation of Subsection (2) is a class C misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1510 Conspiracy to obstruct the operation of a bus.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
(2) An actor commits conspiracy to obstruct the operation of a bus if the actor willfully combines or conspires with another individual to violate Section 76-9-1509, Obstructing the operation of a bus.
(3) A violation of Subsection (2) is a class C misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 16
Money Laundering and Currency Transaction Reporting

76-9-1601 Definitions.

As used in this part:

(1) "Bank" means an agent, agency, or office in this state of a person doing business in one of the following capacities:
  (a) a commercial bank or trust company organized under the laws of this state or of the United States;
  (b) a private bank;
  (c) a savings and loan association or a building and loan association organized under the laws of the United States;
  (d) an insured institution as defined in Section 401 of the National Housing Act;
  (e) a savings bank, industrial bank, or other thrift institution;
  (f) a credit union organized under the laws of this state or of the United States; or
  (g) any other organization chartered under Title 7, Financial Institutions Act, and subject to the supervisory authority set forth in that title.
(2) "Conducts" includes initiating, concluding, or participating in initiating or concluding a transaction.
(3)
  (a) "Currency" means the coin and paper money of the United States or of another country that is designated as legal tender, that circulates, and is customarily used and accepted as a medium of exchange in the country of issuance.
  (b) "Currency" includes United States silver certificates, United States notes, Federal Reserve notes, and foreign bank notes customarily used and accepted as a medium of exchange in a foreign country.

(4) "Financial institution" means an agent, agency, branch, or office within this state of a person doing business, whether or not on a regular basis or as an organized business concern, in one or more of the following capacities:
(a) a bank, except bank credit card systems;
(b) a broker or dealer in securities;
(c) a currency dealer or exchanger, including a person engaged in the business of check cashing;
(d) an issuer, seller, or redeemer of travelers checks or money orders, except as a selling agent exclusively who does not sell more than $150,000 of the instruments within any 30-day period;
(e) a licensed transmitter of funds or other person engaged in the business of transmitting funds;
(f) a telegraph company;
(g) a person subject to supervision by a state or federal supervisory authority; or
(h) the United States Postal Service regarding the sale of money orders.
(5) "Financial transaction" means a transaction:
(a) involving the movement of funds by wire or other means or involving one or more monetary instruments, which in any way or degree affects commerce; or
(b) involving the use of a financial institution that is engaged in, or its activities affect commerce in any way or degree.
(6) "Monetary instruments" means coins or currency of the United States or of another country, travelers checks, personal checks, bank checks, money orders, and investment securities or negotiable instruments in bearer form or in other form so that title passes upon delivery.
(7) "Person" means an individual, corporation, partnership, trust or estate, joint stock company, association, syndicate, joint venture, or other unincorporated organization or group, and all other entities cognizable as legal personalities.
(8) "Proceeds" means property acquired or derived directly or indirectly from, produced through, realized through, or caused by an act or omission and includes property of any kind.
(9) "Property" means anything of value, and includes an interest in property, including a benefit, privilege, land, or right with respect to anything of value, whether real or personal, tangible or intangible.
(10) "Prosecuting agency" means the office of the attorney general or the office of the county attorney, including an attorney on the staff whether acting in a civil or criminal capacity.
(11) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or other disposition. With respect to a financial institution, "transaction" includes a deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary instrument, or any other payment, transfer, or delivery by, through, or to a financial institution, by whatever means effected.
(12) "Transaction in currency" means a transaction involving the physical transfer of currency from one person to another. A transaction that is a transfer of funds by means of bank check, bank draft, wire transfer, or other written order that does not include the physical transfer of currency is not a transaction in currency under this chapter.
(13)
(a) "Unlawful activity" means the same as that term is defined in Section 76-17-401.
(b) "Unlawful activity" includes activity committed outside this state which, if committed within this state, would be unlawful activity.
(c) "Unlawful activity" does not include an illegal act under 18 U.S.C. Sec. 1961(1)(B), (C), and (D).

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1602 Money laundering.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits money laundering if the actor:
  (a)
    (i) transports, receives, or acquires property that is the proceeds of unlawful activity; and
    (ii) knows that the property represents the proceeds of unlawful activity;
  (b)
    (i) makes proceeds of unlawful activity available to another person by transaction, transportation, or other means; and
    (ii) knows that the proceeds are intended to be used for the purpose of continuing or furthering the commission of unlawful activity; or
  (c)
    (i) conducts a transaction involving property;
    (ii) knows that the property represents the proceeds of unlawful activity; and
    (iii) conducts the transaction with the intent:
      (A) to promote the unlawful activity;
      (B) to conceal or disguise the nature, location, source, ownership, or control of the property; or
      (C) to avoid a transaction reporting requirement under this part or under federal law.
(3) A violation of Subsection (2) is a second degree felony.
(4) Each act committed in violation of Subsection (2) that involves the movement of funds in excess of $10,000 is a separate violation under this section.
(5) Under Subsection (2)(a)(ii), the phrase "knows that the property involved represents the proceeds of unlawful activity" means that the actor knows, or it was represented to the actor, that the property involved represents proceeds from a form of unlawful activity, although the actor does not necessarily know which form of activity, that constitutes a crime under state or federal law, regardless of whether or not the activity is specified in the definition of unlawful activity.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1603 Accepting the proceeds of unlawful activity.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits accepting the proceeds of unlawful activity if the actor knowingly accepts or receives property that is represented to the actor to be the proceeds of unlawful activity.
(3) A violation of Subsection (2) is a third degree felony.
(4) Each act committed in violation of Subsection (2) that involves the movement of funds in excess of $10,000 is a separate violation under this section.
(5) Under Subsection (2), knowledge that the property represents the proceeds of unlawful activity may be established by proof that a law enforcement officer or an individual acting at the request of a law enforcement officer made the representations and the actor's subsequent statements or actions indicate that the actor believed those representations to be true.

Enacted by Chapter 173, 2025 General Session

76-9-1604 Failure to report a financial transaction of more than $10,000.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
(2) An actor commits failure to report a financial transaction of more than $10,000 if the actor:
(a) is engaged in a trade or business;
(b) receives more than $10,000 in domestic or foreign currency:
(i) in one transaction; or
(ii) through two or more related transactions during one business day; and
(c) intentionally or knowingly fails to complete and file with the State Bureau of Investigation the information required by 26 U.S.C. Sec. 6050I, concerning returns relating to currency received in trade or business.
(3)
(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a class C misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor has previously been convicted of violating this section.
(c) A violation of Subsection (2) is a third degree felony if the violation is committed:
(i) in furtherance of the commission of any other violation of state law; or
(ii) as part of a pattern of illegal activity involving transactions exceeding $100,000 in any 12-month period.
(4)
(a) The State Bureau of Investigation and the Office of the Attorney General:
(i) shall enforce compliance with Subsection (2); and
(ii) are custodians of and have access to all information and documents filed under Subsection (2).
(b) Information filed by a trade or business in compliance with this section is confidential, except a law enforcement agency, county attorney, or district attorney, when establishing a clear need for the information for investigative purposes, shall have access to the information and shall maintain the information in a confidential manner except as otherwise provided by the Utah Rules of Criminal Procedure.
(5) Under this section, each failure by an actor to file a report required under Subsection (2) is a separate violation.
(6) This section does not apply to a financial institution.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 17
Unlawful Use of a Laser Pointer

76-9-1701 Definitions.

As used in this part:
(1) "Aircraft" means the same as that term is defined in Section 72-10-102.
(2) "Laser light" means light that is amplified by stimulated emission of radiation.
(3) "Laser pointer" means any portable device that emits a visible beam of laser light that may be directed at an individual.
(4) "Law enforcement officer" means an officer under Section 53-13-103.

Enacted by Chapter 173, 2025 General Session

76-9-1702 Unlawful use of a laser pointer against a motor vehicle.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.

(2) An actor commits unlawful use of a laser pointer against a motor vehicle if the actor directs a beam of laser light from a laser pointer at a moving motor vehicle or the occupants of a moving motor vehicle.

(3) A violation of Subsection (2) is an infraction.

(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1703 Unlawful use of a laser pointer against an aircraft.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.

(2) An actor commits unlawful use of a laser pointer against an aircraft if the actor directs a beam of laser light from a laser pointer at an aircraft or the occupants of an aircraft.

(3)

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

(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor previously has been convicted of a violation of Subsection (2).

(c) A violation of Subsection (2) is a third degree felony if the actor's conduct causes an aircraft to crash or perform an emergency landing.

(4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Enacted by Chapter 173, 2025 General Session

76-9-1704 Unlawful use of a laser pointer against a law enforcement officer.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.

(2) An actor commits unlawful use of a laser pointer against a law enforcement officer if the actor directs a beam of laser light from a laser pointer at an individual who the actor knows or has reason to know is a law enforcement officer.

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

(4) It is an affirmative defense to a charge under Subsection (2) that:

(a) the law enforcement officer was:

(i) not in uniform;

(ii) not traveling in a vehicle identified as a law enforcement vehicle; and

(iii) not otherwise engaged in an activity that would give the actor reason to know the law enforcement officer to be a law enforcement officer; and

(b) the law enforcement officer was not otherwise known by the actor to be a law enforcement officer.

(5) If the violation of this section constitutes an offense subject to a greater penalty under another provision of this title than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Enacted by Chapter 173, 2025 General Session

Part 18
Litter and Recycling Violations

76-9-1801 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-9-1802 Unlawful littering on land or waterway.

(1)
(a) As used in this section, "litter" includes a glass bottle, glass, a nail, tack, wire, can, barbed wire, board, trash or garbage, paper or paper products, or any other substance that would or could mar or impair the scenic aspect or beauty of the land.
(b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful littering on land or waterway if the actor drops, throws, deposits, or discards, or permits to be dropped, thrown, deposited, or discarded, litter in a park, recreation area, or other public or private land, or waterway, without the permission of the owner or person having control or custody of the land or waterway.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1803 Unlawful failure to prevent advertising materials from becoming litter.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
(2) An actor commits unlawful failure to prevent advertising materials from becoming litter if the actor:
(a) distributes commercial handbills, leaflets, or other advertising materials; and
(b) fails to take measures that are reasonably necessary to keep the commercial handbills, leaflets, or other advertising materials from littering public or private property.
(3)
(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.
(b) The court may require the actor to participate in at least four hours of cleaning up:
(i) litter caused by the actor's offense; and
(ii) existing litter from a safe area designated by the court.
(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1804 Unlawful failure to remove injurious substance while removing a vehicle.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

(2) An actor commits unlawful failure to remove injurious substance while removing a vehicle if the actor:

(a) removes a wrecked or damaged vehicle from a park, recreation area, or other public or private land; and

(b) fails to remove glass or other injurious substance dropped from the vehicle in the park, recreation area, or other private or public land.

(3)

(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.

(b) The court may require the actor to participate in at least four hours of cleaning up:

(i) the glass or other injurious substance dropped from the vehicle; and

(ii) existing litter from a safe area designated by the court.

(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1805 Unlawful failure to prevent accumulation of litter at a construction or demolition site.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

(2) An actor commits unlawful failure to prevent accumulation of litter at a construction or demolition site if the actor:

(a) is in charge of a construction or demolition site; and

(b) fails to take reasonable steps to prevent the accumulation of litter at the construction or demolition site.

(3)

(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.

(b) The court may require the actor to participate in at least four hours of cleaning up:

(i) the litter caused by the actor's offense; and

(ii) existing litter from a safe area designated by the court.

(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1806 Unlawful failure to provide sufficient litter receptacles.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

(2) An actor commits unlawful failure to provide sufficient litter receptacles if the actor:

(a) is an operator of a park, campground, trailer park, drive-in restaurant, gasoline service station, shopping center, grocery store parking lot, tavern parking lot, parking lot of an industrial firm, marina, boat launching area, boat moorage and fueling station, public or private pier, beach, or bathing area; and

(b) fails to maintain sufficient litter receptacles on the premises to accommodate the litter that accumulates on the premises.

(3)

(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum fine of $100 for each violation.

(b) The court may require the actor to participate in at least four hours of cleaning up:

(i) the litter caused by the actor's offense; and

(ii) existing litter from a safe area designated by the court.

(4) A municipality within the municipality's corporate limits and a county outside of incorporated municipalities may enact local ordinances to carry out the provisions of this section.

Enacted by Chapter 173, 2025 General Session

76-9-1807 Unlawful misuse of a recycling bin.

(1)

(a) As used in this section:

(i) "Recycling" means the process of collecting materials diverted from the waste stream for reuse.

(ii) "Recycling bin" means any receptacle made available to the public by a governmental entity or private business for the collection of any source-separated item for recycling purposes.

(b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

(2) An actor commits unlawful misuse of a recycling bin if:

(a) the actor places a prohibited item or substance in a recycling bin; and

(b) the recycling bin is posted with the following information printed legibly in basic English:

(i) a descriptive list of the items that may be deposited in the recycling bin, entitled in boldface capital letters: "ITEMS YOU MAY DEPOSIT IN THIS RECYCLING BIN:";

(ii) at the end of the list in Subsection (2)(b)(i), the following statement in boldface capital letters: "REMOVING FROM THIS BIN ANY ITEM THAT IS LISTED ABOVE AND THAT YOU DID NOT PLACE IN THE CONTAINER IS THE CRIMINAL OFFENSE OF THEFT, PUNISHABLE BY LAW.";

(iii) the following statement in boldface capital letters: "DEPOSIT OF ANY OTHER ITEM IN THIS RECYCLING BIN IS AGAINST THE LAW.";

(iv) the following statement in boldface capital letters, posted on the recycling collection container in close proximity to the other notices required under Subsection (2)(b): "PLACING ANY ITEM OR SUBSTANCE IN THIS RECYCLING BIN OTHER THAN THOSE ALLOWED IN THE LIST POSTED ON THIS BIN IS AN INFRACTION, PUNISHABLE BY A MAXIMUM FINE OF $750."; and

(v) the name and telephone number of the entity that owns the recycling bin or is responsible for its placement and maintenance.

(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 19
Unlawful Contraband Compartment in a Vehicle

76-9-1901 Definitions.

As used in this part:

(1)

(a) "Compartment" means any box, container, space, or enclosure:

(i) that is intended or designed to conceal, hide, or otherwise prevent the discovery of contraband; and

(ii) that is within a vehicle or attached to a vehicle.

(b) "Compartment" includes:

(i) false, altered, or modified fuel tanks;

(ii) original factory equipment of a vehicle that is modified, altered, or changed to accommodate or contain contraband; and

(iii) a box, container, space, or enclosure that is fabricated, made, created from, or added to the existing structure of a vehicle.

(2)

(a) "Contraband" means any property, item, or substance that is unlawful to produce or possess under state or federal law.

(b) "Contraband" includes any cash or monetary instrument that is the proceeds of an unlawful activity under Subsection 76-17-401(4).

(3) "Motor vehicle" means the same as that term is defined in Section 41-6a-102.

(4) "Semitrailer" means the same as that term is defined in Section 41-6a-102.

(5) "Trailer" means the same as that term is defined in Section 41-1a-102.

(6) "Vehicle" means a motor vehicle, a trailer, or a semitrailer.

Enacted by Chapter 173, 2025 General Session

76-9-1902 Vehicle compartment for contraband -- Penalties.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

(2) An actor commits unlawful possession, use, or control of a vehicle with a contraband compartment if the actor knowingly possesses, uses, or controls a vehicle that has a compartment with the intent to store, conceal, or transport contraband in the compartment.

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

(4) The trier of fact may infer that an actor intended to store, conceal, or transport contraband if:

(a) the actor possesses, uses, or controls a vehicle that has a compartment; and

(b) the compartment contains:

(i) contraband; or

(ii) evidence of prior storage, concealment, or transportation of contraband.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-1903 Unlawful creation, installation, or attachment of a contraband compartment.

(1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

(2) An actor commits unlawful creation, installation, or attachment of a contraband compartment if the actor facilitates the storage, concealment, or transportation of contraband by:

(a) designing, constructing, building, altering, or fabricating a compartment for a vehicle;

(b) installing or creating a compartment in a vehicle; or

(c) attaching a compartment to a vehicle.

(3) A violation of Subsection (2) is a third degree felony.

(4) The trier of fact may infer that an actor intends to store, conceal, or transport contraband if:

(a) the actor possesses, uses, or controls a vehicle that has a compartment; and
(b) the compartment contains:
(i) contraband; or
(ii) evidence of prior storage, concealment, or transportation of contraband.

Enacted by Chapter 173, 2025 General Session

Part 20
Unlawful Tattooing or Body Piercing of a Minor

76-9-2001 Definitions.

As used in this part:
(1) "Body piercing" means the creation of an opening in the body, excluding the ear, for the purpose of inserting jewelry or other decoration.
(2) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal guardian during the performance of tattooing or body piercing upon the minor after the parent or legal guardian has provided:
(a) reasonable proof of personal identity and familial relationship; and
(b) written permission signed by the parent or legal guardian authorizing the performance of tattooing or body piercing upon the minor.
(3) "Minor" means a person younger than 18 years old who:
(a) is not married; and
(b) has not been declared emancipated by a court of law.
(4) "Scarification" means the process in which a mark is cut into human skin tissue with the intent of leaving a permanent mark.
(5) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment under the skin or by producing scars.

Amended by Chapter 209, 2026 General Session

76-9-2002 Unlawful tattooing of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.
(2) Except as provided in Subsection (5), an actor commits unlawful tattooing of a minor if the actor performs or offers to perform a tattooing:
(a) upon a minor;
(b) without receiving the consent of the minor's parent or legal guardian; and
(c) for remuneration or in the course of a business or profession.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) The owner or operator of a business in which a violation of Subsection (2) occurs is subject to a civil penalty of $1,000 for each violation.
(5) An actor is not guilty of violating Subsection (2) if the actor:
(a) has no actual knowledge of the minor's age; and
(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years old or older before the actor performs the tattooing.

Renumbered and Amended by Chapter 173, 2025 General Session

76-9-2003 Unlawful body piercing of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.

(2) Except as provided in Subsection (5), an actor commits unlawful body piercing of a minor if the actor performs or offers to perform a body piercing:

(a) upon a minor;

(b) without receiving the consent of the minor's parent or legal guardian; and

(c) for renumeration or in the course of a business or profession.

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

(4) The owner or operator of a business in which a violation of Subsection (2) occurs is subject to a civil penalty of $1,000 for each violation.

(5) An actor is not guilty of violating Subsection (2) if the actor:

(a) has no actual knowledge of the minor's age; and

(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years old or older before the actor performs the body piercing.

Enacted by Chapter 173, 2025 General Session

76-9-2004 Unlawful scarification of a minor.

(1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.

(2) Except as provided in Subsection (4), an actor commits unlawful scarification of a minor if the actor performs or offers to perform scarification:

(a) upon a minor; and

(b) for remuneration or in the course of a business or profession.

(3) A violation of Subsection (2) is a class B misdemeanor with a mandatory fine of not less than $1,000.

(4) An actor is not guilty of violating Subsection (2) if the actor:

(a) has no actual knowledge of the minor's age; and

(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license or other government-issued picture identification for the minor that expressly purports that the minor is 18 years old or older before the actor performs the scarification.

Enacted by Chapter 209, 2026 General Session

Chapter 11
Weapons

Part 1
General Provisions

76-11-101 Definitions.

As used in this chapter:

(1)

(a) "Antique firearm" means:
(i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system, manufactured in or before 1898;
(ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the replica:
(A) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition; or
(B) uses rimfire or centerfire fixed ammunition that is no longer manufactured in the United States and is not readily available in ordinary channels of commercial trade; or
(iii)
(A) that is a muzzle loading rifle, shotgun, or pistol; and
(B) is designed to use black powder, or a black powder substitute, and cannot use fixed ammunition.
(b) "Antique firearm" does not include:
(i) a weapon that incorporates a firearm frame or receiver;
(ii) a firearm that is converted into a muzzle loading weapon; or
(iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition by replacing the:
(A) barrel;
(B) bolt;
(C) breechblock; or
(D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).
(2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201 within the Department of Public Safety.
(3)
(a) "Dangerous weapon" means:
(i) a firearm; or
(ii) an object that in the manner of its use or intended use is capable of causing death or serious bodily injury.
(b) The following factors are used in determining whether any object, other than a firearm, is a dangerous weapon:
(i) the location and circumstances in which the object was used or possessed;
(ii) the primary purpose for which the object was made;
(iii) the character of the wound, if any, produced by the object's unlawful use;
(iv) the manner in which the object was unlawfully used;
(v) whether the manner in which the object is used or possessed constitutes a potential imminent threat to public safety; and
(vi) the lawful purposes for which the object may be used.
(c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device as defined by Section 76-15-210.
(4) "Firearm" means:
(a) a pistol, revolver, shotgun, short barreled shotgun, rifle, or short barreled rifle; or
(b) a device that could be used as a dangerous weapon from which a projectile is expelled by an explosive action.
(5) "Handgun" means a pistol, revolver, or other firearm of any description, from which a shot, bullet, or other missile can be discharged, the length of which, not including any revolving, detachable, or magazine breech, does not exceed 12 inches.
(6) "Minor" means an individual under 18 years old.
(7)

(a) "Short barreled rifle" means a rifle having a barrel or barrels of fewer than 16 inches in length.
(b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
(8)
(a) "Short barreled shotgun" means a shotgun having a barrel or barrels of fewer than 18 inches in length.
(b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by alteration, modification, or otherwise, if the weapon as modified has an overall length of fewer than 26 inches.
(9) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets or a single slug.
(10) "Slug" means a single projectile discharged from a shotgun shell.
(11) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-102 When a firearm is considered to be loaded.
(1) For the purpose of this chapter:
(a) a firearm is considered to be loaded when there is an unexpended cartridge, shell, or projectile in the firing position;
(b) handguns are also considered to be loaded when an unexpended cartridge, shell, or projectile is in a position whereby the manual operation of any mechanism once would cause the unexpended cartridge, shell, or projectile to be fired; and
(c) a muzzle loading firearm is considered loaded when the muzzle loading firearm is capped or primed and has a powder charge and ball or shot in the barrel or cylinders.
(2) If a provision of this chapter does not specify that the firearm in the prohibited or allowed conduct is loaded or unloaded, the prohibited or allowed conduct includes if the firearm is either loaded or unloaded.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

Part 2
General Weapons Violations

76-11-201 Definitions.
As used in this part:
(1) "Class D road" means the same as that term is defined in Section 72-3-105.
(2) "Enter" means intrusion of the entire body.
(3) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be readily restored to fire, automatically more than one shot without manual reloading by a single function of the trigger.
(4) "Highway" means the same as that term is defined in Section 72-1-102.

(5) "House of worship" means a church, temple, synagogue, mosque, or other building set apart primarily for the purpose of worship in which religious services are held and the main body of which is kept for that use and not put to any other use inconsistent with the building's primary purpose.
(6) "Machinegun firearm attachment" means any part or combination of parts added to a semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.
(7)
(a) "Readily accessible for immediate use" means that a firearm or other dangerous weapon is carried on an individual's person or within such close proximity and in such a manner that it can be retrieved and used as readily as if carried on the individual's person.
(b) "Readily accessible for immediate use" does not include a securely encased firearm.
(8)
(a) "Securely encased firearm" means a firearm that is not readily accessible for immediate use.
(b) "Securely encased firearm" includes a loaded or unloaded firearm located in a gun rack, in a closed locked or unlocked case or container, or in a trunk or other storage area of a motor vehicle.
(c) "Securely encased firearm" does not include a firearm in a glove box or console box unless the firearm is also in a holster or other case which covers the trigger mechanism.

Amended by Chapter 200, 2026 General Session

76-11-202 Unlawful carrying of a concealed firearm by an individual under 21 years old.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits unlawful carrying of a concealed firearm by an individual under 21 years old if:
(a) the actor is younger than 21 years old;
(b) the actor does not have a provisional concealed carry permit issued in accordance with Section 53-5a-304 or a concealed carry permit lawfully issued by or in another state;
(c) the actor conceals a firearm in a covered, hidden, or secreted manner that the public would not be aware of the firearm's presence;
(d) the firearm described in Subsection (2)(c) is readily accessible for immediate use by the actor; and
(e) the actor is in a location that is not:
(i) the actor's residence;
(ii) the actor's real property;
(iii) a vehicle that the actor is lawfully present in; or
(iv) a business under the actor's control.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a class B misdemeanor.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the firearm was loaded at the time of the violation.
(c) A violation of Subsection (2) is a second degree felony if the firearm was used in the commission of a violent felony and the actor was a party to the offense.
(4) This section does not:
(a) apply to an individual who is categorized as a restricted person under Section 76-11-302 or 76-11-303 and may not possess a firearm in any manner or location and is subject to the penalties described in Part 3, Persons Restricted Regarding Dangerous Weapons;

(b) prohibit an individual engaged in the lawful taking of protected or unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a concealed firearm while performing an act to take the wildlife if the taking of wildlife does not occur:
(i) within the limits of a municipality in violation of that municipality's ordinances; or
(ii) upon the highways of the state as defined in Section 41-6a-102;
(c) apply to an individual who is not a restricted person as described in Section 76-11-302 or 76-11-303 or 18 U.S.C. Sec. 922(g) and is issued a protective order under Subsection 78B-7-404(1)(b) or 78B-7-603(1)(b), for a period of 120 days after the day on which the individual is issued the protective order; or
(d) prohibit the owner or lawful possessor of a vehicle from prohibiting another individual from carrying a firearm in the owner's or lawful possessor's vehicle.
(5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:
(a) the vehicle is in the lawful possession of the actor; or
(b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-203 Concealing an unlawfully possessed short barreled shotgun or short barreled rifle.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits concealing an unlawfully possessed short barreled shotgun or short barreled rifle if:
(a) the actor unlawfully possesses a short barreled shotgun or short barreled rifle;
(b) the actor conceals the unlawfully possessed short barreled shotgun or short barreled rifle in a covered, hidden, or secreted manner that the public would not be aware of the short barreled shotgun's or short barreled rifle's presence; and
(c) the short barreled shotgun or short barreled rifle is readily accessible for immediate use by the actor.
(3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 208, 2025 General Session

76-11-204 Unlawfully carrying a firearm in a vehicle.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits unlawfully carrying a firearm in a vehicle if the actor:
(a) is 18 years old or older; and
(b)
(i)
(A) is carrying a firearm that is readily accessible by the actor for immediate use; and
(B) is in a vehicle in which the actor is not lawfully present; or
(ii) is carrying a loaded rifle, shotgun, or muzzle-loading rifle in any vehicle.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not prohibit the owner or lawful possessor of a vehicle from prohibiting another individual who may otherwise lawfully carry a firearm from carrying a firearm in the owner's or lawful possessor's vehicle.
(5) An actor is lawfully present in a vehicle while carrying a firearm under this section if:

(a) the vehicle is in the lawful possession of the actor; or
(b) the actor has the consent of the person lawfully in possession of the vehicle to carry the firearm in the vehicle.
(6) This section does not apply if the actor has a concealed carry permit issued under Section 53-5a-303, a temporary concealed carry permit issued under Section 53-5a-304, a provisional concealed carry permit issued under Section 53-5a-305, or a concealed carry permit lawfully issued by or in another state.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-205 Carrying a dangerous weapon at an elementary school or secondary school.
(1)
(a) As used in this section, "on or about school premises" means:
(i) in a public or private elementary school or secondary school; or
(ii) on the grounds of a private elementary school or secondary school.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a dangerous weapon at an elementary school or secondary school if the actor:
(a) is not an individual listed in Subsection (4);
(b) carries a dangerous weapon on or about school premises; and
(c) knows or reasonably believes that the actor is on or about school premises at the time the actor carries the dangerous weapon.
(3)
(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.
(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.
(4) This section does not apply if:
(a) the actor is an individual exempt from certain weapons laws as described in Section 53-5a-108;
(b) the actor is 21 years old or older and has a concealed carry permit as described in Section 53-5a-303 and is carrying the actor's dangerous weapon in a concealed manner unless lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;
(c) the actor is 21 years old or older and has a temporary concealed carry permit issued under Section 53-5a-305 and is carrying the actor's dangerous weapon in a concealed manner unless lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;
(d) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
(e) the possession of the dangerous weapon is approved by the responsible school administrator;
(f) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use;
(g) the actor is an armed school security guard as described in Section 53G-8-704; or

(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the school or used by the school to transport students.
(5) This section does not:
(a) prohibit prosecution of another criminal offense that may occur on or about school premises; or
(b) prevent an actor from securely storing a firearm on the grounds of a school if the actor:
(i) participates in:
(A) the school guardian program created in Section 53-22-105; or
(B) the Educator-Protector Program created in Section 53-22-107; and
(ii) complies with the requirements for securely storing the firearm described in Subsection 53-22-107(5)(a).

Amended by Chapter 171, 2026 General Session

76-11-205.5 Openly carrying a dangerous weapon at an institution of higher education.
(1)
(a) As used in this section:
(i) "Institution of higher education" means the same as that term is defined in Section 53H-1-101.
(ii) "On or about school premises" means:
(A) in an institution of higher education; or
(B) on the grounds of a an institution of higher education.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits openly carrying a dangerous weapon at an institution of higher education if:
(a) the actor intentionally carries a dangerous weapon on or about school premises;
(b) the actor intentionally carries the dangerous weapon in a manner that the dangerous weapon is visible to the ordinary observation of a reasonable person;
(c) the dangerous weapon is not covered, hidden, or secreted in a way that would make the dangerous weapon's presence unobservable to the ordinary observation of a reasonable person; and
(d) the actor knows, or reasonably believes, that the actor is on or about school premises at the time the actor carries the dangerous weapon.
(3) A violation of Subsection (2) is a class (C) misdemeanor.
(4) This section does not apply if:
(a) the actor is an individual exempt from certain weapons laws as described in Section 53-5a-108;
(b) the actor is lawfully concealing the dangerous weapon and accidentally or inadvertently exposes the dangerous weapon to public view;
(c) the actor is openly carrying the dangerous weapon while lawfully responding to an active threat in accordance with Section 76-2-402, 76-2-405, or 76-2-407;
(d) the actor is openly carrying the dangerous weapon at the actor's place of residence or on the actor's real property;
(e) the open carrying of the dangerous weapon is approved by the responsible school administrator;
(f) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use; or

(g) the actor is openly carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the school or used by the school to transport students.

(5) This section does not prohibit prosecution of another criminal offense that may occur on or about school premises.

Amended by Chapter 171, 2026 General Session

76-11-206 Carrying a dangerous weapon at a daycare.

(1)

(a) As used in this section:

(i) "Daycare" means a preschool or child care center.

(ii) "On or about daycare premises" means:

(A) inside the building where a daycare is being held, if the entire building is being used for the operation of the daycare; or

(B) if only a portion of a building is being used to operate a daycare, in the room or rooms where the daycare operation is being held.

(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits carrying a dangerous weapon at a daycare if the actor:

(a) is not an individual listed in Subsection (4);

(b) carries a dangerous weapon on or about daycare premises; and

(c) has reasonable cause to believe that the actor is on or about daycare premises at the time the actor carried the dangerous weapon.

(3)

(a) A violation of Subsection (2) is a class B misdemeanor if the dangerous weapon carried by the actor is not a firearm.

(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon carried by the actor is a firearm.

(4) This section does not apply if:

(a) the actor is an individual exempted from certain weapons laws as described in Section 53-5a-108;

(b) the actor has a concealed carry permit as described in Section 53-5a-303;

(c) the actor has a provisional concealed carry permit as described in Section 53-5a-304;

(d) the actor has a temporary concealed carry permit issued under Section 53-5a-305;

(e) the actor is carrying the dangerous weapon at the actor's place of residence or on the actor's real property;

(f) the actor's carrying of the dangerous weapon is approved by the responsible daycare administrator;

(g) the dangerous weapon is present or to be used in connection with a lawful, approved activity and is in the possession or under the control of the actor responsible for the dangerous weapon's possession or use; or

(h) the actor is carrying the dangerous weapon in a vehicle lawfully under the actor's control, not including a vehicle owned by the daycare or used by the daycare to transport minors enrolled in the daycare.

(5) This section does not prohibit the prosecution of another criminal offense that may occur on or about daycare premises.

Enacted by Chapter 208, 2025 General Session

76-11-207 Threatening with or using a dangerous weapon in a fight or quarrel.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits threatening with or using a dangerous weapon in a fight or quarrel if the actor, in the presence of two or more individuals:

(a) unlawfully draws or exhibits a dangerous weapon in an angry and threatening manner; or

(b) unlawfully uses a dangerous weapon in a fight or quarrel.

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

(4) This section does not apply to:

(a) an individual who, reasonably believing the action to be necessary in compliance with Section 76-2-402, with purpose to prevent another's use of unlawful force:

(i) threatens the use of a dangerous weapon; or

(ii) draws or exhibits a dangerous weapon; or

(b) an individual exempted from certain weapons laws as described in Subsections 53-5a-108(1)(a) through (f) acting in performance of the individual's duties.

(5) For purposes of this section, the following conduct by an actor does not constitute drawing or exhibiting a dangerous weapon in an angry and threatening manner as described in Subsection (2):

(a) possession of a dangerous weapon, whether visible or concealed, without additional threatening behavior; or

(b)

(i) informing another individual of the actor's possession of a dangerous weapon to prevent what the actor reasonably perceives as a possible use of unlawful force by the individual; and

(ii) the actor is not engaged in any activity described in Subsection 76-2-402(3)(a).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-208 Possession of a dangerous weapon with criminal intent.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits possession of a dangerous weapon with criminal intent if the actor possesses a dangerous weapon with the intent to use the dangerous weapon to commit a criminal offense.

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

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-209 Improper discharging of a dangerous weapon.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits improper discharging of a dangerous weapon if the actor:

(a) discharges a dangerous weapon:

(i) from a vehicle;

(ii) from, upon, or across a highway other than a class D road;

(iii) at a road sign placed on a highway;

(iv) at communications equipment or property of public utilities including a facility, line, pole, or device of transmission or distribution;

(v) at railroad equipment or facility including a sign or signal;

(vi) within a Utah State Park building, designated camp or picnic site, overlook, boat ramp, or developed beach; or
(vii) without written permission to discharge the dangerous weapon from the owner or person in charge of the property within 600 feet of:
(A) a house, dwelling, or other building; or
(B) a structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard; or
(b) notwithstanding Subsection (2)(a)(vii):
(i) discharges a dangerous weapon while located on a waterfowl management area, as defined in Section 23A-12-301, or a wildlife management area, as defined in Section 23A-6-101;
(ii) is within 300 feet of:
(A) a house, dwelling, or other building; or
(B) a structure in which a domestic animal is kept or fed, including a barn, poultry yard, corral, feeding pen, or stockyard; and
(iii) does not have written permission to discharge the dangerous weapon from the owner or person in charge of the property described in Subsection (2)(b)(ii).
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) In addition to any other penalties, the court shall:
(a) notify the Driver License Division of the conviction for purposes of revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
(5) This section does not apply to an actor who:
(a) discharges a dangerous weapon in the lawful defense of the actor or another individual;
(b) is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as provided in Section 23A-2-207 or 79-2-704 or as otherwise provided by law;
(c) discharges a dangerous weapon from an automobile or other vehicle, if:
(i) the discharge occurs at a firing range or training ground;
(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
(iii) the discharge is made as practice or training for a lawful purpose;
(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
(v) the discharge is not made in violation of Subsection (2); or
(d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).
(6) It is a defense to a charge for violating this section that the actor had actual permission of the person in charge of the property at the time the actor discharged the dangerous weapon as described in Subsection (2).

Amended by Chapter 400, 2026 General Session

76-11-210 Felony discharge of a firearm.
(1)
(a) As used in this section, "habitable structure" means the same as that term is defined in Section 76-6-101.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor commits felony discharge of a firearm if:
(a) the actor discharges a firearm in the direction of an individual, knowing or having reason to believe that an individual may be endangered by the discharge of the firearm;
(b) the actor, with intent to intimidate or harass another individual or with intent to damage a habitable structure, discharges a firearm in the direction of an individual or a habitable structure; or
(c) the actor, with intent to intimidate or harass another individual, discharges a firearm in the direction of a vehicle.
(3)
(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is a third degree felony punishable by a term of imprisonment of not less than three years nor more than five years.
(b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes bodily injury to any individual is a second degree felony punishable by imprisonment for a term of not less than three years nor more than 15 years.
(c) A violation of Subsection (2) that causes serious bodily injury to an individual is a first degree felony.
(4) In addition to any other penalties for a violation of this section, the court shall:
(a) notify the Driver License Division of the conviction for purposes of any revocation, denial, suspension, or disqualification of a driver license under Subsection 53-3-220(1)(a)(xi); and
(b) specify in court at the time of sentencing the length of the revocation under Subsection 53-3-225(1)(c).
(5) This section does not apply to an actor:
(a) who discharges a firearm in the lawful defense of the actor or another individual;
(b) who is an individual listed in Subsections 53-5a-108(1)(a) through (f) and is performing official duties as provided in Section 23A-2-207 or 79-2-704, or as otherwise authorized by law;
(c) who discharges a dangerous weapon from an automobile or other vehicle, if:
(i) the discharge occurs at a firing range or training ground;
(ii) at no time after the discharge does the projectile that is discharged cross over or stop at a location other than within the boundaries of the firing range or training ground described in Subsection (5)(c)(i);
(iii) the discharge is made as practice or training for a lawful purpose;
(iv) the discharge and the location, time, and manner of the discharge are approved by the owner or operator of the firing range or training ground before the discharge; and
(v) the discharge is not made in violation of Subsection (2); or
(d) acting under a farm custom slaughter license, discharges a firearm or other dangerous weapon in accordance with Subsection 4-32-108(3).

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-211 Possession of a dangerous weapon by a minor.
(1)
(a) As used in this section, "responsible adult" means an individual:
(i) who is 18 years old or older; and
(ii) who may lawfully possess a dangerous weapon.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits possession of a dangerous weapon by a minor if the actor:

(a) is a minor; and
(b) possesses a dangerous weapon.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:
(i) a class B misdemeanor for a first offense; and
(ii) a class A misdemeanor for each subsequent offense.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:
(i) a handgun;
(ii) a short barreled rifle;
(iii) a short barreled shotgun;
(iv) a fully automatic weapon; or
(v) a machinegun firearm attachment.
(4) For an actor who is younger than 14 years old, this section does not apply if the actor:
(a) possesses a dangerous weapon;
(b) has permission from the actor's parent or guardian to possess the dangerous weapon;
(c) is accompanied by the actor's parent or guardian, or a responsible adult, while the actor has the dangerous weapon in the actor's possession; and
(d) does not use the dangerous weapon in the commission of a crime.
(5) For an actor who is 14 years old or older but younger than 18 years old, this section does not apply if the actor:
(a) possesses a dangerous weapon;
(b) has permission from the actor's parent or guardian to possess the dangerous weapon; and
(c) does not use the dangerous weapon in the commission of a crime.
(6) This section does not apply to the following minors who are otherwise complying with Subsection (4) or (5):
(a) a minor who is a patron at an amusement park, pier, or similar location and is possessing a firearm to participate in lawfully operated target concessions if the firearm to be used is firmly chained or affixed to the counters;
(b) a minor attending a hunter's safety course or a firearms safety course and possessing a weapon as part of the course;
(c) a minor using a firearm at an established range or other area where the discharge of a firearm is not prohibited by state or local law;
(d) a minor participating in an organized competition involving the use of a firearm, or practicing for the competition;
(e) a minor who is on real property with the permission of the owner, licensee, or lessee of the property and who has the permission of a parent or legal guardian or the owner, licensee, or lessee of the property to possess a firearm not otherwise in violation of law;
(f) a minor who has a valid hunting license and is possessing a firearm to lawfully engage in hunting; or
(g) a minor traveling to or from an activity described in Subsections (6)(a) through (f) with an unloaded firearm in the minor's possession.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-212 Transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

(2) An actor is guilty of transferring a handgun, short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor if:
(a) the actor transfers:
(i) a handgun to a minor; or
(ii) a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor; and
(b) the transferring of the firearm described in Subsection (2)(a):
(i) would result in the minor committing a violation of Section 76-11-211, Possession of a dangerous weapon by a minor; or
(ii) is in violation of any other applicable state or federal law.
(3) A violation of Subsection (2)(a) is:
(a) if the violation is the result of transferring a handgun:
(i) a class B misdemeanor upon the first offense; and
(ii) a class A misdemeanor for each subsequent offense; or
(b) a third degree felony if the violation is the result of transferring a short barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-213 Parent or guardian providing a firearm to a violent minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of a parent or guardian providing a firearm to a violent minor if:
(a) the actor intentionally or knowingly provides a firearm to, or permits the possession of a firearm by, a minor;
(b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
(c) the minor has previously been:
(i) convicted of a violent felony; or
(ii) adjudicated in juvenile court for an offense which would constitute a violent felony if the minor were an adult.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor upon the first offense; and
(b) a third degree felony for each subsequent offense.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-214 Parent or guardian knowing a minor is in possession of a dangerous weapon.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of parent or guardian knowing a minor is in possession of a dangerous weapon if:
(a) the actor knows a minor is in possession of a dangerous weapon in violation of Section 76-11-211, Possession of a dangerous weapon by a minor;
(b) the minor is the actor's biological or adopted child or the actor is the legal guardian of the minor; and
(c) the actor fails to make reasonable efforts to remove the dangerous weapon from the minor's possession.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-215 Selling a firearm to a minor.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits selling a firearm to a minor if:
(a) the actor sells a firearm to a minor; and
(b) at the time the actor sells the weapon to a minor, the minor is not accompanied by a parent of the minor or a legal guardian of the minor.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-216 Prohibited conduct in the sale of a dangerous weapon.
(1)
(a) As used in this section, "materially false information" means information that portrays an illegal dangerous weapon transaction as legal or a legal dangerous weapon transaction as illegal.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits prohibited conduct in the sale of a dangerous weapon if the actor:
(a)
(i) knowingly solicits, persuades, encourages, or entices a person to sell, transfer, or otherwise provide a dangerous weapon to the actor or another individual; and
(ii) knows that the sale, transfer, or providing of the dangerous weapon to the actor or other individual would be a violation of state or federal law; or
(b)
(i) provides information that the actor knows is materially false information to a person; and
(ii) knowingly provides the materially false information to the person with intent to deceive the person about the lawfulness of a sale, transfer, or providing of a dangerous weapon to the actor or another individual.
(3)
(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.

Enacted by Chapter 208, 2025 General Session

76-11-217 Carrying a dangerous weapon while under the influence of alcohol or drugs.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a dangerous weapon while under the influence of alcohol or drugs if the actor:
(a) carries a dangerous weapon that is readily accessible by the actor for immediate use; and
(b) is under the influence of:
(i) alcohol as determined by the actor's blood or breath alcohol concentration in accordance with Subsections 41-6a-502(1)(a) through (c); or

(ii) a controlled substance as defined in Section 58-37-101.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to:
(a) an actor who uses or threatens to use force in compliance with Section 76-2-402;
(b) an actor carrying a dangerous weapon in the actor's residence or the residence of another individual with the consent of the individual who is lawfully in possession of the residence;
(c) an actor under the influence of cannabis or a cannabis product, as those terms are defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical Cannabis; or
(d) an actor who:
(i) has a valid prescription for a controlled substance;
(ii) takes the controlled substance described in Subsection (4)(d)(i) as prescribed; and
(iii) after taking the controlled substance, the actor:
(A) is not a danger to the actor or another individual; or
(B) is capable of safely handling a dangerous weapon.
(5) It is not a defense to prosecution under this section that the actor:
(a) is licensed in the pursuit of wildlife of any kind;
(b) has a concealed carry permit as described in Section 53-5a-303;
(c) has a provisional concealed carry permit as described in Section 53-5a-304;
(d) has a temporary concealed carry permit issued under Section 53-5a-305;
(e) has a concealed carry permit lawfully issued by or in another state; or
(f) is 21 years old or older and may otherwise lawfully possess a concealed loaded firearm without a concealed carry permit as described in Section 53-5a-101.5.

Amended by Chapter 362, 2026 General Session

76-11-218 Possession of a dangerous weapon in an airport secure area -- Reporting requirements.
(1)
(a) As used in this section:
(i) "Airport authority" has the same meaning as defined in Section 72-10-102.
(ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary device" in Section 76-15-210.
(iii) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.
(b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits possession of a dangerous weapon in an airport secure area if the actor, including an actor with a concealed firearm permit issued under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits:
(a) intentionally or knowingly possesses a dangerous weapon within the secure area of an airport established under Subsection (5); or
(b) recklessly or with criminal negligence possesses a dangerous weapon within the secure area of an airport established under Subsection (5).
(3)
(a) A violation of Subsection (2)(a) is a class A misdemeanor.
(b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
(4) Subsection (2) does not apply to:
(a) an individual exempted from certain weapons laws as described in Section 53-5a-108; or

(b) a member of the state or federal military forces while engaged in the performance of the member's official duties.

(5)

(a) An airport authority, county, municipality, or other entity regulating an airport may:

(i) establish a secure area located beyond the main area where the public generally buys tickets, checks and retrieves luggage; and

(ii) use reasonable means, including mechanical, electronic, x-ray, or another device, to detect firearms, other dangerous weapons, or explosives concealed in baggage or upon the person of an individual attempting to enter the secure area.

(b) At least one notice shall be prominently displayed at each entrance to a secure area in which a firearm, other dangerous weapon, or explosive is restricted.

(c) An actor who transports, possesses, distributes, or sells an explosive, chemical, or incendiary device within the secure area of an airport commits a violation of Section 76-15-210.

(6)

(a) An actor who violates Subsection (2)(b) on a first offense may receive a written warning for the offense and may not receive a citation or any other form of punishment.

(b) An actor who violates Subsection (2)(b) on a second or subsequent offense may receive a written warning or a citation.

(7)

(a) Except as provided in Subsection (7)(d), if a law enforcement officer issues a citation to an actor for an infraction as a result of the actor's conduct described in Subsection (2)(b), or provides an oral or written warning for that conduct, the law enforcement officer shall:

(i) if the law enforcement officer is able to confirm that the actor may lawfully possess the dangerous weapon, allow the actor, at the actor's option, to:

(A) temporarily surrender custody of the dangerous weapon into the custody of the law enforcement agency so that the dangerous weapon may be retrieved by the actor at a later date; or

(B) exit the secure area of the airport with the dangerous weapon; or

(ii) if the law enforcement officer is unable to confirm that the actor may lawfully possess the dangerous weapon, or the airport authority under Subsection (7)(d) prohibits the procedure described in Subsection (7)(a)(i), take temporary custody of the dangerous weapon so that the dangerous weapon may be retrieved by the actor at a later date if legally permitted to do so.

(b) If a law enforcement officer takes temporary custody of a dangerous weapon under Subsection (7)(a):

(i) at the time the dangerous weapon is obtained from the actor, the law enforcement officer, or another law enforcement officer, or an employee who works in the secure area of the airport, shall provide the actor with written instructions on how, when, and where the actor may retrieve the actor's dangerous weapon; and

(ii) within three business days from the time when the law enforcement officer receives the dangerous weapon, the law enforcement agency shall determine whether the actor is legally permitted to possess the dangerous weapon, and if so, ensure that the dangerous weapon is available for the actor to retrieve.

(c) An unclaimed dangerous weapon that is surrendered into the custody of a law enforcement agency under this Subsection (7) may be disposed of pursuant to Section 77-11d-105, disposition of unclaimed property.

(d) An airport authority may implement a policy that prohibits the law enforcement agency with jurisdiction over the airport from utilizing the procedure described in Subsection (7)(a)(i).

(8)
(a) An actor's firearm that is confiscated based on a violation of Subsection (2)(a) shall be returned to the actor in accordance with Subsection 77-11a-402(2).
(b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection (2)(a) is not subject to forfeiture if the actor may lawfully possess the firearm.
(c) In a prosecution brought under this section, a prosecutor may not condition a plea on the forfeiture of a firearm.
(9) An airport authority, county, municipality, or other entity regulating an airport or with local jurisdiction over an airport may not:
(a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local ordinance, or another state or local law or regulation for conduct described in Subsection (2)(b);
(b) assess a civil penalty for conduct described in Subsection (2); or
(c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).
(10) A law enforcement agency that issues a written warning, citation, or referral for prosecution under this section shall record and report the information as required under Section 53-25-103.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-219 Trespass with a firearm in a house of worship or a private residence.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor is guilty of trespass with a firearm in a house of worship or a private residence if the actor:
(a) has been given notice as described in Subsection (4) that firearms are prohibited in the house of worship or the private residence; and
(b) knowingly and intentionally:
(i) transports a firearm into the house of worship or private residence; or
(ii) while in possession of a firearm, enters or remains in the house of worship or private residence.
(3) A violation of Subsection (2) is an infraction.
(4) Notice that firearms are prohibited may be given by:
(a) personal communication to the actor by:
(i) the church or organization operating the house of worship;
(ii) the owner, lessee, or person with lawful right of possession of the private residence; or
(iii) a person with authority to act for the person or entity in Subsections (4)(a)(i) and (ii);
(b) posting of signs reasonably likely to come to the attention of persons entering the house of worship or private residence;
(c) announcement, by a person with authority to act for the church or organization operating the house of worship, in a regular congregational meeting in the house of worship;
(d) publication in a bulletin, newsletter, worship program, or similar document generally circulated or available to the members of the congregation regularly meeting in the house of worship; or
(e) publication:
(i) in a newspaper of general circulation in the county in which the house of worship is located or the church or organization operating the house of worship has its principal office in this state; and
(ii) as required in Section 45-1-101.
(5) A church or organization operating a house of worship and giving notice that firearms are prohibited may:

(a) revoke the notice, with or without supersedure, by giving further notice in any manner provided in Subsection (4); and
(b) provide or allow exceptions to the prohibition as the church or organization considers advisable.

(6)
(a)
(i) Within 30 days of giving or revoking any notice pursuant to Subsection (4)(c), (d), or (e), a church or organization operating a house of worship shall notify the division on a form and in a manner as the division shall prescribe.
(ii) The division shall post on its website a list of the churches and organizations operating houses of worship who have given notice under Subsection (6)(a)(i).
(b) Any notice given pursuant to Subsection (4)(c), (d), or (e) shall remain in effect until revoked or for a period of one year from the date the notice was originally given, whichever occurs first.

(7) This section does not permit an owner who has granted the lawful right of possession to a renter or lessee to restrict the renter or lessee from lawfully possessing a firearm in the residence.

Renumbered and Amended by Chapter 208, 2025 General Session

76-11-220 Carrying a loaded firearm on a public street by an 18 to 20 year old.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.
(2) An actor commits carrying a loaded firearm on a public street by an 18 to 20 year old if the actor:
(a) is 18 years old or older but younger than 21 years old; and
(b) carries a loaded firearm on a public street.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply if the actor has a provisional concealed carry permit issued under Section 53-5a-305.

Enacted by Chapter 208, 2025 General Session

Part 3
Persons Restricted Regarding Dangerous Weapons

76-11-301 Definitions.

As used in this part:

(1) "Adjudicated" means a judgment has been entered against a minor for an offense by a juvenile court under Section 80-6-701.
(2) "Category I restricted person" means an individual described in Section 76-11-302.
(3) "Category II restricted person" means an individual described in Section 76-11-303.
(4) "Carry" means for an individual to have an item under the individual's custody or control.
(5) "Controlled substance" means the same as that term is defined in Section 58-37-101.
(6)
(a) "Dating relationship" means a romantic or intimate relationship between individuals.

(b) "Dating relationship" does not include a casual acquaintanceship or ordinary fraternization in a business or social context.
(7) "Dealer" means a person who is:
(a) licensed under 18 U.S.C. Sec. 923; and
(b) engaged in the business of selling, leasing, or otherwise transferring a firearm, whether the person is a retail or wholesale dealer, pawnbroker, or other type of merchant or seller.
(8) "Domestic violence" means the same as that term is defined in Section 77-36-1.
(9) "Intimate partner" means the same as that term is defined in 18 U.S.C. Sec. 921.
(10) "Schedule I controlled substance" means a substance listed as a schedule I controlled substance in Section 58-37-108.
(11) "Schedule II controlled substance" means a substance listed as a schedule II controlled substance in Section 58-37-108.
(12) "Secure care" means the same as that term is defined in Section 80-1-102.
(13) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

Amended by Chapter 362, 2026 General Session

76-11-302 Category I restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category I restricted person and subject to the restrictions and penalties described in Section 76-11-305:
(1) if the individual has been convicted of a violent felony;
(2) if the individual is on probation or parole for a felony;
(3) if the individual is on parole from secure care;
(4) for 10 years after the day on which the individual was adjudicated for an offense which if committed by an adult would have been a violent felony;
(5) if the individual is an alien who is illegally or unlawfully in the United States, including an alien who has:
(a) submitted an asylum application in accordance with 8 U.S.C. Sec. 1158 and is waiting for a disposition on the application; or
(b) submitted a temporary protected status application in accordance with 8 U.S.C. Sec. 1254a and is waiting for a disposition on the application; or
(6) if the individual is on probation for a conviction of possessing:
(a) a substance classified in Section 58-37-108 as a Schedule I or II controlled substance;
(b) a controlled substance analog; or
(c) a substance listed in Section 58-37-109.

Amended by Chapter 362, 2026 General Session

76-11-303 Category II restricted person established.

Except as provided in Section 76-11-304, Exceptions, limitations, and exclusions to restricted person categories, an individual is categorized as a category II restricted person and subject to the restrictions and penalties described in Section 76-11-306:
(1) if the individual has been convicted of:
(a) a domestic violence offense that is a felony; or
(b) multiple felonies that are not part of a single criminal episode;
(2) if the individual has:
(a) been convicted of:

(i) a felony that is not a domestic violence offense or a violent felony; or
(ii) multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies; and
(b) within seven years after completing the sentence for the conviction described in Subsection (2)(a), been convicted of, or charged with, another felony or class A misdemeanor;
(3) for seven years after the day on which the individual completes a sentence for:
(a) a conviction for a felony that is not a domestic violence offense or a violent felony; or
(b) convictions for multiple felonies that are part of a single criminal episode and are not domestic violence offenses or violent felonies;
(4) for seven years after the day on which the individual was an adjudicated delinquent for an offense which if committed by an adult would have been a felony;
(5) if the individual is an unlawful user of a controlled substance;
(6) if the individual is in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance;
(7) if the individual has been found not guilty by reason of insanity for a felony offense;
(8) if the individual has been found mentally incompetent to stand trial for a felony offense;
(9) if the individual has been adjudicated as mentally defective as provided in the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or having been committed to a mental institution;
(10) if the individual has been dishonorably discharged from the armed forces;
(11) if the individual has renounced the individual's citizenship after having been a citizen of the United States;
(12) if the individual is a respondent or defendant subject to a protective order or child protective order that:
(a) is issued after a hearing for which the individual received actual notice and at which the individual had an opportunity to participate;
(b) restrains the individual from harassing, stalking, threatening, or engaging in other conduct that would place an intimate partner, or a child of the intimate partner, in reasonable fear of bodily injury to the intimate partner or child of the intimate partner; and
(c)
(i) includes a finding that the individual represents a credible threat to the physical safety of an intimate partner or the child of the intimate partner; or
(ii) explicitly prohibits the use, attempted use, or threatened use of physical force that would reasonably be expected to cause bodily harm against an intimate partner or the child of an intimate partner; or
(13) except as provided in Subsection 76-11-304(2), if the individual has been convicted of the commission or attempted commission of misdemeanor assault under Section 76-5-102, or aggravated assault under Section 76-5-103, against a victim:
(a) who is a current or former spouse, parent, or guardian of the individual;
(b) with whom the individual shares a child in common;
(c) who is cohabitating or has cohabitated with the individual as a spouse, parent, or guardian;
(d) involved in a dating relationship with the individual within the last five years; or
(e) similarly situated to a spouse, parent, or guardian of the individual.

Enacted by Chapter 208, 2025 General Session

76-11-304 Exceptions, limitations, and exclusions to restricted person categories -- Burden on defendant to prove exception.

(1)

(a) Subject to Subsection (1)(c), an individual convicted of a felony, or adjudicated for an offense which would be a felony if committed by an adult, is not a category I restricted person, or a category II restricted person, if:

(i) the felony or adjudication has, in accordance with the law of the jurisdiction in which the conviction or adjudication occurred, been:

(A) expunged;

(B) set aside;

(C) reduced to a misdemeanor by court order; or

(D) pardoned;

(ii) the individual has had the individual's civil rights that had been limited by the conviction or adjudication restored in accordance with the law of the jurisdiction in which the conviction or adjudication occurred; or

(iii) the felony or adjudication is an offense pertaining to antitrust violations, unfair trade practices, restraint of trade, or other similar offenses relating to the regulation of business practices not involving theft or fraud.

(b) Subject to Subsection (1)(c), an individual convicted of a misdemeanor assault under Subsection 76-11-303(13) that qualifies to make the individual a category II restricted person is otherwise not a category II restricted person, if, in accordance with the law of the jurisdiction in which the conviction occurred:

(i) the misdemeanor has been:

(A) expunged;

(B) set aside;

(C) reduced to an infraction by court order; or

(D) pardoned; or

(ii) the individual has had the individual's civil rights that had been limited by the conviction restored.

(c) An individual who has received a pardon, reduction, expungement, setting aside, or restoration of civil rights as described in Subsection (1)(a) or (b) remains a category I or category II restricted person that corresponds with the individual's conviction if the pardon, reduction, expungement, setting aside, or restoration of civil rights expressly provides that the person may not ship, transport, possess, or receive firearms.

(2) An individual is not a category II restricted person resulting from a conviction for a misdemeanor assault committed against an individual involved in a dating relationship as described in Subsection 76-11-303(13)(d) if:

(a) five years have elapsed from the later of:

(i) the day on which the conviction is entered;

(ii) the day on which the individual is released from incarceration following the conviction; or

(iii) the day on which the individual's probation for the conviction is successfully terminated;

(b) the individual only has a single conviction for misdemeanor assault as described in Subsection 76-11-303(12)(d); and

(c) the individual is not otherwise a category I restricted person or a category II restricted person.

(3)

(a) In a criminal case brought against the defendant in which the question of whether the defendant meets an exception, limitation, or exclusion under this section arises and therefore makes the defendant not a category I or category II restricted person, the defendant has the

burden to provide evidence that an exception, limitation, or exclusion described in Subsection (1) or (2) applies.

(b) If the defendant satisfies the defendant's burden to provide evidence described in Subsection (3)(a), the burden shifts to the state to prove beyond a reasonable doubt that the defendant's conviction or adjudication is not subject to an exception, limitation, or exclusion described in Subsection (1) or (2).

Enacted by Chapter 208, 2025 General Session

76-11-305 Category I restricted person participating in prohibited dangerous weapon conduct.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

(2) An actor commits category I restricted person participating in prohibited dangerous weapon conduct if the actor:

(a) is a category I restricted person; and

(b) intentionally or knowingly:

(i) agrees, consents, offers, or arranges to:

(A) purchase a dangerous weapon;

(B) transfer a dangerous weapon;

(C) use a dangerous weapon; or

(D) carry or otherwise possess a dangerous weapon; or

(ii) purchases, transfers, uses, carries, or otherwise possesses a dangerous weapon.

(3)

(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon is not a firearm.

(b) A violation of Subsection (2) is a second degree felony if the dangerous weapon is a firearm.

(4) For purposes of this section, using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.

(5) It is an affirmative defense to a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:

(a) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;

(b) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;

(c) is not being held as evidence by a court or law enforcement agency;

(d) was transferred to an individual not legally prohibited from possessing the weapon; and

(e) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.

(6)

(a) It is not a violation of this section for an actor who is a category I restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.

(b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing archery equipment, including crossbows, is prohibited by:

(i) a court, as a condition of pre-trial release or probation; or

(ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-306 Category II restricted person participating in prohibited dangerous weapon conduct.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.

(2) An actor commits category II restricted person participating in prohibited dangerous weapon conduct if the actor:

(a) is a category II restricted person; and

(b) intentionally or knowingly:

(i) purchases a dangerous weapon;

(ii) transfers a dangerous weapon;

(iii) uses a dangerous weapon; or

(iv) carries or otherwise possesses a dangerous weapon.

(3)

(a) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon is not a firearm.

(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is a firearm.

(4) For purposes of this section using a dangerous weapon includes using an antique firearm for an activity regulated under Title 23A, Wildlife Resources Act.

(5) It is an affirmative defense to:

(a) a prosecution under this section that is based on proving that an actor is a category II restricted person as a result of being in possession of a dangerous weapon while knowingly and intentionally being in unlawful possession of a schedule I controlled substance or a schedule II controlled substance as described in Subsection 76-11-303(6) that the actor was:

(i) in possession of the controlled substance pursuant to a lawful order of a practitioner for use of a member of the person's household or for administration to an animal owned by the person or a member of the person's household; or

(ii) otherwise authorized by law to possess the controlled substance; and

(b) a prosecution for transferring a dangerous weapon by an actor under Subsection (2) that the dangerous weapon:

(i) was possessed by the actor or was under the actor's custody or control before the actor became a restricted person;

(ii) was not used in or possessed during the commission of a crime or subject to disposition under Title 77, Chapter 11a, Part 4, Disposal of Seized Property and Contraband;

(iii) is not being held as evidence by a court or law enforcement agency;

(iv) was transferred to an individual not legally prohibited from possessing the weapon; and

(v) unless a different time is ordered by the court, was transferred within 10 days after the day on which the actor became a restricted person.

(6)

(a) It is not a violation of this section for an actor who is a category II restricted person to own, carry, or otherwise possess, archery equipment, including crossbows, for the purpose of lawful hunting and lawful target shooting.

(b) Notwithstanding Subsection (6)(a), this section applies if the owning, carrying, or otherwise possessing of archery equipment, including crossbows, is prohibited by:

(i) a court, as a condition of pre-trial release or probation; or

(ii) the Board of Pardons and Parole, as a condition of parole.

Enacted by Chapter 208, 2025 General Session

76-11-307 Selling a dangerous weapon to a category I restricted person.

(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
(2) An actor commits selling a dangerous weapon to a category I restricted person if the actor:
(a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category I restricted person; and
(b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category I restricted person.
(3)
(a) A violation of Subsection (2) is a second degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
(b) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-308 Selling a dangerous weapon to a category II restricted person.
(1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-301 apply to this section.
(2) An actor commits selling a dangerous weapon to a category II restricted person if the actor:
(a) sells, transfers, or otherwise provides a dangerous weapon to an individual who is a category II restricted person; and
(b) knows the individual that the actor has sold, transferred, or provided the dangerous weapon to is a category II restricted person.
(3)
(a) A violation of Subsection (2) is a third degree felony if the dangerous weapon sold, transferred, or provided is a firearm.
(b) A violation of Subsection (2) is a class A misdemeanor if the dangerous weapon sold, transferred, or provided is not a firearm and the actor knew that the recipient intended to use the dangerous weapon for an unlawful purpose.

Enacted by Chapter 208, 2025 General Session

76-11-309 Firearm restriction notification requirement for restricted persons.
(1) As used in this section:
(a) "Peace officer" means an officer described Section 53-13-102.
(b) "Restricted person" means an individual who is restricted from purchasing, transferring, using, or otherwise possessing a firearm under Section 76-11-302 or 76-11-303 or federal law.
(2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon conviction, cause the defendant to become a restricted person shall, before entering a plea before a court, sign an acknowledgment that states:
(a) the defendant's attorney or the prosecuting attorney has informed the defendant:
(i) that conviction of the charge will classify the defendant as a restricted person;
(ii) that a restricted person may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the same category the defendant will become upon entering a plea for the criminal charge; and
(b) the defendant acknowledges and understands that, by pleading guilty or no contest to the criminal charge, the defendant:

(i) will be a restricted person;
(ii) upon conviction, shall forfeit possession of each firearm currently in the defendant's possession; and
(iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.

(3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment described in Subsection (2) to the court before the defendant's entry of a plea, if the defendant pleads guilty or no contest.

(4) A defendant who is convicted by trial of a criminal charge resulting in the defendant becoming a restricted person shall, at the time of sentencing:

(a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:
(i) that the defendant is a restricted person;
(ii) that, as a restricted person, the defendant may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the defendant's category; and

(b) sign an acknowledgment in the presence of the court attesting that the defendant acknowledges and understands that the defendant:
(i) is a restricted person;
(ii) shall forfeit possession of each firearm; and
(iii) will be in violation of federal and state law if the defendant purchases, transfers, uses, or otherwise possesses a firearm.

(5) The prosecuting attorney and the defendant's attorney shall inform the court at the preliminary hearing if a charge filed against the defendant would qualify the defendant as a restricted person if the defendant is convicted of the charge.

(6) The failure to inform or obtain a signed acknowledgment from the defendant may not render the plea invalid, form the basis for withdrawal of the plea, or create a basis to challenge a conviction or sentence.

(7) An individual who becomes a restricted person as a result of being served with a pretrial protective order in accordance with Section 78B-7-803, a sentencing protective order in accordance with Section 77-36-5, or a continuous protective order in accordance with Section 77-36-5, shall, at the time of service of the protective order:

(a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a peace officer is serving the protective order, the peace officer:
(i) that the individual is a restricted person;
(ii) that, as a restricted person, the individual may not purchase, transfer, use, or otherwise possess a firearm; and
(iii) of the criminal penalties associated with purchasing, transferring, using, or otherwise possessing a firearm by a restricted person of the individual's category; and

(b) sign, in the presence of the court or, if a peace officer serves the protective order, in the presence of the peace officer, an acknowledgment contained within the protective order document attesting that the individual acknowledges and understands that the individual:
(i) is a restricted person;
(ii) is required to relinquish possession of each firearm in the individual's possession;
(iii) will be in violation of federal and state law if the individual purchases, transfers, uses, or otherwise possesses a firearm; and
(iv) may be eligible for an affirmative defense to a state-law prosecution for transferring a firearm under Section 76-11-305 or 76-11-306 if the individual lawfully transfers the

individual's firearms within 10 days after the day on which the individual became a restricted person.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

76-11-310 Removal from National Instant Check System database for certain category II restricted persons.

(1) An individual who is subject to the restrictions in Subsection 76-11-303(7), (8), or (9), or 18 U.S.C. 922(d)(4) and (g)(4) based on a commitment, finding, or adjudication that occurred in this state may petition the district court in the county in which the commitment, finding, or adjudication occurred to remove the disability imposed.

(2) The petition shall be filed in the district court in the county where the commitment, finding, or adjudication occurred and shall include:

(a) a listing of facilities, with their addresses, where the petitioner has ever received mental health treatment;

(b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain the petitioner's mental health records;

(c) a verified report of a mental health evaluation conducted by a licensed psychiatrist occurring within 30 days prior to the filing of the petition, which shall include a statement regarding:

(i) the nature of the commitment, finding, or adjudication that resulted in the restriction on the petitioner's ability to purchase or possess a dangerous weapon;

(ii) the petitioner's previous and current mental health treatment;

(iii) the petitioner's previous violent behavior, if any;

(iv) the petitioner's current mental health medications and medication management;

(v) the length of time the petitioner has been stable;

(vi) external factors that may influence the petitioner's stability;

(vii) the ability of the petitioner to maintain stability with or without medication; and

(viii) whether the petitioner is dangerous to public safety; and

(d) a copy of the petitioner's state and federal criminal history record.

(3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case or, if the disability is not based on a criminal case, on the county or district attorney's office having jurisdiction where the petition was filed and the individual who filed the original action which resulted in the disability.

(4)

(a) The court shall schedule a hearing as soon as practicable in which the petitioner may present evidence and subpoena witnesses to appear at the hearing.

(b) The prosecuting, county attorney, or the individual who filed the original action which resulted in the disability may object to the petition and present evidence in support of the objection.

(5) The court shall consider the following evidence:

(a) the facts and circumstances that resulted in the commitment, finding, or adjudication;

(b) the petitioner's mental health and criminal history records; and

(c) the petitioner's reputation, including the testimony of character witnesses.

(6) The court shall grant the relief if the court finds by clear and convincing evidence that:

(a) the petitioner is not a danger to the petitioner or to another individual;

(b) the petitioner is not likely to act in a manner dangerous to public safety; and

(c) the requested relief would not be contrary to the public interest.

(7) The court shall issue an order with its findings and send a copy to the bureau.

(8)
(a) The bureau, upon receipt of a court order removing a petitioner's disability under Subsection 76-11-303(9), shall send a copy of the court order to the National Instant Check System requesting removal of the petitioner's name from the database.
(b) In addition to the action described in Subsection (8)(a), if the petitioner is listed in a state database utilized by the bureau to determine eligibility for the purchase or possession of a firearm or to obtain a concealed firearm permit under Title 53, Chapter 5a, Part 3, Concealed Firearm Permits, the bureau shall remove the petitioner's name or send a copy of the court's order to the agency responsible for the database for removal of the petitioner's name.
(9) If the court denies the petition, the petitioner may not petition again for relief until at least two years after the date of the court's final order.
(10) The petitioner may appeal a denial of the requested relief and the review on appeal shall be de novo.

Renumbered and Amended by Chapter 173, 2025 General Session
Renumbered and Amended by Chapter 208, 2025 General Session

Chapter 12
Offenses Related to Privacy, Information, and Communication

Part 1
General Provisions

76-12-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Electronic Communication Abuse

76-12-201 Definitions.

As used in this part:
(1)
(a) "Adult" means an individual 18 years old or older.
(b) "Adult" does not include an individual who is 18 years old and enrolled in high school.
(2)
(a) "Electronic communication" means a communication by electronic, electro-mechanical, or electro-optical communication device for the transmission and reception of audio, image, or text.
(b) "Electronic communication" does not include a broadcast transmission or a similar communication that is not targeted at a specific individual.

(3) "Electronic communication device" includes a telephone, a facsimile machine, electronic mail, a pager, a computer, or another device or medium that can be used to communicate electronically.
(4)
(a) "Minor" means an individual who is younger than 18 years old.
(b) "Minor" includes an individual who is 18 years old and enrolled in high school.

Enacted by Chapter 173, 2025 General Session

76-12-202 Electronic communication harassment.
(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) Except to the extent an actor's conduct constitutes an offense under Section 76-12-206, an actor commits electronic communication harassment if, with intent to intimidate, abuse, threaten, harass, frighten, or disrupt the electronic communications of another, the actor:
(a)
(i) makes repeated contact by means of electronic communications, regardless of whether a conversation ensues; or
(ii) after the recipient has requested or informed the actor not to contact the recipient, and the actor repeatedly or continuously:
(A) contacts the electronic communication device of the recipient; or
(B) causes an electronic communication device of the recipient to ring or to receive other notification of attempted contact by means of electronic communication;
(b) makes contact by means of electronic communication and insults, taunts, or challenges the recipient of the communication or any person at the receiving location in a manner likely to provoke a violent or disorderly response;
(c) makes contact by means of electronic communication and threatens to inflict injury, physical harm, or damage to any person or the property of any person; or
(d) causes disruption, jamming, or overload of an electronic communication system through excessive message traffic or other means utilizing an electronic communication device.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A second or subsequent violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on electronic communications made for a legitimate business purpose.
(5) A violation of this section is subject to prosecution in the jurisdiction in which the electronic communication originated or was received.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-203 Unlawful electronic disclosure of personal identifying information.
(1)
(a) As used in this section, "personal identifying information" means the same as that term is defined in Section 76-6-1101.

(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful electronic disclosure of personal identifying information if the actor:
(a)
(i) electronically publishes, posts, or otherwise discloses personal identifying information of another individual in a public online site or forum without the permission of the other individual; and
(ii) undertakes the action described in Subsection (2)(a)(i) with the intent to abuse, threaten, or disrupt the other individual's electronic communication; or
(b) sends a communication by electronic mail, instant message, or other similar means, if:
(i) the communication references personal identifying information of another individual;
(ii) the actor sends the communication:
(A) without the individual's consent; and
(B) with the intent to cause a recipient of the communication to reasonably believe that the individual authorized or sent the communication; and
(iii) with the intent to:
(A) cause an individual physical, emotional, or economic injury or damage; or
(B) defraud an individual.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A second or subsequent violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on an electronic communication made for a legitimate business purpose.

Enacted by Chapter 173, 2025 General Session

76-12-204 Unlawful electronic disclosure of a minor's personal information.
(1)
(a) As used in this section:
(i) "Minor victim" means a minor who is a victim of a violation of Subsection (2).
(ii) "Personal identifying information" means the same as that term is defined in Section 76-6-1101.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful electronic disclosure of a minor's personal information if:
(a) the actor:
(i) is an adult;
(ii) electronically publishes, posts, or otherwise discloses in a public online site or forum personal identifying information of a minor who is unrelated by blood, marriage, or adoption to the actor; and
(iii) knows of, but consciously disregards, a substantial and unjustifiable risk that performing the action described in Subsection (2)(a)(ii) will result in the minor being the victim of an offense described in Title 76, Chapter 5, Offenses Against the Individual; and
(b) the minor described in Subsection (2)(a)(ii) is aware of the actor's action described in Subsection (2)(a)(ii).

(3) A violation of Subsection (2) is a class A misdemeanor.
(4)
(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section does not affect an individual's right to bring a civil action for damages suffered as a result of the commission of an offense under this section.
(b) This section does not create a civil cause of action based on an electronic communication made for a legitimate business purpose.
(5)
(a) A minor victim has a civil right of action against an actor who violates Subsection (2).
(b) A minor victim who brings a successful civil action under Subsection (5)(a) is entitled to recover from the actor:
(i) damages resulting from the violation of Subsection (2);
(ii) reasonable attorney fees; and
(iii) court costs.

Enacted by Chapter 173, 2025 General Session

76-12-205 Disclosure of personal information with intent to cause electronic communication harassment.

(1)
(a) As used in this section:
(i) "Adult" means an individual 18 years old or older.
(ii) "Computer" means the same as that term is defined in Section 76-6-702.
(iii) "Electronic communication harassment" means an offense under Section 76-12-202, 76-12-203, or 76-12-204.
(iv) "Identifying information" means the same as that term is defined in Section 76-6-702.
(v) "Interactive computer service" means the same as that term is defined in Section 76-6-702.
(vi) "Minor" means an individual who is younger than 18 years old.
(vii) "Service provider" means the same as that term is defined in Section 76-6-702.
(viii) "Software" means the same as that term is defined in Section 76-6-702.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits disclosure of personal information with intent to cause electronic communication harassment if:
(a) with intent that electronic communication harassment occur, the actor discloses or disseminates another person's identifying information with the expectation that others will further disseminate or use the person's identifying information; and
(b) the disclosure or dissemination of the other person's identifying information results in electronic communication harassment.
(3)
(a) If the individual whose identifying information is disseminated is an adult, a violation of Subsection (2) is:
(i) a class B misdemeanor on the first offense;
(ii) a class A misdemeanor on the second offense; or
(iii) a third degree felony on a third or subsequent offense.
(b) If the individual whose identifying information is disseminated is a minor, a violation of Subsection (2) is:
(i) a class A misdemeanor on the first offense; or
(ii) a third degree felony on the second or subsequent offense.

(4)
(a) This section does not apply to an actor who provides information in conjunction with a report under Title 34A, Chapter 6, Utah Occupational Safety and Health Act, or Title 67, Chapter 21, Utah Protection of Public Employees Act.
(b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and does not impose liability or culpability on, an interactive computer service for content provided by another person.
(c) This section does not affect, limit, or apply to any activity or conduct that is protected by the constitution or laws of this state, or by the constitution or laws of the United States.
(5)
(a) An interactive computer service does not commit a violation of Subsection (2) if an actor violates Subsection (2) using the interactive computer service and the interactive computer service did not knowingly assist the actor to commit the violation.
(b) A service provider does not commit a violation of Subsection (2) for:
(i) action taken in relation to a customer of the service provider, for a legitimate business purpose, to install software on, monitor, or interact with the customer's Internet or other network connection, service, or computer for network or computer security purposes, authentication, diagnostics, technical support, maintenance, repair, network management, updates of computer software or system firmware, or remote system management; or
(ii) action taken, including scanning and removing computer software, to detect or prevent the following:
(A) unauthorized or fraudulent use of a network, service, or computer software;
(B) illegal activity; or
(C) infringement of intellectual property rights.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-206 Unlawful online impersonation.
(1)
(a) As used in this section:
(i) "Commercial social networking website" means a person who operates a website that allows a person to register as a user for the purpose of:
(A) establishing a personal relationship with one or more other users through direct or real time communication with the other user; or
(B) the creation of a web page or a profile available to the public or to other users.
(ii) "Commercial social networking website" does not include an electronic mail program or a message board program.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.
(2) An actor commits unlawful online impersonation if the actor uses the name or persona of an individual:
(a) without the individual's consent;
(b)
(i) to create a web page on a commercial social networking website or other website; or
(ii) to post or send a message on or through a commercial social networking website or other website, other than on or through an electronic mail program or message board program;
(c) with the intent to cause an individual to reasonably believe that the individual whose name or persona is used authorized or performed the applicable action described in Subsection (2)(b); and

(d) with the intent to harm, defraud, intimidate, or threaten any individual.

(3)

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

(b) A second or subsequent offense of Subsection (2) is a third degree felony.

(4) It is a defense to prosecution under this section that the actor is one of the following entities or that the actor's conduct consisted solely of action taken as an employee of one of the following entities:

(a) a commercial social networking website;

(b) an Internet service provider;

(c) an interactive computer service, as defined in 47 U.S.C. Sec. 230;

(d) a telecommunications provider, as defined in Section 10-1-402;

(e) a cable television service;

(f) an entity that provides cable television service, as defined in Section 10-18-102; or

(g) a law enforcement agency engaged in lawful practices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-207 Misrepresentation of a call or text communication identification.

(1)

(a) As used in this section:

(i) "Caller or text message identification information" means information provided by a caller identification service or text message service regarding the telephone number or other information regarding the origination of a call or text message made using a telecommunications service or VoIP voice service.

(ii) "Caller or text message identification service" means a service or device designed to provide the user of the service or device with the telephone number of, or other information regarding, the origination of a call or text message made using a telecommunications service or VoIP voice service, including automatic number identification services.

(iii) "Text message":

(A) means a real-time or near real-time message consisting of text, images, sounds, or other information transmitted from or received by a device identified by a telephone number; and

(B) does not include a real-time, two-way voice or video communication.

(iv) "VoIP" means a technology that allows telephone calls to be made over computer networks, including the Internet.

(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this section.

(2) An actor commits misrepresentation of a call or text communication identification if the actor, in connection with a telecommunications service or VoIP voice service, knowingly causes a caller identification service or text message service to transmit false, misleading, or inaccurate caller or text message identification information:

(a) with the intent to harm the recipient of the call or text message; or

(b) to a public safety answering point when reporting an emergency.

(3)

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

(b) A violation of Subsection (2) is a class B misdemeanor on a second or subsequent violation.

(c) Each separate call or text message is a violation of this section.

(4) This section does not prevent or restrict a person from blocking the capability of a caller or text message identification service to transmit caller or text message identification information.
(5) The following are exempt from this section:
(a) the lawful investigative, protective, or intelligence activity of a law enforcement agency; and
(b) a court order that specifically authorizes the use of caller or text message identification manipulation.
(6) A violation of this section may be enforced in a civil action initiated by the recipient of a call, message, or text message made in violation of this section, a criminal action initiated by a prosecuting attorney, or both.
(7) This section does not apply to an Internet service provider or hosting company, a provider of public telecommunications services, or a text message service by reason of the fact that the Internet service provider, hosting company, text message service, or provider of public telecommunications services:
(a) transmits, routes, or provides connections for material without selecting the material;
(b) stores or delivers the material at the direction of a user; or
(c) provides a caller or text message identification service.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Privacy Offenses

76-12-301 Definitions.

For purposes of this part:
(1) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral communication of another without the consent of at least one party thereto by means of an electronic, mechanical, or other device.
(2) "Private place" means a place where one may reasonably expect to be safe from casual or hostile intrusion or surveillance.
(3) "Public" includes any professional or social group of which the victim of a defamation is a member.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-302 Unlawful privacy violation.

(1)
(a) For purposes of this section, "expectation of privacy" means a property owner's expectation of privacy described in Subsection (6).
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits unlawful privacy violation if, except as authorized by law, the actor:
(a) trespasses on property with intent to subject anyone to eavesdropping or other surveillance in a private place;
(b) installs, or uses after unauthorized installation in a private place, without the consent of the person or persons entitled to privacy in the private place, a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events in the private place;

(c) installs or uses outside of a private place a device for observing, photographing, hearing, recording, amplifying, or broadcasting sounds or events originating in the private place that would not ordinarily be audible, visible, or comprehensible outside the private place, without the consent of the person or persons entitled to privacy in the private place; or

(d) uses ground-penetrating technology, without the consent of the property owner, to detect, observe, measure, map, or otherwise capture information or data about the property or characteristics of the property of another for which the property owner has an expectation of privacy.

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

(4) A court may order an actor who commits a violation of Subsection (2) to remove or destroy any data collected by the actor in the commission of the violation of Subsection (2).

(5) An actor is not guilty of a violation of this section if:

(a) the device used is an unmanned aircraft;

(b) the actor is operating the unmanned aircraft for legitimate commercial or educational purposes in a manner consistent with applicable Federal Aviation Administration rules, exemptions, or other authorizations; and

(c) any conduct described in Subsection (2) that occurs via the unmanned aircraft is solely incidental to the lawful commercial or educational use of the unmanned aircraft.

(6) A property owner has an expectation of property privacy regarding characteristics, data, or information pertaining to the owner's property that:

(a) is not immediately apparent through routine visual observation of the property; and

(b) requires ground-penetrating technology to detect, observe, measure, map, or otherwise capture information or data about the property or characteristics of the property.

(7)

(a) This section does not apply to lawful practices of:

(i) a law enforcement agency; or

(ii) another government entity.

(b) Subsection (2)(d) does not apply to a land surveyor if:

(i) the land surveyor is performing a survey service in good faith pursuant to a bona fide contract; and

(ii) for any data pertaining to property not owned by a party to the contract described in Subsection (7)(b)(i) that is captured incidentally by the land surveyor, the land surveyor:

(A) does not share, publish, sell, or distribute any incidentally captured data pertaining to property that is not relevant to the contract described in Subsection (7)(b)(i); and

(B) upon completion of the contract, deletes or destroys any data pertaining to property that is not the subject of the contract.

(8)

(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.

(b) If in the action described in Subsection (8)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.

(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.

(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.

(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-303 Unlawful interception or disclosure of a private communication.

(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits unlawful interception or disclosure of a private communication if, except as authorized by law, the actor:

(a) intercepts, without the consent of the sender or receiver, a message by telephone, telegraph, letter, or other means of communicating privately; or

(b) divulges, without consent of the sender or receiver, the existence or contents of a message described in Subsection (2)(a), if the actor:

(i) knows that the message described in Subsection (2)(a) was illegally intercepted; or

(ii) learned of the message described in Subsection (2)(a) in the course of employment with an agency engaged in the transmission of the message.

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

(4) Subsection (2)(a) does not apply to:

(a) overhearing a message through a regularly installed instrument on a telephone party line or on an extension; or

(b) intercepting a message by a telephone company or subscriber incident to enforcement of regulations limiting use of the facilities or to other normal operation and use.

(5)

(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.

(b) If in the action described in Subsection (5)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.

(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.

(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.

(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-304 Unlawful use of another's personal identity in an advertisement.

(1) Terms defined in Sections 45-3-2, 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits unlawful use of another's personal identity in an advertisement if the actor knowingly or intentionally causes the publication of an advertisement in which the personal identity of an individual is used in a manner that expresses or implies that the individual approves, endorses, has endorsed, or will endorse the specific subject matter of the advertisement without the consent for such use by the individual.

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

(4) It is an affirmative defense that the actor who caused the publication of the advertisement reasonably believed that the individual whose personal identity was to be used had consented to the use of the individual's personal identity.

(5)

(a) Upon conviction of an offense under this section, unless waived by the victim, the court shall order that, within 30 days of the conviction, the actor convicted shall issue a public apology or retraction to whomever received the advertisement.
(b) The apology or retraction described in Subsection (5)(a) shall be of similar size and placement as the original advertisement.
(6) Nothing in this section prohibits a civil action under Title 45, Chapter 3, Abuse of Personal Identity Act.
(7)
(a) A person, or the heirs of a deceased person, who has been injured by a violation of this section may bring an action against the actor who committed the violation.
(b) If in the action described in Subsection (7)(a) the court finds the defendant is violating or has violated any of the provisions of this section, the court shall enjoin the defendant from a continued violation.
(c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if damages are alleged and proved, the plaintiff in the action is entitled to recover from the defendant the actual damages sustained, if any, in addition to injunctive relief.
(d) A finding that the defendant is in violation of this section entitles the plaintiff to an award of reasonable attorney fees.
(e) Exemplary damages may be awarded when the violation is found to be malicious.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-305 Unlawful use of a tracking device or tracking application.
(1)
(a) As used in this section:
(i) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
(ii) "Minor" means an individual who is younger than 18 years old.
(iii) "Motor vehicle" means the same as that term is defined in Subsection 41-12a-103(4).
(iv) "Private investigator" means an individual who is:
(A) licensed as a private investigator under Title 58, Chapter 92, Private Investigation Licensing Act; and
(B) acting in the capacity of a private investigator.
(v) "Protective order" means a protective order, stalking injunction, restraining order, or jail release court order issued by a court of any jurisdiction.
(vi) "Rental company" means the same as that term is defined in Section 76-6-410.5.
(vii)
(A) "Tangible personal property" means a physical asset or object that can be seen, touched, and moved.
(B) "Tangible personal property" does not include a motor vehicle.
(viii) "Tracking application" means a software program that can be used to track or identify the location or movement of an individual.
(ix)
(A) "Tracking device" means a device used for the primary purpose of revealing the device's location or movement by the transmission or recording of an electronic signal.
(B) "Tracking device" does not include location technology installed on a motor vehicle by the motor vehicle manufacturer or a commercial motor vehicle dealer that transmits electronic signals for the purpose of data collection, if the data collection is anonymized.
(x) "Vulnerable adult" means the same as that term is defined in Section 76-5-111.

(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits unlawful use of a tracking device or tracking application if:

(a)

(i) the actor intentionally installs or places, or directs another to install or place, a tracking device on or in a motor vehicle owned or leased by another person; and

(ii) the actor:

(A) did not receive permission from the owner or lessee of the motor vehicle to install or place the tracking device; or

(B) intentionally continued to use the tracking device with the purpose to track the owner's or lessee's movement after the owner or lessee revoked the owner's or lessee's permission for the actor to use the tracking device and the actor knew that the owner or lessee had revoked the owner's or lessee's permission;

(b)

(i) the actor intentionally places, or directs another to place, a tracking device:

(A) on an individual's person;

(B) on or in an individual's tangible personal property; or

(C) on or in tangible personal property under the physical control of an individual; and

(ii) the actor:

(A) did not receive permission from the individual to place the tracking device; or

(B) intentionally continued to use the tracking device with the purpose to track the individual's movement after the individual revoked the individual's permission for the actor to use the tracking device and the actor knew that the individual had revoked the individual's permission; or

(c)

(i) the actor intentionally uses a tracking application installed or otherwise used on an electronic or other device in the possession or control of an individual to track the individual's movement; and

(ii) the actor:

(A) did not receive permission from the individual to use the tracking application; or

(B) intentionally continued to use the tracking application with the purpose to track the individual's movement after the individual revoked the individual's permission for the actor to use the tracking application and the actor knew that the individual had revoked the individual's permission.

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

(4) Subject to Subsection (6), Subsection (2)(a) does not apply to an individual who:

(a)

(i) is a licensed private investigator installing or placing the tracking device for a legitimate business purpose; and

(ii) installs or places the tracking device on a motor vehicle that is not:

(A) owned or leased by an individual under the protection of a protective order; or

(B) operated by an individual under the protection of a protective order who resides with the owner or lessee of the motor vehicle; or

(b) installs or places the tracking device on a motor vehicle in accordance with a court order.

(5) This section does not apply to:

(a) a peace officer, acting in the peace officer's official capacity, who installs or places a tracking device, or causes another individual to install or place a tracking device, on an individual's person, on or in an individual's tangible personal property, on or in tangible personal property

under the physical control of an individual, or on or in a motor vehicle owned or leased by an individual in the course of a criminal investigation or in accordance with a court order;

(b) a parent or legal guardian of a minor:

(i)

(A) who installs or places a tracking device on the minor's person, on or in the minor's tangible personal property, on or in tangible personal property under the physical control of the minor, or on or in a motor vehicle owned or leased by the minor; or

(B) who uses a tracking application installed or otherwise used on an electronic or other device in the possession or control of the minor to track the minor's movement; and

(ii) who has received permission from any other parent or legal guardian of the minor to install or place the tracking device or use the tracking application;

(c) an individual who was a parent or legal guardian of a minor if:

(i) the individual installed or placed a tracking device as described in Subsection (5)(b);

(ii) the minor described in Subsection (5)(b) is now 18 years old or older; and

(iii) the individual has not been expressly informed by the former minor that the actor does not have permission to continue to use the tracking device or tracking application;

(d) a caregiver of a vulnerable adult:

(i) who installs or places a tracking device on the vulnerable adult's person, on or in the vulnerable adult's tangible personal property, on or in tangible personal property under the physical control of the vulnerable adult, or on or in a motor vehicle owned or leased by the vulnerable adult; or

(ii) who uses a tracking application installed or otherwise used on an electronic or other device in the possession or control of the vulnerable adult to track the vulnerable adult's movement;

(e) an individual who installs, places, or uses a tracking application at the direction of a court order; or

(f) a peace officer who obtains information in accordance with Section 53-10-104.5.

(6) Subsections (2)(a) and (c) do not apply to:

(a) a rental company if the rental company is installing, placing, or using a tracking device or tracking application to track a motor vehicle owned by the rental company provided to a renter under the terms of a rental agreement; or

(b) any person who:

(i) owns a motor vehicle;

(ii) installs, places, or uses a tracking device or tracking application to track the motor vehicle; and

(iii) allows another person to use the motor vehicle, not including under a lease agreement.

(7)

(a) Before installing or placing a tracking device on a motor vehicle under Subsection (4), a private investigator shall request confirmation from a state entity, including a law enforcement agency, the Bureau of Criminal Identification, or a court, with access to protective order records, that:

(i) the owner or lessee of the vehicle is not under the protection of a protective order; and

(ii) any individual who resides with the owner or lessee of the motor vehicle is not under the protection of a protective order.

(b) On request from a licensed private investigator, a state entity, including a law enforcement agency, the Bureau of Criminal Identification, or a court, with access to protective order records shall confirm or deny the existence of a protective order, disclosing only whether an individual named by the private investigator is under the protection of a protective order issued in any jurisdiction.

(c) A private investigator may not disclose the information obtained under Subsection (7)(b) to any person, except as permitted by law.
(d) On request from the Division of Professional Licensing, a private investigator who installs or places a tracking device on a motor vehicle shall disclose the purpose of the tracking device to the Division of Professional Licensing.
(8) An individual, or the heirs of a deceased individual, who has been injured by a violation of Subsection (2) may bring an action against the actor who committed the violation.
(9) If in the action described in Subsection (8) the court finds by a preponderance of the evidence that the defendant has committed a violation of Subsection (2), the court shall:
(a) enjoin the defendant from a continued violation; and
(b) if the plaintiff establishes that the violation has injured the plaintiff, award to the plaintiff, subject to Subsection (11)(b):
(i) reasonable attorney fees; and
(ii)
(A) compensatory damages; or
(B) statutory damages of $50 a day for each day the defendant violates a provision of this section, or $5,000, whichever is greater.
(10)
(a) A plaintiff may elect at any time before final judgment is entered by the court to recover statutory damages under Subsection (9)(b)(ii)(B) instead of compensatory damages.
(b) In addition to the damages described in Subsection (9), a court may award punitive damages in accordance with Section 78B-8-201.
(11)
(a) If an actor at trial is found not guilty of violating this section, the not guilty verdict does not preclude a court from finding that the actor is liable under Subsection (9).
(b) If restitution was ordered in the criminal action, the amount ordered shall be deducted from any damages awarded under Subsection (9)(b)(ii).

Amended by Chapter 44, 2026 General Session

76-12-306 Voyeurism.
(1)
(a) As used in this section, "sex-designated privacy space" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits voyeurism if:
(a) the actor views, or attempts to view, an individual, with or without the use of an instrumentality:
(i) with the intent of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
(ii) without the knowledge or consent of the individual; and
(iii) under circumstances in which the individual has a reasonable expectation of privacy; and
(b) the actor's conduct described in Subsection (2)(a) does not amount to a violation of Section 76-12-307, Recorded or photographed voyeurism.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

(b) A violation of Subsection (2) is a class A misdemeanor if the violation is committed:
(i) against a child under 14 years old;
(ii) in a sex-designated privacy space that is not designated for individuals of the actor's sex; or
(iii) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) loitering in a privacy space under Section 76-12-309.
(4) For purposes of this section, an individual has a reasonable expectation of privacy within a public restroom.

Enacted by Chapter 173, 2025 General Session

76-12-307 Recorded or photographed voyeurism.
(1)
(a) As used in this section, "sex-designated privacy space" means the same as that term is defined in Section 76-12-309.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits recorded or photographed voyeurism if the actor intentionally uses any type of technology to secretly or surreptitiously record, by video, photograph, or other means, an individual:
(a) for the purpose of viewing any portion of the individual's body regarding which the individual has a reasonable expectation of privacy, whether or not that portion of the body is covered with clothing;
(b) without the knowledge or consent of the individual; and
(c) under circumstances in which the individual has a reasonable expectation of privacy.
(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 violation is committed:
(i) against a child under 14 years old;
(ii) in a sex-designated privacy space that is not designed for individuals of the actor's sex; or
(iii) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) loitering in a privacy space under Section 76-12-309.
(4) For purposes of this section, an individual has a reasonable expectation of privacy within a public restroom.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-308 Distribution of images obtained through voyeurism.
(1)
(a) As used in this section, "image" includes print, electronic, magnetic, or digital format.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

(2) An actor commits distribution of images obtained through voyeurism if the actor distributes or sells an image obtained by conduct in violation of Section 76-12-307, Recorded or photographed voyeurism, by transmission, display, or dissemination.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third degree felony.
(b) A violation of Subsection (2) is a second degree felony if the image is of a child under 14 years old.

Enacted by Chapter 173, 2025 General Session

76-12-309 Loitering in a privacy space.
(1)
(a) As used in this section:
(i) "Privacy space" means the following in which an individual has a reasonable expectation of privacy:
(A) a restroom or any other space that includes a toilet;
(B) a dressing room, fitting room, locker room, changing facility, or any other space designated for multiple individuals to dress or undress within the same space; or
(C) any room or space that includes a shower.
(ii) "Sex-designated" means that a facility, program, or event is designated specifically for males or females and not the opposite sex.
(b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.
(2) An actor commits the offense loitering in a privacy space if the actor intentionally or knowingly remains unlawfully in a privacy space.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a class A misdemeanor if the actor commits the offense:
(i) while also committing the offense of:
(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)(d);
(B) lewdness under Section 76-5-419;
(C) lewdness involving a child under Section 76-5-420; or
(D) voyeurism under Section 76-12-306;
(E) recorded or photographed voyeurism under Section 76-12-307; or
(F) distribution of images obtained through voyeurism under Section 76-12-308; or
(ii) in a sex-designated privacy space that is not designated for individuals of the actor's sex.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Involving Charitable Solicitations

76-12-401 Definitions.
As used in this part:
(1) "Person" means an individual, organization, group, association, partnership, corporation, or any combination of an individual, organization, group, association, partnership, or corporation.

(2)
(a) "Professional fund raiser" means a person:
(i) who, for compensation or any other consideration, plans, conducts, or manages in this state, the solicitation of contributions for or on behalf of a charitable organization or any other person; or
(ii) who engages in the business of, or holds the person's self out to persons in this state as, independently engaged in the business of soliciting contributions for such purpose.
(b) "Professional fund raiser" does not include a bona fide officer or employee of a charitable organization.
(3) "Professional solicitor" means a person who is employed or retained for compensation by a professional fund raiser to solicit contributions in this state for charitable purposes.
(4) "Charitable organization" means an organization that is benevolent, philanthropic, patriotic, or eleemosynary or one purporting to be benevolent, philanthropic, patriotic, or eleemosynary.
(5) "Contribution" means the promise or grant of money or property of any kind or value.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-402 Unlawful use of a person's name for soliciting contributions.
(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this section.
(2) An actor commits unlawful use of a person's name for soliciting contributions if the actor:
(a) is a charitable organization, professional fund raiser, or professional solicitor, seeking to raise funds for a charitable purpose; and
(b) uses the name of any other person for the purpose of soliciting a charitable contribution in this state without the written consent of the person.
(3) A violation of Subsection (2) is an infraction.
(4) This section does not apply to:
(a) a religious corporation, organization, charity, or agency; or
(b) an organization operated, supervised, or controlled by or in connection with a religious corporation or organization.

Renumbered and Amended by Chapter 173, 2025 General Session

76-12-403 Unlawful use of a person's name as a solicitation endorsement.
(1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this section.
(2) An actor commits unlawful use of a person's name as a solicitation endorsement if, without written consent:
(a) the actor uses the name of a person on any stationery, advertisement, brochure, or correspondence of a charitable organization for the purpose of soliciting contributions; or
(b) the actor lists or refers to the person's name as a person who has contributed to, sponsored, or endorsed the charitable organization or the charitable organization's activities.
(3) A violation of Subsection (2) is an infraction.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 13

Offenses Involving Cruelty to Animals

Part 1
General Provisions

76-13-101 Definitions.

As used in this chapter:

(1) "Animal control officer" means the same as that term is defined in Section 11-46-102.

(2) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

Amended by Chapter 399, 2026 General Session

76-13-102 Officer's authority to take possession of an abused animal -- Lien for care -- Humane destruction.

(1)

(a) As used in this section:

(i) "Animal abuse offense" means an offense described in Section 76-13-202, 76-13-203, 76-13-204, 76-13-207, 76-13-212, or 76-13-213.

(ii) "Animal control officer" means the same as that term is defined in Section 11-46-102.

(iii) "Minimum care" means the following, taking into account the species, age, and physical condition of the animal:

(A) appropriate and essential food and water; and

(B) adequate protection, including appropriate shelter, against extreme weather conditions.

(iv) "Peace officer" means any officer certified in accordance with Title 53, Chapter 13, Peace Officer Classifications.

(b) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

(2)

(a) A peace officer or animal control officer may take possession of an animal that is involved in an animal abuse offense and, after reasonable efforts to notify the owner, may provide shelter and care for the animal at any appropriate private or public facility or, upon permission from the owner, may:

(i) destroy the animal; or

(ii) subject to Subsection (2)(b), place the animal:

(A) with any appropriate individual that does not reside with the owner;

(B) with a public or private entity or agency that demonstrates a willingness to accept and care for the animal; or

(C) with any other appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals.

(b) An individual, entity, or agency who receives an animal under Subsection (2)(a)(ii):

(i) obtains the ownership rights to the animal and shall execute an agreement to:

(A) provide minimum care to the animal; and

(B) not allow the former owner to possess, care for, or interact with the animal; and

(ii) retains the right to resell or otherwise make disposition of the animal in accordance with accepted practices for humane treatment of animals.

(3)

(a) A peace officer or animal control officer caring for an animal under this section has a lien for the reasonable value of the care provided to the animal and, if applicable, the reasonable value for the destruction of the animal.
(b) A court, upon proof that the owner has been notified at least five days earlier of the lien and amount due, and the owner has not voluntarily given up ownership rights under Subsection (2)(a)(ii), shall order:
(i) the animal sold at public auction or destroyed; or
(ii) the ownership rights to the animal be transferred to:
(A) any appropriate individual that does not reside with the owner;
(B) a public or private entity or agency that demonstrates a willingness to accept and care for the animal; or
(C) an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals.
(c) An individual, entity, or agency who receives the rights to an animal under Subsection (3)(b):
(i) shall execute an agreement to:
(A) provide minimum care to the animal; and
(B) not allow the former owner to possess, care for, or interact with the animal; and
(ii) retains the right to resell or otherwise make disposition of the animal in accordance with accepted practices for humane treatment of animals.
(4)
(a) A peace officer or animal control officer may humanely destroy an animal found suffering past recovery for any useful purpose.
(b) Before destroying the animal under Subsection (4)(a), the peace officer or animal control officer shall obtain:
(i) the judgment of a veterinarian or of two reputable citizens called by the officer to view the animal in the officer's presence, of the animal's nonrecoverable condition; or
(ii) consent to the destruction from the owner of the animal.

Amended by Chapter 399, 2026 General Session

76-13-103 Officer's authority at a dog fighting exhibition -- Authority to arrest and take possession of dogs and property.
(1) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.
(2) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or where preparations are being made for such an exhibition and, without a warrant, arrest all persons present.
(3)
(a) Notwithstanding the provisions of Section 76-13-102, Officer's authority to take possession of an animal, any authorized officer who makes an arrest under Subsection (2) may lawfully take possession of all dogs, paraphernalia, implements, or other property or things used or employed, or to be employed, in an exhibition of dog fighting prohibited by Subsection 76-13-202(2)(e) or Section 76-13-205, Dog fighting.
(b) The officer, at the time of the taking of property pursuant to Subsection (3)(a), shall state the officer's name and provide other identifying information to the person in charge of the dogs or property taken.
(4)

(a) After taking possession of dogs, paraphernalia, implements, or other property or things under Subsection (3), the officer shall file an affidavit with the judge or magistrate before whom a complaint has been made against any person arrested under this section.
(b) The affidavit shall include:
(i) the name of the person charged in the complaint;
(ii) a description of all property taken;
(iii) the time and place of the taking of the property;
(iv) the name of the person from whom the property was taken;
(v) the name of the person who claims to own the property, if known; and
(vi) a statement that the officer has reason to believe and believes that the property taken was used or employed, or was to be used or employed, in violation of Section 76-13-202, 76-13-203, 76-13-204, or 76-13-205, and the grounds for the belief.
(5)
(a) The officer shall deliver the confiscated property to the judge or magistrate who shall, by order, place the property in the custody of the officer or any other person designated in the order, and that person shall keep the property until conviction or final discharge of the person against whom the complaint was made.
(b) The person designated in Subsection (5)(a) shall assume immediate custody of the property, and retain the property until further order of the court.
(c) Upon conviction of the person charged, all confiscated property shall be forfeited and destroyed or otherwise disposed of, as the court may order.
(d) If the person charged is acquitted or discharged without conviction, the court shall, on demand, order the property to be returned to its owner.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-104 Enhanced penalties for cruelty to animal offenses.
(1)
(a) As used in this section, "conviction" means a conviction by plea or by verdict, including a plea of guilty or no contest that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is, subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(b) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.
(2) Except as provided in Subsection (4), an actor who commits a violation of Section 76-13-202, 76-13-203, 76-13-206, or 76-13-208 within the state and on at least one previous occasion has been convicted of violating Section 76-13-202, 76-13-203, 76-13-206, or 76-13-208 shall be subject to an enhanced penalty as provided in Subsection (3).
(3) The enhanced degree of offense for offenses committed under this section are:
(a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and
(b) if the offense is a class B misdemeanor, it is a class A misdemeanor.
(4) The penalty enhancements described in this section do not apply to a conviction for the offense described in Section 76-13-204, Torturing a companion animal.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 2

Cruelty to Animal Offenses

76-13-201 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-13-202 Cruelty to an animal.

(1)

(a) As used in this section:

(i)

(A) "Abandon" means to intentionally deposit, leave, or drop off any live animal:

(I) without providing for the care of that animal, in accordance with accepted animal husbandry practices or customary farming practices; or

(II) in a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

(B) "Abandon" does not include returning wildlife to its natural habitat.

(ii)

(A) "Animal" means, except as provided in Subsection (1)(a)(ii)(B), a live, nonhuman vertebrate creature.

(B) "Animal" does not include:

(I) a live, nonhuman vertebrate creature, if:

(Aa) the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices; and

(Bb) the creature is:

(Ii) owned or kept by a zoological park that is accredited by, or a member of, the American Zoo and Aquarium Association;

(IIii) kept, owned, or used for the purpose of training hunting dogs or raptors; or

(IIIiii) temporarily in the state as part of a circus or traveling exhibitor licensed by the United States Department of Agriculture under 7 U.S.C. Sec. 2133;

(II) a live, nonhuman vertebrate creature that is owned, kept, or used for rodeo purposes, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted rodeo practices;

(III) livestock, if the conduct toward the creature, and the care provided to the creature, is in accordance with accepted animal husbandry practices or customary farming practices; or

(IV) wildlife, as defined in Section 23A-1-101, including protected and unprotected wildlife, if the conduct toward the wildlife is in accordance with lawful hunting, fishing, or trapping practices or other lawful practices.

(iii) "Custody" means ownership, possession, or control over an animal.

(iv) "Legal privilege" means an act that:

(A) is authorized by state law, including rules under Title 23A, Wildlife Resources Act; and

(B) is not in violation of a local ordinance.

(v) "Livestock" means:

(A) domesticated:

(I) cattle;

(II) sheep;

(III) goats;
(IV) turkeys;
(V) swine;
(VI) equines;
(VII) camelidae;
(VIII) ratites; or
(IX) bison;
(B) domesticated elk, as defined in Section 4-39-102;
(C) a livestock guardian dog, as defined in Section 76-6-111; or
(D) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic poultry, raised, kept, or used for agricultural purposes.
(vi) "Necessary food, water, care, or shelter" means the following, taking into account the species, age, and physical condition of the animal:
(A) appropriate and essential food and water;
(B) adequate protection, including appropriate shelter, against extreme weather conditions; and
(C) other essential care.
(vii) "Torture" means intentionally or knowingly causing or inflicting extreme physical pain to an animal in an especially heinous, atrocious, cruel, or exceptionally depraved manner.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits cruelty to an animal if the actor, without legal privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:
(a) fails to provide necessary food, water, care, or shelter for an animal in the actor's custody;
(b) abandons an animal in the actor's custody;
(c) injures an animal;
(d) causes an animal, not including a dog or game fowl, to fight with another animal of like kind for amusement or gain; or
(e) causes an animal, including a dog or game fowl, to fight with a different kind of animal or creature for amusement or gain.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor if committed intentionally or knowingly; or
(b) a class C misdemeanor if committed recklessly or with criminal negligence.
(4) If an actor's conduct in violation of this section also constitutes a violation of Section 76-13-203, Aggravated cruelty to an animal, or Section 76-13-204, Torturing a companion animal, the actor's conduct shall be prosecuted under either Section 76-13-203 or 76-13-204 as applicable.
(5) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
(a) by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) by an actor who humanely destroys an animal found suffering past recovery for any useful purpose; or
(e) by an actor who humanely destroys an apparently abandoned animal found on the actor's property.
(6) For purposes of Subsection (5)(d), before destroying the suffering animal, the actor who is not the owner of the animal shall obtain:

(a) the judgment of a veterinarian of the animal's nonrecoverable condition;
(b) the judgment of two other persons called by the actor to view the unrecoverable condition of the animal in the actor's presence;
(c) the consent from the owner of the animal to the destruction of the animal; or
(d) a reasonable conclusion that the animal's suffering is beyond recovery, through the actor's own observation, if the actor is in a location or circumstance where the actor is unable to contact another person.

(7) This section does not affect or prohibit:
(a) the training, instruction, and grooming of animals, if the methods used are in accordance with accepted animal husbandry practices or customary farming practices;
(b) the use of an electronic locating or training collar by the owner of an animal for the purpose of lawful animal training, lawful hunting practices, or protecting against loss of that animal; or
(c) the lawful hunting of, fishing for, or trapping of, wildlife.

(8) County and municipal governments may not prohibit the use of an electronic locating or training collar.

(9) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
(a) order the defendant to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
(b) require the defendant to forfeit any rights the defendant has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person or agency in caring for each animal subjected to violation of this section;
(c) order the defendant to no longer possess or retain custody of any animal, as specified by the court, during the period of the defendant's probation or parole or other period as designated by the court; and
(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.

(10) This section does not prohibit the use of animals in lawful training.

(11) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-203 Aggravated cruelty to an animal.

(1)
(a) As used in this section:
(i) "Animal" means the same as that term is defined in Section 76-13-202.
(ii) "Custody" means the same as that term is defined in Section 76-13-202.
(iii) "Legal privilege" means the same as that term is defined in Section 76-13-202.
(iv) "Torture" means the same as that term is defined in Section 76-13-202.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) Except as provided in Subsection (4), an actor commits aggravated cruelty to an animal if the actor:
(a) tortures an animal;
(b) administers, or causes to be administered, poison or a poisonous substance to an animal; or
(c) kills an animal or causes an animal to be killed without having a legal privilege to do so.

(3) A violation of Subsection (2) is:

(a) a class A misdemeanor if committed intentionally or knowingly;
(b) a class B misdemeanor if committed recklessly; or
(c) a class C misdemeanor if committed with criminal negligence.

(4) If an actor's conduct in violation of this section also constitutes a violation of Section 76-13-204, Torturing a companion animal, the actor's conduct shall be prosecuted under Section 76-13-204.

(5) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) performed by an actor who humanely destroys an animal found suffering past recovery for any useful purpose; or
(e) performed by an actor who humanely destroys an apparently abandoned animal found on the actor's property.

(6) For purposes of Subsection (5)(d), before destroying the suffering animal, an actor who is not the owner of the animal shall obtain:
(a) the judgment of a veterinarian of the animal's nonrecoverable condition;
(b) the judgment of two other individuals called by the actor to view the unrecoverable condition of the animal in the actor's presence;
(c) the consent from the owner of the animal to the destruction of the animal; or
(d) a reasonable conclusion that the animal's suffering is beyond recovery, through the actor's own observation, if the actor is in a location or circumstance where the actor is unable to contact another individual.

(7) Upon conviction under this section, the court may in the court's discretion, in addition to other penalties:
(a) order the actor to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
(b) require the actor to forfeit any rights the actor has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person in caring for each animal subjected to violation of this section;
(c) order the actor to no longer possess or retain custody of any animal, as specified by the court, during the period of the actor's probation or parole or other period as designated by the court; and
(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.

(8) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Enacted by Chapter 173, 2025 General Session

76-13-204 Torturing a companion animal.

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

(i) "Animal" means the same as that term is defined in Section 76-13-202.
(ii) "Companion animal" means an animal that is a domestic dog or a domestic cat.
(iii) "Custody" means the same as that term is defined in Section 76-13-202.
(iv) "Torture" means the same as that term is defined in Section 76-13-202.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits torturing a companion animal if the actor intentionally or knowingly tortures a companion animal.
(3) A violation of Subsection (2) is a third degree felony.
(4) It is a defense to prosecution under this section that the conduct of the actor towards the animal was:
(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved; or
(c) permitted under Section 18-1-3.
(5) Upon conviction under this section, the court may in its discretion, in addition to other penalties:
(a) order the actor to be evaluated to determine the need for psychiatric or psychological counseling, to receive counseling as the court determines to be appropriate, and to pay the costs of the evaluation and counseling;
(b) require the actor to forfeit any rights the actor has to the animal subjected to a violation of this section and to repay the reasonable costs incurred by any person in caring for each animal subjected to violation of this section;
(c) order the actor to no longer possess or retain custody of any animal, as specified by the court, during the period of the actor's probation or parole or other period as designated by the court; and
(d) order the animal to be placed for the purpose of adoption or care in the custody of a county or municipal animal control agency or an animal welfare agency registered with the state to be sold at public auction or humanely destroyed.
(6) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement may not be held civilly liable for making the report.

Enacted by Chapter 173, 2025 General Session

76-13-205 Dog fighting.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits dog fighting if the actor:
(a) owns, possesses, keeps, or trains a dog with the intent to engage the dog in an exhibition of fighting with another dog;
(b) causes a dog to fight with another dog or causes a dog to injure another dog for amusement or gain;
(c) ties, attaches, or fastens any live animal to a machine or device propelled by any power, for the purpose of causing the animal to be pursued by a dog;
(d) permits or allows any act that violates Subsection (2)(a), (b), or (c) on any premises under the actor's charge; or
(e) controls, aids, or abets any act that violates Subsection (2)(a), (b), or (c).
(3)
(a) A violation of Subsection (2) is a third degree felony.
(b) A fine imposed for a violation of Subsection (2) may not exceed $25,000.

(4) Possession of a breaking stick, treadmill, wheel, hot walker, cat mill, cat walker, jenni, or other paraphernalia, together with evidence that the paraphernalia is being used or is intended for use in the unlawful training of a dog to fight with another dog, together with the possession of any such dog, is prima facie evidence of violation of Subsection (2)(b) or (c).
(5) Nothing in this section prohibits any of the following:
(a) the use of dogs for management of livestock by the owner, the owner's employees or agents, or any other person in the lawful custody of livestock;
(b) the use of dogs for hunting; or
(c) the training of dogs or the possession or use of equipment in the training of dogs for any purpose not prohibited by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-206 Attending a dog fight or related activity.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits attending a dog fight or related activity if the actor knowingly or intentionally is:
(a) present as a spectator at a place, building, or tenement where preparations are being made for an exhibition of dog fighting;
(b) present at a dog fighting exhibition; or
(c) present for any other conduct that would be in violation of Section 76-13-205, Dog fighting.
(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-13-207 Game fowl fighting.
(1)
(a) As used in this section:
(i) "Game fowl" means a fowl reared or used for fighting other fowl.
(ii) "Promote" means to engage in promoting, producing, or staging events or activities that involve game fowl fighting.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits game fowl fighting if the actor:
(a) intentionally causes a game fowl to fight with or attack another game fowl for the purpose of entertainment, sport, or contest; or
(b) promotes any activity that involves game fowl fighting, including promoting an activity that is a violation of Subsection (2)(a).
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor for the first violation;
(b) a class A misdemeanor for the second violation; or
(c) a third degree felony for a third or subsequent violation.
(4) This section does not prohibit the lawful use of livestock by the livestock owner, an employee or agent of the livestock owner, or a person in the lawful custody of livestock.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-208 Attending an organized animal fighting exhibition.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) An actor commits attending an organized animal fighting exhibition if the actor is knowingly present:
(a) as a spectator at any place, building, or tenement where preparations are being made for an exhibition of the fighting of animals, as prohibited by Subsection 76-13-202(2)(d) or (e); or
(b) at an exhibition prohibited by Subsection 76-13-202(2)(d) or (e), regardless of whether an entrance fee has been charged.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-209 Endangering, injuring, or killing a public safety animal.
(1)
(a) As used in this section:
(i) "Handler" means an individual who uses a public safety animal to assist with duties of a public safety organization.
(ii) "Public safety animal" means an animal that a public safety organization:
(A) owns or uses under contract; and
(B) uses, or allows another public safety organization to use, to assist with duties of a public safety organization.
(iii) "Public safety organization" means a government entity that provides a law enforcement, firefighting, search and rescue, military, or other public safety service.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits endangering, injuring, or killing a public safety animal if the actor intentionally or knowingly:
(a) causes the death of a public safety animal;
(b) causes bodily injury to a public safety animal;
(c) engages in conduct likely to cause bodily injury or death to a public safety animal; or
(d) lays out, places, or administers any poison, trap, substance, or object that is likely to produce bodily injury or death to a public safety animal.
(3)
(a) A violation of Subsection (2)(a) is a second degree felony.
(b) A violation of Subsection (2)(b), (c), or (d) is a third degree felony.
(4)
(a) A public safety animal is exempt from quarantine or other animal control ordinances if the public safety animal bites an individual while under proper supervision by a public safety organization or during routine veterinary care.
(b) The public safety organization and the public safety animal's handler shall make the public safety animal available for examination at a reasonable time and shall notify the local health officer if the public safety animal exhibits any abnormal behavior.
(5) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owning or employing public safety organization or individual owner of the public safety animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-210 Interference with a public safety animal.
(1)

(a) As used in this section:
(i) "Handler" means the same as that term is defined in Section 76-13-209.
(ii) "Public safety animal" means the same as that term is defined in Section 76-13-209.
(iii) "Public safety organization" means the same as that term is defined in Section 76-13-209.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits interference with a public safety animal if the actor intentionally or knowingly:
(a) taunts, torments, strikes, or otherwise assaults a public safety animal;
(b) throws an object or substance at, or in the path of, a public safety animal;
(c) interferes with or obstructs a public safety animal, or attempts to, or interferes with the handler of the public safety animal in a manner that inhibits, restricts, or deprives the handler of control of the public safety animal;
(d) releases a public safety animal from the public safety animal's area of control, including a vehicle, kennel, or pen, or trespasses in that area; or
(e) places any food, object, or substance into a public safety animal's area of control without the permission of the handler.
(3) A violation of Subsection (2) is a class A misdemeanor.
(4) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owning or employing public safety organization or individual owner of the public safety animal for the replacement, training, and veterinary costs incurred as a result of the violation of this section.

Enacted by Chapter 173, 2025 General Session

76-13-211 Injuring, harassing, or endangering a service animal.
(1)
(a) As used in this section:
(i) "Disability" means the same as that term is defined in Section 26B-6-801.
(ii) "Search and rescue dog" means a dog:
(A) with documented training to locate individuals who are:
(I) lost, missing, or injured; or
(II) trapped under debris as the result of a natural or man-made event; and
(B) affiliated with an established search and rescue dog organization.
(iii) "Service animal" means:
(A) a service animal as that term is defined in Section 26B-6-801; or
(B) a search and rescue dog.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits injuring, harassing, or endangering a service animal if the actor:
(a) knowingly, intentionally, or recklessly causes substantial bodily injury or death to a service animal;
(b) owns, keeps, harbors, or exercises control over an animal and knowingly, intentionally, or recklessly fails to exercise sufficient control over the animal to prevent the animal from:
(i) causing substantial bodily injury to or the death of a service animal;
(ii) causing a service animal's subsequent inability to function as a service animal as a result of the animal's attacking, chasing, or harassing the service animal; or
(iii) chasing or harassing a service animal while the service animal is carrying out the service animal's functions as a service animal, to the extent that the animal temporarily interferes with the service animal's ability to carry out the service animal's functions; or
(c) chases or harasses a service animal.

(3)
(a) A violation of Subsection (2)(a), (2)(b)(i), or (2)(b)(ii) is a class A misdemeanor.
(b) A violation of Subsection (2)(b)(iii) or (2)(c) is a class B misdemeanor.
(4)
(a) A service animal is exempt from quarantine or other animal control ordinances if the service animal bites an individual while the service animal is subject to an offense under Subsection (2).
(b) The owner of the service animal or the individual with a disability whom the service animal serves shall make the service animal available for examination at a reasonable time and shall notify the local health officer if the service animal exhibits any abnormal behavior.
(5) In addition to any other penalty, an actor convicted of a violation of this section is liable for restitution to the owner of the service animal or the individual with a disability whom the service animal serves for the replacement, training, and veterinary costs incurred as a result of the violation of this section.
(6) If the act committed under this section amounts to an offense subject to a greater penalty under another provision of this title, than is provided under this section, this section does not prohibit prosecution and sentencing for the more serious offense.

Amended by Chapter 291, 2026 General Session

76-13-212 Allowing a vicious animal to go at large.
(1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) An actor commits allowing a vicious animal to go at large if:
(a) the actor is an owner of a vicious animal, knowing the animal's propensities, and:
(i) willfully allows the animal to go at large; or
(ii) keeps the animal without ordinary care; and
(b) the animal, while at large, or while not kept with ordinary care, causes injury to or the death of another animal or a human being who has taken reasonable precautions under the circumstances.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
(b) A violation of Subsection (2) is a third degree felony if the animal causes the death of a human being.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-213 Bestiality.
(1)
(a) For purposes of this section:
(i) "Animal" means any live, nonhuman vertebrate creature, including fowl.
(ii) "Sexual activity" means physical sexual contact:
(A) between the actor and the animal involving the genitals of the actor and the genitals of the animal;
(B) the genitals of the actor or the animal and the mouth or anus of the actor or the animal; or
(C) through the actor's use of an object in contact with the genitals or anus of the animal.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

(2) An actor commits bestiality if the actor engages in sexual activity with an animal with the intent to sexually gratify the actor.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-214 Harassment of livestock.
(1)
(a) As used in this section:
(i) "Livestock" means the same as that term is defined in Section 76-13-202.
(ii) "Unmanned aircraft system" means the same as that term is defined in Section 72-10-102.
(b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
(2) Except as provided in Subsection (4), an actor commits harassment of livestock if the actor intentionally, knowingly, or recklessly chases, with the intent of causing distress, or harms livestock through the use of:
(a) a motorized vehicle or all-terrain vehicle;
(b) a dog; or
(c) an unmanned aircraft system.
(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor if:
(i) no livestock is seriously injured or killed as a result of the actor's actions; or
(ii) the actor's actions cause the livestock to be displaced onto property where the livestock is not legally entitled to be.
(b) A violation of Subsection (2) is a class A misdemeanor if:
(i) the offense is the actor's second or subsequent offense;
(ii) livestock is seriously injured or killed as a result of the actor's actions; or
(iii) livestock or property suffered damage in excess of $1,000, including money spent in recovering the livestock, as a result of the actor's actions.
(4) An actor does not commit a violation of Subsection (2) if:
(a) the actor is:
(i) the owner of the livestock;
(ii) an employee or agent of the owner, or otherwise acting under the owner's general direction or with the owner's permission;
(iii) acting in an emergency situation to prevent damage to the livestock or property; or
(iv) an employee or agent of the state or a political subdivision and acting in the employee or agent's official capacity; or
(b) the action is in line with generally accepted animal husbandry practices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-13-215 Failure of an animal care facility to maintain required standards.
(1)
(a) As used in this section:
(i) "Animal care facility" means an animal rescue, animal sanctuary, or animal shelter.
(ii) "Animal rescue" means a person that:
(A) accepts companion animals for the purpose of finding a permanent home for each companion animal;

(B) does not maintain a central facility for keeping companion animals; and
(C) uses a system of temporarily fostering the companion animals in a private residence or boarding facility.
(iii) "Animal sanctuary" means a nonprofit entity, other than a government entity, that:
(A) harbors companion animals; and
(B) is used exclusively for the purpose of indefinitely caring for, rehabilitating, or housing companion animals.
(iv)
(A) "Animal shelter" means the same as that term is defined in Section 11-46-102.
(B) "Animal shelter" does not include an animal rescue.
(v) "Boarding facility" means a facility where a companion animal is kept for the purpose of caring for the companion animal.
(vi) "Companion animal" means an animal that is a domestic dog or a domestic cat.
(vii) "Facility" means a location other than a private residence.
(2) An actor commits failure of an animal care facility to maintain required standards if the actor:
(a) is an animal care facility; and
(b) fails to:
(i) ensure that:
(A) a female dog does not produce more than one litter in any twelve-month period, unless a licensed veterinarian has examined the female dog and has determined that it is safe for the dog to produce more than one litter in a twelve-month period; or
(B) a dog under eight weeks old or a dog not properly weaned is not sold; or
(ii) keep records:
(A) identifying, to the best of the animal care facility's knowledge, an animal's owner at the time the animal care facility acquires the animal; or
(B) documenting dangerous behaviors, if any, heath conditions, and medical care for an animal in the animal care facility's possession.
(3) A violation of Subsection (2) is an infraction subject to a fine of $750.
(4) A prosecution under this section does not preclude a prosecution for any other criminal offense.
(5) It is a defense to a prosecution under this section that the conduct of the actor toward the animal was:
(a) performed by a licensed veterinarian using accepted veterinary practice;
(b) directly related to bona fide experimentation for scientific research, provided that if the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless directly necessary to the veterinary purpose or scientific research involved;
(c) permitted under Section 18-1-3;
(d) performed by a person who humanely destroys an animal found suffering past recovery for any useful purpose; or
(e) performed by a person who humanely destroys an apparently abandoned animal found on the person's property.
(6) This section does not prohibit the use of animals in lawful training.
(7) A veterinarian who, acting in good faith, reports a violation of this section to law enforcement or the Department of Agriculture and Food in accordance with Section 4-2-903 may not be held civilly liable for making the report.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 14
Offenses Related to Immigration Status

Part 1
General Provisions

76-14-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Offenses Related to Immigration Status

76-14-201 Definitions.

As used in this part:

(1) "Alien" means an individual who is not a citizen or national of the United States.

(2) "ICE" means the federal Immigration and Customs Enforcement agency of the United States Department of Homeland Security.

(3) "Law enforcement officer" has the same meaning as in Section 53-13-103.

(4) "SAVE program" means the federal Systematic Alien Verification for Entitlements program operated by the federal Department of Homeland Security.

(5) "State or local governmental agency" includes a private contractor or vendor that contracts with the agency to provide the agency's functions or services.

(6) "Verify immigration status" or "verification of immigration status" means the determination of an individual's immigration status by:

(a) a law enforcement officer who is authorized by a federal agency to determine an alien's immigration status; or

(b) the United States Department of Homeland Security, ICE, or other federal agency authorized to provide immigration status as provided by 8 U.S.C. Sec. 1373(c).

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-202 Detention or arrest -- Determination of immigration status.

(1)

(a) Except as provided in Subsection (1)(b), (c), or (d), a law enforcement officer who, acting in the enforcement of a state law or local ordinance, conducts a lawful stop, detention, or arrest of an individual as specified in Subsection (1)(a)(i) or (ii), and the individual is unable to provide to the law enforcement officer a document listed in Subsection 76-14-203(1) and the law enforcement officer is otherwise unable to verify the identity of the individual, the law enforcement officer:

(i) shall request verification of the citizenship or the immigration status of the individual under 8 U.S.C. Sec. 1373(c), except as allowed under Subsection (1)(b), (c), or (d), if the individual is arrested for an alleged offense that is a class A misdemeanor or a felony; and

(ii) may attempt to verify the immigration status of the individual, except as exempted under Subsection (1)(b), (c), or (d), if the alleged offense is a class B or C misdemeanor, except that if the individual is arrested and booked for a class B or C misdemeanor, the arresting law enforcement officer or the law enforcement agency booking the individual shall attempt to verify the immigration status of the individual.

(b) In individual cases, the law enforcement officer may forego the verification of immigration status under Subsection (1)(a) if the determination could hinder or obstruct a criminal investigation.

(c) Subsection (1)(a) does not apply to a law enforcement officer who is acting as a school resource officer for an elementary or secondary school.

(d) Subsection (1)(a) does not apply to a county or municipality when it has only one law enforcement officer on duty and response support from another law enforcement agency is not available.

(2) When a law enforcement officer makes a lawful stop, detention, or arrest under Subsection (1) of the operator of a vehicle, and while investigating or processing the primary offense, the law enforcement officer makes observations that give the law enforcement officer reasonable suspicion that the operator or any of the passengers in the vehicle are violating Section 76-5-308, 76-5-308.1, 76-5-308.5, 76-5-308.6, 76-5-310, 76-5-310.2, 76-5-311, 76-5-312, 76-5-316, 76-5-317, or 76-14-209, which concern smuggling, human trafficking, or transporting illegal aliens, the law enforcement officer shall, to the extent possible within a reasonable period of time:

(a) detain the occupants of the vehicle to investigate the suspected violations; and

(b) inquire regarding the immigration status of the occupants of the vehicle.

(3) When an individual under Subsection (1) is arrested or booked into a jail, juvenile detention facility, or correctional facility, the arresting officer or the booking officer shall ensure that a request for verification of immigration status of the arrested or booked individual is submitted as promptly as is reasonably possible.

(4) The law enforcement agency that has custody of an individual verified to be an illegal alien shall request that the United States Department of Homeland Security issue a detainer requesting transfer of the illegal alien into federal custody.

(5) A law enforcement officer may not consider race, color, or national origin in implementing this section, except to the extent permitted by the constitutions of the United States and this state.

Amended by Chapter 247, 2026 General Session

76-14-203 Grounds for presumption of lawful presence in United States -- Statement to officer.

(1) An individual is presumed to be lawfully present in the United States for the purposes of this chapter if the individual provides one of the following documents to the law enforcement officer, unless the law enforcement officer has a reasonable suspicion that the document is false or identifies an individual other than the individual providing the document:

(a) a valid Utah driver license issued on or after January 1, 2010;

(b) a valid Utah identification card issued under Section 53-3-804 and issued on or after January 1, 2010;

(c) a valid tribal enrollment card or other valid form of tribal membership identification that includes photo identification;

(d) a valid identification document that:

(i) includes a photo or biometric identifier of the holder of the document; and

(ii) is issued by a federal, state, or local governmental agency that requires proof or verification of legal presence in the United States as a condition of issuance of the document; or

(e) a valid resident immigrant permit issued under Section 63G-14-204.

(2) An individual is presumed to be a citizen or national of the United States for purposes of this part if the individual makes a statement or affirmation to the law enforcement officer that the individual is a United States citizen or national, unless the officer has a reasonable suspicion that the statement or affirmation is false.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-204 Illegal alien -- Notification of federal government -- Transportation to federal facility.

A state or local law enforcement agency may securely transport an alien who is in the agency's custody and whom the agency has verified is unlawfully present in the United States to:

(1) a federal detention facility in this state; or

(2) with the concurrence of the receiving federal agency, to a federal facility or other point of transfer to federal custody that is outside this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-205 Enforcement of federal immigration laws.

A state or local governmental agency of this state, or a representative of the agency, may not:

(1) limit or restrict by ordinance, regulation, or policy the authority of a law enforcement agency or other governmental agency to assist the federal government in the enforcement of any federal law or regulation governing immigration; or

(2) limit or restrict by ordinance, regulation, or policy the authority of a law enforcement agency to investigate or enforce a violation of the federal misdemeanor offenses of willful failure to register as an alien or willful failure to personally possess an alien registration document as required by 8 U.S.C. Sec. 1304(e) or 1306(a).

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-206 Determining an alien's immigration status -- Transfer or maintenance of information.

Except as limited by federal law, a state or local governmental agency is not restricted or prohibited in any way from sending, receiving, or maintaining information related to the lawful or unlawful immigration status of an individual by communicating with a federal, state, or local governmental entity for a lawful purpose, including:

(1) determining an individual's eligibility for a public benefit, service, or license provided by a federal agency, by this state, or by a political subdivision of this state;

(2) confirming an individual's claim of residence or domicile if determination is required by state law or a judicial order issued pursuant to a civil or criminal proceeding in this state;

(3) if the individual is an alien, determining if the individual is in compliance with the federal registration laws of Title II, Part 7, Immigration and Nationality Act; or

(4) a valid request for verification of the citizenship or immigration status of an individual pursuant to 8 U.S.C. Sec. 1373.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-207 Proof of immigration status required to receive public benefits.

(1)

(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec. 1621 shall comply with Section 63G-12-402 and shall also comply with this section, except:

(i) as provided in Subsection 63G-12-402(3)(g) or (k); or

(ii) when compliance is exempted by federal law or when compliance could reasonably be expected to be grounds for the federal government to withhold federal Medicaid funding.

(b) The agency shall verify an individual's lawful presence in the United States by requiring that the applicant under this section sign a certificate under penalty of perjury, stating that the applicant:

(i) is a United States citizen; or

(ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.

(c) The certificate under Subsection (1)(b) shall include a statement advising the signer that providing false information subjects the signer to penalties for perjury.

(d) The signature under this Subsection (1) may be executed in person or electronically.

(e) When an applicant who is a qualified alien has executed the certificate under this section, the applicant's eligibility for benefits shall be verified by the agency through the federal SAVE program or an equivalent program designated by the United States Department of Homeland Security.

(2) An individual who knowingly and willfully makes a false, fictitious, or fraudulent statement of representation in a certificate executed under this section is guilty of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1.

(3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C. Sec. 911, the agency requiring the certificate shall file a complaint with the United States Attorney for the applicable federal judicial district based upon the venue in which the certificate was executed.

(4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to the requirements of the provisions of this section that provide for adjudication of unique individual circumstances in which the verification procedures in this section would impose unusual hardship on a legal resident of this state.

(5) If an agency under Subsection (1) receives verification that an individual making an application for a benefit, service, or license is not a qualified alien, the agency shall provide the information to the local law enforcement agency for enforcement of public assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless prohibited by federal mandate.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-208 Implementation to be consistent with federal law and civil rights.

All state and local agencies shall implement this part in a manner that is consistent with federal laws that regulate immigration, protect the civil rights of all individuals, and establish the privileges and immunities of United States citizens.

Renumbered and Amended by Chapter 173, 2025 General Session

76-14-209 Transporting or harboring an alien.

(1)

(a) As used in this section:

(i) Except as provided in Subsection (1)(a)(ii), "alien" means an individual who is illegally present in the United States.

(ii) On or after the program start date, as defined in Section 63G-12-102, "alien" does not include an individual who holds a valid permit, as defined in Section 63G-12-102.

(b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this section.

(2) An actor commits transporting or harboring an alien if the actor:

(a) transports, moves, or attempts to transport into this state or within the state an alien for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law, in furtherance of the illegal presence of the alien in the United States;

(b) knowingly, with the intent to violate federal immigration law, conceals, harbors, or shelters from detection an alien in a place within this state, including a building or means of transportation for commercial advantage or private financial gain, knowing or in reckless disregard of the fact that the alien is in the United States in violation of federal law;

(c) encourages or induces an alien to come to, enter, or reside in this state, knowing or in reckless disregard of the fact that the alien's coming to, entry, or residence is or will be in violation of law; or

(d) engages in a conspiracy, for commercial advantage or private financial gain, to commit any of the offenses listed in Subsection (2)(a), (b), or (c).

(3)

(a) A violation of Subsection (2)(a), (c), or (d) is a third degree felony.

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

(4) Nothing in this section prohibits or restricts the provision of:

(a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or

(b) charitable or humanitarian assistance, including medical care, housing, counseling, food, victim assistance, religious services and sacraments, or transportation to and from a location where the assistance is provided, by a charitable, educational, or religious organization or the employees, agents, or volunteers of a charitable, educational, or religious organization, using private funds.

(5)

(a) It is not a violation of this section for a religious denomination or organization or an agent, officer, or member of a religious denomination or organization to encourage, invite, call, allow, or enable an alien to perform the vocation of a minister or missionary for the denomination or organization in the United States as a volunteer who is not compensated as an employee, notwithstanding the provision of room, board, travel, medical assistance, and other basic living expenses.

(b) Subsection (5)(a) applies only to an alien who has been a member of the religious denomination or organization for at least one year.

(6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident Immigrant Program Act, either as a sponsor or resident alien, does not constitute encouraging or inducing an alien to come to, enter, or reside in this state in violation of Subsection (2)(c).

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 15

Explosives and Weapons of Mass Destruction

Part 1
General Provisions

76-15-101 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Explosives

76-15-201 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

76-15-202 Venue of prosecution for delivering for transmission an explosive, chemical, or incendiary device.
An actor who knowingly, intentionally, or recklessly delivers an explosive, chemical, or incendiary device to any person for transmission without the consent or direction of the lawful possessor may be prosecuted:
(1) in the county in which the actor delivers the explosive, chemical, or incendiary device; or
(2) in the county to which the explosive, chemical, or incendiary device is transmitted.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-203 Unlawful failure to mark a container of explosives before transportation or storage.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful failure to mark a container of explosives before transportation or storage if the actor knowingly leaves with or delivers to another, or to an express or railway company or other common carrier, or to a warehouse or storehouse, a package containing nitroglycerin, dynamite, guncotton, gunpowder, or other highly explosive compound, or any benzine, gasoline, phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric, carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled, stored, shipped, or transported, without plainly marking and indicating on the package the name and nature of the contents inside the package.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-204 Unlawful construction or use of a powder house.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful construction or use of a powder house if the actor builds, constructs, or uses within 300 feet of a residence or traveled county road a powder house, magazine, or building in which powder, dynamite, or other explosive is kept in quantities exceeding 500 pounds.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) This section does not apply to a magazine maintained at a mine or stone quarry.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-205 Unlawful failure to mark a container of a high explosive held for sale or use.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful failure to mark a container of a high explosive for sale or use if the actor:
(a) sells or offers for sale, or takes or solicits orders of sale, or purchases or uses, or has on hand or in store for the purpose of sale or use, a giant, hercules, atlas, venture or any other high explosive containing nitroglycerin; and
(b) fails to plainly stamp or print on each box or package and wrapper containing the high explosive:
(i) the name and place of business of the person, partnership, or corporation by whom or by which the high explosive was manufactured;
(ii) the exact and true date of the high explosive's manufacture; and
(iii) the percentage of nitroglycerin or other high explosive contained within the box or package.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-206 Unlawful combination of dates in a box or package of high explosives.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful combination of dates in a box or package of high explosives if the actor puts two or more different dates on a box or package containing a giant, hercules, atlas, or venture, or any other high explosive containing nitroglycerin.
(3) A violation of Subsection (2) is a class A misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-207 Unlawful reuse of a high explosive box, package, or wrapper.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful reuse of a high explosive box, package, or wrapper if the actor uses a box, package, or wrapper that was formerly used by another person in the packing of a giant, hercules, atlas, venture, or other high explosive containing nitroglycerin.
(3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-208 Unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful failure to have a high explosive box or package match an enclosed high explosive wrapper if:
(a) the actor puts a giant, hercules, atlas, venture, or other explosive containing nitroglycerin inside a box or package; and
(b) the name and date on the box or package do not match the name and date on the wrapper containing the high explosive.
(3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 173, 2025 General Session

76-15-209 Unlawful delivery or mailing of an explosive, chemical, or incendiary device.
(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful delivery or mailing of an explosive, chemical, or incendiary device if the actor:
(a) delivers or causes to be delivered to an express or railway company or other common carrier, or to any person, an explosive, chemical, or incendiary device;
(b) knows the explosive, chemical, or incendiary device to be an explosive, chemical, or incendiary device; and
(c)
(i) fails to inform the common carrier or person that the item is an explosive, chemical, or incendiary device; or
(ii) sends the explosive, chemical, or incendiary device through the mail.
(3) A violation of Subsection (2) is a second degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-210 Unlawful conduct involving an explosive, chemical, or incendiary device.
(1)
(a) As used in this section:
(i)
(A) "Explosive, chemical, or incendiary device" means:
(I) dynamite and all other forms of high explosives, including water gel, slurry, military C-4 (plastic explosives), blasting agents to include nitro-carbon-nitrate, ammonium nitrate, fuel oil mixtures, cast primers and boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding cords commonly called detonating cord, detcord, or primacord, picric acid explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin mixtures, or any other chemical mixture intended to explode with fire or force;
(II) any explosive bomb, grenade, missile, or similar device; or
(III) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar device, including any device, except kerosene lamps, if criminal intent has not been established, which consists of or includes a breakable container including a flammable liquid or compound and a wick composed of any material which, when ignited, is capable of igniting the flammable liquid or compound or any breakable container which consists of, or includes a chemical mixture that explodes with fire or force and can be carried, thrown, or placed.
(ii) "Explosive, chemical, or incendiary device" does not include rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.
(b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

(2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary device if, under circumstances not amounting to a violation of Part 2, Weapons of Mass Destruction, the actor:
(a) intentionally, knowingly, or recklessly:
(i) possesses or controls an explosive, chemical, or incendiary device; or
(ii) removes or causes to be removed or carries away an explosive, chemical, or incendiary device from the premises where the explosive, chemical, or incendiary device is kept by the lawful user, vendor, transporter, or manufacturer, without the consent or direction of the lawful possessor; or
(b) intentionally or knowingly:
(i) uses or causes to be used an explosive, chemical, or incendiary device in the commission of or an attempt to commit a felony;
(ii) injures another or attempts to injure another person or another person's property through the use of an explosive, chemical, or incendiary device; or
(iii) transports, possesses, distributes, or sells any explosive, chemical, or incendiary device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3, 76-11-218, or 78A-2-203.
(3)
(a) A violation of Subsection (2)(a) is a second degree felony.
(b) A violation of Subsection (2)(b) is a first degree felony.
(4) The provisions in Subsection (2)(a)(i) do not apply to:
(a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;
(b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;
(c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;
(d) a person possessing a valid license as an importer, wholesaler, display operator, special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and 53-7-223; or
(e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-211 Unlawful conduct involving an explosive, chemical, or incendiary part.
(1)
(a) As used in this section:
(i) "Explosive, chemical, or incendiary device" means the same as that term is defined in Section 76-15-210.
(ii)
(A) "Explosive, chemical, or incendiary part" means an explosive, chemical, or incendiary part substance or material, or combination of explosive, chemical, or incendiary part substances or materials, that has been prepared or altered for use in the creation of an explosive, chemical, or incendiary device.
(B) "Explosive, chemical, or incendiary part" does not include rifle, pistol, or shotgun ammunition, or any signaling device customarily used in operation of railroad equipment.

(iii) "Explosive, chemical, or incendiary part substance or material" includes:
(A) a timing device, clock, or watch that has been altered in such a manner as to be used as the arming device in an explosive;
(B) a pipe, end cap, or metal tubing that has been prepared for a pipe bomb; and
(C) a mechanical timer, mechanical trigger, chemical time delay, electronic time delay, or commercially made or improvised items that, when used singly or in combination, may be used in the construction of a timing delay mechanism, booby trap, or activating mechanism for an explosive, chemical, or incendiary device.
(b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.
(2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary part if, under circumstances not amounting to a violation of Part 3, Weapons of Mass Destruction, the actor intentionally, knowingly, or recklessly possesses an explosive, chemical, or incendiary part.
(3) A violation of Subsection (2) is a third degree felony.
(4) The provisions in Subsection (2) do not apply to:
(a) a public safety officer while acting in an official capacity transporting or otherwise handling an explosive, chemical, or incendiary device;
(b) a member of the armed forces of the United States or Utah National Guard while acting in an official capacity;
(c) a person possessing a valid permit issued under the provisions of the International Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting within the scope of employment;
(d) a person possessing a valid license as an importer, wholesaler, display operator, special effects operator, or flame effects operator under the provisions of Sections 11-3-3.5 and 53-7-223; or
(e) a person or entity possessing or controlling an explosive, chemical, or incendiary device as part of the person's or entity's lawful business operations.

Enacted by Chapter 173, 2025 General Session

Part 3
Weapons of Mass Destruction

76-15-301 Definitions.

As used in this part:
(1) "Biological agent" means a microorganism, virus, infectious substance, or biological product that may be engineered as a result of biotechnology, or a naturally occurring or bioengineered component of a microorganism, virus, infectious substance, or biological product, that is capable of causing:
(a) death, disease, or other biological malfunction in a human, an animal, a plant, or another living organism;
(b) deterioration of food, water, equipment, supplies, or material of any kind; or
(c) deleterious alteration of the environment.
(2) "Delivery system" means:
(a) an apparatus, equipment, device, or means of delivery specifically designed to deliver or disseminate a biological agent, toxin, or vector; or
(b) a vector.

(3) "Hoax weapon of mass destruction" means a device or object that by the device's or object's design, construction, content, or characteristics appears to be or to contain, or is represented to be, constitute, or contain, a weapon of mass destruction as defined in this section, but which is, in fact, an inoperative facsimile, imitation, counterfeit, or representation of a weapon of mass destruction that does not:
(a) meet the definition of a weapon of mass destruction; or
(b) actually contain or constitute a weapon, biological agent, toxin, vector, or delivery system prohibited by this section.
(4) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or infectious substances, or a recombinant molecule, whatever its origin or method of production, including:
(a) a poisonous substance or biological product that may be engineered as a result of biotechnology produced by a living organism; or
(b) a poisonous isomer or biological product, homolog, or derivative of the substance under Subsection (4)(a).
(5) "Vector" means a living organism, or molecule, including a recombinant molecule, or biological product that may be engineered as a result of biotechnology, capable of carrying a biological agent or toxin to a host.
(6)
(a) "Weapon of mass destruction" means:
(i) an item or instrumentality that is designed or intended to cause widespread death or serious bodily injury to multiple victims;
(ii) an item or instrumentality that is designed or intended to cause death or serious bodily injury through the release, dissemination, or impact of toxic or poisonous chemicals, or the precursors of toxic or poisonous chemicals;
(iii) a disease organism, including a biological agent, toxin, or vector that is used or intended to be used as a weapon;
(iv) an item or instrumentality that is designed to release radiation or radioactivity at a level dangerous to human life and that is used or intended to be used as a weapon; or
(v) a substance or material or combination that has been prepared or altered for use in the creation of a weapon described in Subsections (6)(a)(i) through (iv).
(b) "Weapon of mass destruction" does not include a firearm or rifle, pistol, or shotgun ammunition, reloading components, or muzzleloading equipment.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-302 Unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction.

(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.
(2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a weapon of mass destruction or a delivery system for a weapon of mass destruction, including any biological agent, toxin, vector, or delivery system.
(3) A violation of Subsection (2) is a first degree felony.
(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred

in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

(5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-15-303 Unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction.

(1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.

(2) An actor commits unlawful manufacture, possession, sale, use, or attempted use of a hoax weapon of mass destruction if the actor, without lawful authority, intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses, attempts to use, solicits the use of, or conspires to use a hoax weapon of mass destruction with the intent to deceive or otherwise mislead another person into believing that the hoax weapon of mass destruction is a weapon of mass destruction.

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

(4) In addition to any other penalty authorized by law, a court shall order an actor convicted of a violation of this section to reimburse any federal, state, or local unit of government, or any private business, organization, individual, or entity, for all expenses and losses incurred in responding to the violation, unless the court states on the record the reasons why the reimbursement would be inappropriate.

(5) This section does not apply to a member or employee of the armed forces of the United States, allied armed forces personnel, a federal or state governmental agency, or a private entity, who is engaged in lawful activity within the scope of the actor's employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver, display, or otherwise engage in activity relative to this section, and if the actor is in compliance with applicable federal and state law.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 16
Offenses Concerning Business Practices

Part 1
General Provisions

76-16-101 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Corporation and Association Offenses

76-16-201 Definitions.

As used in this part:

(1) "Bona fide stockholder of record" means a stockholder of record who has acquired stock in good faith and is acting for a proper purpose reasonably related to the stockholder's interests as a stockholder.

(2) "Director" means a person having by law the direction or management of the affairs of a corporation, by whatever name the person is described in the corporation's charter or is known by law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-202 Presumption of director's knowledge of affairs.

A director of a corporation or joint stock association is deemed to possess a knowledge of the affairs of the corporation or association so as to enable the director to determine whether an act, proceeding, or omission of the corporation's or association's directors is a violation of this part.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-203 Presumption of director's concurrence in action if present at meeting -- Exception.

(1) Except as provided in Subsection (2), a director of a corporation or joint stock association who is present at a meeting of the directors at which an act, proceeding, or omission of the directors in violation of this part occurs is deemed to have concurred in the act, proceeding, or omission.

(2) A director is not deemed to have concurred in an act, proceeding, or omission of the directors if, at the time of the act, proceeding, or omission, the director:

(a) causes, or in writing requires, the director's dissent from the act, proceeding, or omission to be entered in the minutes of the directors; or

(b) forwards the director's dissent by registered mail to the secretary of the corporation immediately after the adjournment of the meeting.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-204 Foreign corporations subject to Utah laws.

It is no defense to a prosecution for a violation of this part that the corporation was created by the laws of another state, government, or country if the corporation is carrying on business or keeping an office within this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-205 Fraudulent signing of a stock subscription or agreement.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

(2) An actor commits fraudulent signing of a stock subscription or agreement if the actor:
(a) signs the name of a fictitious person to a subscription for, or agreement to take, stock in a proposed or existing corporation; or
(b) signs the name of any person to a subscription for, or agreement to take, stock in a proposed or existing corporation, knowing that the person has no means or does not intend in good faith to comply with all the terms of the subscription or agreement, or under any understanding or agreement that the terms of the subscription or agreement are not to be complied with or enforced.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-206 Exhibition of a fraudulent document relating to a corporation or an increase of capital stock.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits exhibition of a fraudulent document relating to a corporation or an increase of capital stock if the actor:
(a) is:
(i) an officer, agent, or clerk of a corporation; or
(ii) a person proposing to organize a corporation or to increase the capital stock of a corporation; and
(b) knowingly exhibits a false, forged, or altered book, paper, voucher, security, or other instrument of evidence to a public officer or board authorized by law to examine the organization of the corporation, or to investigate the corporation's affairs, or to allow an increase of the corporation's capital, with the intent to deceive the officer or board with respect to the examination, investigation, or increase of capital.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-207 Misrepresentation of a person as an officer, agent, member, or promoter.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits misrepresentation of a person as an officer, agent, member, or promoter if the actor, without being authorized to do so, subscribes the name of another person to, or inserts the name of another person in, a prospectus, circular, or other advertisement or announcement of an existing corporation or joint stock association, existing or intended to be formed, with the intent to permit the prospectus, circular, or other advertisement or announcement to be published, and thereby to lead persons to believe that the person whose name is included in the prospectus, circular, or other advertisement or announcement is an officer, agent, member, or promoter of the corporation or association.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-208 Illegal concurrence by a director in a dividend or division of capital.
(1)
(a) For purposes of this section, "director" does not include a director of:
(i) a savings and loan association; or

(ii) a building and loan association.
(b) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits illegal concurrence by a director in a dividend or division of capital if the actor:
(a) is a director of a stock corporation; and
(b) concurs in a vote or act of one or more directors of the corporation, which vote or act is intended to either:
(i) make a dividend except as permitted by Title 16, Chapter 10a, Utah Revised Business Corporation Act; or
(ii) divide, withdraw, or in any manner pay to one or more stockholders any part of the stated capital of the corporation except as permitted by Title 16, Chapter 10a, Utah Revised Business Corporation Act.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-209 Unlawful omission or entry in a corporate or association record with the intent to defraud.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful omission or entry in a corporate or association record with the intent to defraud if the actor:
(a) is:
(i) a director, officer, or agent of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) knowingly receives or possesses for the actor's self property of the corporation or association, otherwise than in payment of a just demand; and
(c) with intent to defraud, omits to make, or to cause or direct to be made, a full and true entry of the property described in Subsection (2)(b) in the books or accounts of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-210 Embezzlement, abstraction, or misapplication of corporate or association funds.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful embezzlement, abstraction, or misapplication of corporate or association funds if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) embezzles, abstracts, or willfully misapplies money, funds, or credits of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-211 Unlawful circulation of a corporate or association note.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful circulation of a corporation or association note if the actor:

(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) without the authority from a corporation's or association's directors, issues or puts in circulation a note of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-212 Unauthorized corporate or association action.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unauthorized corporate or association action if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) without having the authority to do so:
(i) issues or puts forth a certificate of deposit;
(ii) draws an order or bill of exchange;
(iii) makes an acceptance; or
(iv) assigns a note, bond, draft, bill of exchange, mortgage, judgment, or decree.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-213 False entry in a corporate or association book, report, or statement.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits false entry in a corporate or association book, report, or statement if the actor:
(a) is:
(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) makes a false entry in a corporate or association book, report, or statement, with the intent:
(i) to injure or defraud:
(A) the corporation or association;
(B) any other company;
(C) a body politic; or
(D) an individual person; or
(ii) to deceive:
(A) an officer of the corporation or association; or
(B) an agent appointed to examine the affairs of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-214 Unlawful stock issuance.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits unlawful stock issuance if the actor:
(a) is:

(i) a director, officer, agent, or member of a corporation or association; or
(ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
(b) issues fraudulent, fictitious, or illegal stock in the corporation or association, with the intent:
(i) to injure or defraud:
(A) the corporation or association;
(B) any other company;
(C) a body politic; or
(D) an individual person; or
(ii) to deceive:
(A) an officer of the corporation or association; or
(B) an agent appointed to examine the affairs of the corporation or association.
(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 173, 2025 General Session

76-16-215 Making or publishing a report containing a false material statement.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits making or publishing a report containing a false material statement if the actor:
(a) is a director, officer, or agent of a corporation or joint stock association; and
(b) knowingly makes or concurs in making or publishing a written report, exhibit, or statement of the corporation's or association's affairs or pecuniary condition that contains a false material statement.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-216 Prohibited refusal of inspection or copying of corporate books.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
(2) An actor commits prohibited refusal of inspection or copying of corporate books if the actor:
(a) is an officer or agent of a corporation having or keeping an office within this state;
(b) has in the actor's custody or control the books of the corporation; and
(c) refuses to give to a bona fide stockholder of record or member of the corporation, lawfully demanded during office hours, the right to inspect or take a copy of all or part of the corporation's books.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Offenses Concerning Trademarks, Trade Names, and Devices

76-16-301 Definitions.
As used in this part:
(1) "Forged trademark," "forged trade name," "forged trade device," and "counterfeited trademark," "counterfeited trade name," "counterfeited trade device," or their equivalents include every

alteration or imitation of a trademark, trade name, or trade device that resembles the original so as to be likely to deceive.
(2) "Trademark" or "trade name" or "trade device" includes every trademark registrable with the Division of Corporations and Commercial Code.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-302 Forging or counterfeiting a trademark, trade name, or trade device.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits forging or counterfeiting a trademark, trade name, or trade device if the actor:
(a) willfully forges or counterfeits, or procures to be forged or counterfeited, a trademark, trade name, or trade device, that:
(i) is usually affixed by a person to the person's goods, or by an association or union of working people to the association's or union's goods; and
(ii) has been filed with the Division of Corporations and Commercial Code; and
(b) performs the action described in Subsection (2)(a) with the intent to pass off any goods to which the forged or counterfeited trademark, trade name, or trade device is affixed, or intended to be affixed, as the goods of the person or association or union of working people.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-303 Selling goods under a counterfeited trademark, trade name, or trade device.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits selling goods under a counterfeited trademark, trade name, or trade device if the actor:
(a) sells or keeps for sale any goods upon or to which any counterfeited trademark, trade name, or trade device has been affixed, after the trademark, trade name, or trade device has been filed with the Division of Corporations and Commercial Code;
(b) intends to represent the goods as the genuine goods of another person; and
(c) knows the goods are counterfeited.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-304 Sale in a container bearing a registered trademark of a substituted article.
(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
(2) An actor commits sale in a container bearing a registered trademark of a substituted article if the actor:
(a) has or uses a container or similar article that bears or is in any way connected with the registered trademark of another person; and
(b) has or uses the container or article described in Subsection (2)(a) for the purpose of disposing, with intent to deceive or defraud, of an article or substance other than that which the container or similar article originally contained or was connected with by the owner of the trademark.
(3) A violation of Subsection (2) is a class B misdemeanor.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-305 Using, destroying, concealing, or possessing an article with a registered trademark or service mark to deprive the owner of use or possession.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits using, destroying, concealing, or possessing an article with a registered trademark or service mark to deprive the owner of use or possession if the actor, without the consent of the owner of an article bearing the owner's validly registered trademark or service mark, and with the intent to deprive the owner of the use or possession of the article:

(a) uses, destroys, conceals, or possesses the article; or

(b) defaces or otherwise conceals the trademark or service mark on the article.

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

(4) This section does not apply to the transfer or use of a wooden box or the re-use of a burlap or cotton bag or sack when the bag or sack has been reversed inside out or the markings on the box, bag, or sack have been concealed or obliterated to effectively demonstrate that the product contained in the box, bag, or sack does not purport to be the product of the owner of the registered trademark or service mark that appeared on the box, bag, or sack.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-306 Selling, trafficking, or withholding an article bearing a registered trademark or service mark with intent to defraud.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits selling, trafficking, or withholding an article bearing a registered trademark or service mark with intent to defraud if the actor, without the consent of the owner of an article that bears the owner's validly registered trademark or service mark, and with the intent to defraud the owner of the article, knowingly:

(a) sells or traffics the article; or

(b) withholds the article from the article's owner.

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

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-307 Use of a registered trademark without consent.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

(2) An actor commits use of a registered trademark without consent if the actor adopts or in any way uses a registered trademark owned by another person without the person's consent.

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

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Concerning Unfair Market Discrimination

76-16-401 Definitions.

Reserved.

Enacted by Chapter 173, 2025 General Session

76-16-402 Unfair discrimination in competitive practices.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits unfair discrimination in competitive prices if the actor:

(a) is a person engaged in the production, manufacture, or distribution of a commodity in general use; and

(b) intentionally, for the purpose of destroying the competition of a regular, established dealer in the commodity, or to prevent the competition of a person who in good faith intends and attempts to become a dealer, discriminates between different sections, communities, or cities of this state by selling the commodity at a lower rate in one section, community, or city, or any portion of the section, community, or city, than the actor charges for the commodity in another section, community, or city, after equalizing the distance from the point of production, manufacture, or distribution and freight rates.

(3) A violation of this section is subject to:

(a) a fine of not less than $500 and no more than $4,000 for each offense; and

(b) sanctions described in Subsection (4).

(4)

(a) If a complaint is made to the attorney general that a corporation has violated this section, the attorney general shall investigate the complaint, and for that purpose, may subpoena witnesses, administer oaths, take testimony, and require the production of books or other documents.

(b) If in the attorney general's opinion, sufficient grounds exist for a prosecution after an investigation under Subsection (4)(a), the attorney general may prosecute an action in the name of the state to annul the charter or revoke the license of the corporation, and to permanently enjoin the corporation from doing business in this state.

(c) If, in an action described in Subsection (4)(b), the court finds that the corporation is guilty of unfair discrimination under this section, the court shall annul the charter or revoke the license of the corporation and may permanently enjoin the corporation from transacting business in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-403 Fraudulent practice to affect market price.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits fraudulent practice to affect market price if the actor willfully makes or publishes a false statement, spreads a false rumor, or employs any other false or fraudulent means or device, with the intent to affect the market price of any kind of property.

(3) A violation of Subsection (2) is:

(a) a class B misdemeanor; and

(b) subject to a fine of not less than $500 and no more than $4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-404 Unfair discrimination by a buyer of milk, cream, or butterfat.

(1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

(2) An actor commits unfair discrimination by a buyer of milk, cream, or butterfat if the actor:

(a) is:

(i) a person doing business in this state that is engaged in the business of buying milk, cream, or butterfat for the purpose of sale or storage; or
(ii) an officer or agent of a person described in Subsection (2)(a)(i); and
(b) for the purpose of creating a monopoly or destroying the business of a competitor, discriminates between different sections, communities, localities, cities, or towns of this state by purchasing milk, cream, or butterfat at a higher price or rate in one section, community, location, city, or town than is paid for the same milk, cream, or butterfat by the actor in another section, community, locality, city, or town, after making due allowance for the difference, if any, in the grade or quality, and in the actual cost of transportation from the point of purchase to the point of manufacture, sale, or storage.
(3) A violation of Subsection (2) is:
(a) a class B misdemeanor; and
(b) subject to a fine of not less than $500 and no more than $4,000 for each offense.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 5
Antitrust Offenses

76-16-501 Definitions.

As used in this part:
(1) "Attempt to monopolize" means action taken without a legitimate business purpose and with a specific intent of destroying competition or controlling prices to substantially lessen competition, or creating a monopoly, where there is a dangerous probability of creating a monopoly.
(2) "Attorney general" means the attorney general of the state or one of the attorney general's assistants.
(3) "Commodity" includes a product of the soil, an article of merchandise or trade or commerce, and any other kind of real or personal property.
(4) "Manufacturer" means the producer or originator of a commodity or service.
(5) "Service" includes an activity that is performed in whole or in part for the purpose of financial gain including, but not limited to, personal service, professional service, rental, leasing or licensing for use.
(6) "Trade or commerce" includes all economic activity involving, or relating to, a commodity, service, or business activity, including the cost of exchange or transportation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-502 Legislative findings -- Interpretation of part.

(1)
(a) The Legislature finds and determines that competition is fundamental to the free market system and that the unrestrained interaction of competitive forces will yield the best allocation of our economic resources, the lowest prices, the highest quality and the greatest material progress, while at the same time providing an environment conducive to the preservation of our democratic, political and social institutions.
(b) The purpose of this part is to encourage free and open competition in the interest of the general welfare and economy of this state by prohibiting monopolistic and unfair trade

practices, combinations and conspiracies in restraint of trade or commerce and by providing adequate penalties for the enforcement of the part's provisions.

(2) The Legislature intends that the courts, in construing this part, will be guided by interpretations given by the federal courts to comparable federal antitrust statutes and by other state courts to comparable state antitrust statutes.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-503 Statute of limitations.

(1) An action brought by the attorney general pursuant to this part is barred if the action is not commenced within four years after the cause of action accrues.

(2) Any other action pursuant to this part is barred if the action is not commenced within four years after the cause of action accrues, or within one year after the conclusion of an action brought by the state pursuant to this act based in whole or in part on any matter complained of in the subsequent action, whichever is the latter.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-504 Exempt activities.

(1) This act may not be construed to prohibit:

(a) the activities of a public utility to the extent that those activities are subject to regulation by the public service commission, the state or federal department of transportation, the federal energy regulatory commission, the federal communications commission, the interstate commerce commission, or successor agencies;

(b) the activities of an insurer, insurance producer, independent insurance adjuster, or rating organization including, but not limited to, making or participating in joint underwriting or reinsurance arrangements, to the extent that those activities are subject to regulation by the commissioner of insurance;

(c) the activities of securities dealers, issuers, or agents, to the extent that those activities are subject to regulation under the laws of either this state or the United States;

(d) the activities of a state or national banking institution, to the extent that the activities are regulated or supervised by state government officers or agencies under the banking laws of this state or by federal government officers or agencies under the banking laws of the United States;

(e) the activities of a state or federal savings and loan association to the extent that those activities are regulated or supervised by state government officers or agencies under the banking laws of this state or federal government officers or agencies under the banking laws of the United States;

(f) the activities of a political subdivision to the extent authorized or directed by state law, consistent with the state action doctrine of federal antitrust law; or

(g) the activities of an emergency medical service provider licensed under Title 53, Chapter 2d, Emergency Medical Services Act, to the extent that those activities are regulated by state government officers or agencies under that act.

(2)

(a) The labor of a human being is not a commodity or article of commerce.

(b) Nothing contained in the antitrust laws shall be construed to forbid the existence and operation of labor, agricultural, or horticultural organizations, instituted for the purpose of mutual help and not having capital stock or conducted for profit, or to forbid or restrain

individual members of these organizations from lawfully carrying out the organizations' legitimate objects; nor may these organizations or membership in them be held to be illegal combinations or conspiracies in restraint of trade under the antitrust laws.

(3)

(a) As used in this section, an entity is also a political subdivision if the entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to January 1, 1981, and the entity is:

(i) a project entity as defined in Section 11-13-103;

(ii) an electric interlocal entity as defined in Section 11-13-103; or

(iii) an energy services interlocal entity as defined in Section 11-13-103.

(b) The activities of the entities under Subsection (3)(a) are authorized or directed by state law.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-505 Attorney general's powers -- Investigations -- Institution of actions -- Cooperation.

(1) The attorney general may investigate a suspected violation of this part and institute an appropriate action regarding the suspected violation as provided in this part.

(2)

(a) A violation of this part that comes to the attention of a state government officer or agency shall be reported to the attorney general.

(b) All state government officers and agencies shall cooperate with, and assist in, a prosecution for violation of this part.

(3) The attorney general may proceed under any antitrust laws in the state or federal courts on behalf of this state, any of the state's political subdivisions or agencies, or as parens patriae on behalf of natural persons in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-506 Civil antitrust investigations -- Demand for production of documents and responses to written interrogatories -- Oral examination -- Judicial order for compliance -- Confidentiality -- Subpoenas precluded.

(1) When the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of any information, including a document, material, or testimony, relevant to a civil antitrust investigation, the attorney general may, before the commencement of a civil action, issue and cause to be served upon that person a written civil investigative demand requesting that person to:

(a) produce any document or material for inspection, copying, or reproduction by the state where the document or material is located or produced;

(b) give oral testimony under oath, concerning the subject of the investigation;

(c) respond to written interrogatories; or

(d) furnish any combination of these.

(2)

(a) Each demand shall state:

(i) the nature of the activities under investigation, constituting the alleged antitrust violation, which may result in a violation of this part and the applicable provision of law;

(ii) that the recipient is entitled to counsel;

(iii) that the information received in response to the demand may be used in a civil or criminal proceeding;

(iv) that if the recipient does not comply with the demand, the attorney general may compel compliance by appearance, upon reasonable notice to the recipient, before the court in the judicial district where the recipient resides or does business and only upon a showing before that court that the requirements of Subsection (7) have been met;

(v) that the recipient has the right at any time before the return date of the demand, or within 30 days, whichever period is shorter, to seek a court order determining the validity of the demand; and

(vi) that at any time during the proceeding the person may assert any applicable privilege.

(b) If the demand is for production of a document or material, the demand shall also:

(i) describe the document or material to be produced with sufficient definiteness and certainty as to permit the document or material to be fairly identified;

(ii) prescribe return dates that provide a reasonable period of time within which the document or material demanded may be assembled and made available for inspection and reproduction; and

(iii) identify the individual at the Office of the Attorney General to whom the document or material shall be made available.

(c) If the demand is for the giving of oral testimony, the demand shall also:

(i) prescribe the date, time, and place at which oral testimony shall be commenced;

(ii) state that an employee of the Office of the Attorney General shall conduct the examination; and

(iii) state that the recording or the transcript of the examination shall be submitted to and maintained by the Office of the Attorney General.

(d) If the demand is for responses to written interrogatories, the demand shall also:

(i) state that each interrogatory shall be answered separately and fully in writing and under oath, unless the person objects to the interrogatory, in which event the reasons for objection shall be stated in lieu of an answer;

(ii) state that the answers are to be signed by the person making them, and the objections are to be signed by the attorney making them;

(iii) identify by name and address the individual at the Office of the Attorney General on whom answers and objections provided under this Subsection (2)(d) are to be served; and

(iv) prescribe the date on or before which these answers and objections are to be served on the identified individual.

(3) The civil investigative demand may be served upon any person who is subject to the jurisdiction of any Utah court and shall be served upon the person in the manner provided for service of a subpoena.

(4)

(a) A document or material submitted in response to a demand served under this section shall be accompanied by an affidavit, in the form the demand designates, by the person, if a natural person, to whom the demand is directed or, if not a natural person, by a person having knowledge of the facts and circumstances relating to the production.

(b) The affidavit shall state that every document or material required by the demand and in the possession, custody, or control of the person to whom the demand is directed has in good faith been produced and made available to the Office of the Attorney General.

(c) The affidavit shall identify any demanded document or material that is not produced and state the reason why each item was not produced.

(5)

(a)

(i) An examination of a person pursuant to a demand for oral testimony served under this section may only be taken before an officer authorized to administer oaths or affirmations by the laws of the United States or of the place where the examination is held.

(ii) The officer before whom the testimony is to be taken shall put the witness on oath or affirmation and shall personally, or by someone acting under the officer's direction and in the officer's presence, record the testimony of the witness.

(iii) If the testimony is taken stenographically, the testimony shall be transcribed and the officer before whom the testimony is taken shall promptly transmit the transcript of the testimony to the Office of the Attorney General.

(b) When taking oral testimony, all persons other than personnel from the Office of the Attorney General, the witness, counsel for the witness, and the officer before whom the testimony is to be taken shall be excluded from the place where the examination is held.

(c) The oral testimony of a person taken pursuant to a demand served under this section shall be taken in the county where the person resides or transacts business or in any other place agreed upon by the attorney general and the person.

(d)

(i) When testimony is fully transcribed, the transcript shall be certified by the officer before whom the testimony was taken and submitted to the witness for examination and signing, in accordance with Rule 30(e) of the Utah Rules of Civil Procedure.

(ii) A copy of the deposition shall be furnished free of charge to a witness upon the witness's request.

(e) A change in testimony recorded by nonstenographic means shall be made in the manner provided in Rule 30 of the Utah Rules of Civil Procedure for changing deposition testimony recorded by nonstenographic means.

(f)

(i) A person compelled to appear under a demand for oral testimony under this section may be accompanied, represented, and advised by counsel.

(ii) Counsel may advise the person, in confidence, either upon the request of the person or upon counsel's own initiative, with respect to any question asked of the person.

(iii) The person or counsel may object on the record to any question, in whole or in part, and shall briefly state for the record the reason for the objection.

(iv) An objection may properly be made, received, and entered upon the record when it is claimed that the person is entitled to refuse to answer the question on grounds of any constitutional or other legal right or privilege, including the privilege against self-incrimination.

(v) If the person refuses to answer any question, the attorney general may petition the district court for an order compelling the person to answer the question.

(g) If a person compelled to appear under a demand for oral testimony or other information pursuant to this section refuses to answer any questions or produce information on grounds of the privilege against self-incrimination, the testimony of that person may be compelled as in criminal cases.

(h)

(i) A person appearing for oral examination pursuant to a demand served under this section is entitled to the same fees and mileage that are paid to witnesses in the district courts of the state of Utah.

(ii) Witness fees and expenses shall be tendered and paid as in any civil action.

(6) The providing of information in response to a civil investigative demand issued pursuant to the provisions of this part shall be considered part of an official proceeding as defined in Section 76-8-501.

(7)

(a)

(i) If a person fails to comply with the demand served upon the person under this section, the attorney general may file in the district court of the county in which the person resides, is found, or does business, a petition for an order compelling compliance with the demand.

(ii) Notice of hearing of the petition and a copy of the petition shall be served upon the person, who may appear in opposition to the petition.

(iii) If the court finds that the demand is proper, that there is reasonable cause to believe there has been a violation of this part, and that the information sought is relevant to the violation, the court shall order the person to comply with the demand, subject to modifications the court may prescribe.

(b)

(i)

(A) At any time before the return date specified in a demand or within 30 days after the demand has been served, whichever period is shorter, the person who has been served may file a petition for an order modifying or setting aside the demand.

(B) This petition shall be filed in the court in the county of the person's residence, principal office, or place of business, or in the court in Salt Lake County.

(C) The petition shall specify each ground upon which the petitioner relies in seeking the relief sought.

(D) The petition may be based upon a failure of the demand to comply with the provisions of this section or upon any constitutional or other legal right or privilege of the petitioner.

(E) The petitioner shall serve notice of hearing of the petition and a copy of the petition upon the attorney general.

(F) The attorney general may submit an answer to the petition within 30 days after receipt of the petition.

(ii)

(A) After a hearing on the petition described in Subsection (7)(b)(i), and for good cause shown, the court may make any further order in the proceedings that justice requires to protect the person from unreasonable annoyance, embarrassment, oppression, burden, or expense.

(B) At a hearing pursuant to this section it is the attorney general's burden to establish that the demand is proper, that there is reasonable cause to believe that there has been a violation of this part, and that the information sought is relevant to the violation.

(8)

(a) The attorney general may enter into a confidentiality agreement in lieu of, or in addition to, issuing a civil investigative demand, when the attorney general has reasonable cause to believe that a person may be in possession, custody, or control of information relevant to a civil antitrust investigation or civil antitrust action.

(b) In a civil antitrust action, the court may issue a confidentiality order, which may incorporate a confidentiality agreement.

(c)

(i) The confidentiality agreement or confidentiality order may address any procedure, testimony taken, or document or material produced under this section.

(ii) The agreement or order may define to whom access will be given, the conditions and the restrictions to the access, and how the testimony, document, or material will be safeguarded.

(iii) The agreement or order may require that documentation of testimony and any other document or material:

(A) be returned to the designated person; or

(B) notwithstanding the provisions of Section 63A-12-105 and any retention schedule promulgated pursuant to Section 63G-2-604, be destroyed by the attorney general at a designated time, in which case this requirement is binding upon the attorney general.

(9)

(a) Any procedure, testimony taken, or document or material produced under this section, whether produced pursuant to a civil investigative demand, confidentiality agreement, or confidentiality order, shall be kept confidential by the attorney general unless confidentiality is waived in writing by the person who has testified, or produced a document or material.

(b) Any testimony taken or document or material produced under this section may be used in a civil antitrust action, provided that the use is not restricted or prohibited under a confidentiality agreement or confidentiality order, unless that restriction or prohibition is waived by the person from whom the information was obtained.

(c) Notwithstanding any other provision of this section, the attorney general may disclose testimony taken or a document or material obtained under this section, without either the consent of the person from whom it was received or the person being investigated, to:

(i) a grand jury; and

(ii) officers and employees of federal or state law enforcement agencies, provided the person from whom the information was obtained is notified 20 days prior to disclosure, and the federal or state law enforcement agency certifies that the information will be:

(A) maintained in confidence, as required by Subsection (9)(a); and

(B) used only for official law enforcement purposes.

(10) Use of a civil investigative demand under this action precludes the invocation by the attorney general of Section 77-22-2.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-507 Venue of an action brought by the state -- Transfer.

An action brought by the state pursuant to this part shall be brought in any county in which the defendant resides or does business, or at the option of the defendant, the action shall be transferred, upon motion made within 30 days after commencement of the action, to Salt Lake County.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-508 Attorney general to advocate for the policy of competition.

The attorney general has the authority and responsibility to advocate for the policy of competition before all political subdivisions of this state and all public agencies whose actions may affect the interests of persons in this state.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-509 Attorney general may bring action for injunctive relief, damages, and civil penalty.

(1) The attorney general may bring an action for appropriate injunctive relief, a civil penalty, and damages in the name of the state, any of the state's political subdivisions or agencies, or as parens patriae on behalf of natural persons in this state, for a violation of this part.
(2) Actions may be brought under this part regardless of whether the plaintiff dealt directly or indirectly with the defendant.
(3) This remedy is an additional remedy to any other remedies provided by law and may not diminish or offset any other remedy.
(4) An individual who violates this act is subject to a civil penalty of not more than $100,000 for each violation.
(5) A person, other than an individual, who violates this act is subject to a civil penalty of not more than $500,000 for each violation.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-510 Illegal anticompetitive activities.
(1) Every contract, combination in the form of trust or otherwise, or conspiracy in restraint of trade or commerce is declared to be illegal.
(2) It is unlawful for any person to monopolize, or attempt to monopolize, or combine or conspire with any other person or persons to monopolize, any part of trade or commerce.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-511 Person may bring action for injunctive relief and damages -- Treble damages -- Recovery of actual damages or civil penalty by state or political subdivisions -- Immunity of political subdivisions from damages, costs, or attorney fees -- Conviction as prima facie evidence.
(1)
(a)
(i) A person who is a citizen of this state or a resident of this state and who is injured or is threatened with injury in the person's business or property by a violation of this part may bring an action for injunctive relief and damages, regardless of whether the person dealt directly or indirectly with the defendant.
(ii) This remedy is in addition to any other remedies provided by law and may not diminish or offset any other remedy.
(b) Subject to the provisions of Subsections (3), (4), and (5), the court shall award three times the amount of damages sustained, plus the cost of suit and a reasonable attorney fees, in addition to granting any appropriate temporary, preliminary, or permanent injunctive relief.
(2)
(a) If the court determines that a judgment in the amount of three times the damages awarded plus attorney fees and costs will directly cause the insolvency of the defendant, the court shall reduce the amount of judgment to the highest sum that would not cause the defendant's insolvency.
(b) The court may not reduce a judgment to an amount less than the amount of damages sustained plus the costs of suit and reasonable attorney fees.
(3) The state or any of its political subdivisions may recover three times the amount of damages it sustains and the civil penalty provided by this part, in addition to injunctive relief, costs of suit, and reasonable attorney fees.
(4) No damages, costs, or attorney fees may be recovered under this section:

(a) from any political subdivision;
(b) from the official or employee of any political subdivision acting in an official capacity; or
(c) against any person based on any official action directed by a political subdivision or the political subdivision's official or employee acting in an official capacity.

(5) Subsection (4) does not apply to cases filed before April 27, 1987, unless the defendant establishes and the court determines that in light of all the circumstances, including the posture of litigation and the availability of alternative relief, it would be inequitable not to apply Subsection (4) to a pending case.

(6)
(a) When a defendant has been sued in one or more actions by both direct and indirect purchasers, whether in state court or federal court, a defendant shall be entitled to prove as a partial or complete defense to a claim for damages that the damages incurred by the plaintiff or plaintiffs have been passed on to others who are entitled to recover so as to avoid duplication of recovery of damages.
(b) In an action by indirect purchasers, any damages or settlement amounts paid to direct purchasers for the same alleged antitrust violations shall constitute a defense in the amount paid on a claim by indirect purchasers under this part so as to avoid duplication of recovery of damages.

(7)
(a) It shall be presumed, in the absence of proof to the contrary, that the injured persons who dealt directly with the defendant incurred at least 1/3 of the damages, and shall, therefore, recover at least 1/3 of the awarded damages.
(b) It shall also be presumed, in the absence of proof to the contrary, that the injured persons who dealt indirectly with the defendant incurred at least 1/3 of the damages, and shall, therefore, recover at least 1/3 of the awarded damages.
(c) The final 1/3 of the damages shall be awarded by the court to those injured persons determined by the court as most likely to have absorbed the damages.

(8)
(a) There is a presumption, in the absence of proof to the contrary and subject to Subsection (7), that each level in a product's or service's distribution chain passed on any and all increments in its cost due to an increase in the cost of an ingredient or a component product or service that was caused by a violation of this part.
(b) The amount described in Subsection (8)(a) will be presumed, in the absence of evidence to the contrary, to be equal to the change in the cost, in dollars and cents, of the ingredient, component product, or service to its first purchaser.

(9)
(a) The attorney general shall be notified by the plaintiff about the filing of a class action involving antitrust violations that includes plaintiffs from this state.
(b) The attorney general shall receive a copy of each filing described in Subsection (9)(a) from each plaintiff.
(c) The attorney general may, in his or her discretion, intervene or file amicus briefs in the case, and may be heard on the question of the fairness or appropriateness of any proposed settlement agreement.

(10) If, in a class action or parens patriae action filed under this part, including the settlement of an action, it is not feasible to return any part of the recovery to the injured plaintiffs, the court shall order the residual funds be applied to benefit the specific class of injured plaintiffs, to improve antitrust enforcement generally by depositing the residual funds into the Attorney General Litigation Fund created by Section 67-5-40, or both.

(11) In an action brought under this part, the court shall approve all attorney fees and arrangements for the payment of attorney fees, including contingency fee agreements.
(12)
(a) Except as provided in Subsection (12)(b), in an action brought by the state, a final judgment or decree determining that a person has criminally violated this part is prima facie evidence against that person in an action brought under this section as to all matters with respect to which the judgment or decree would be an estoppel between the parties to the judgment or decree.
(b) Subsection (12)(a) does not apply to a judgment entered under a no contest plea or a decree entered before any testimony has been taken.

Renumbered and Amended by Chapter 173, 2025 General Session

76-16-512 Fine for violation -- Certain vertical agreements excluded -- Nolo contendere.
(1)
(a) Any person who violates Section 76-16-510 by price fixing, bid rigging, agreeing among competitors to divide customers or territories, or by engaging in a group boycott with specific intent of eliminating competition is guilty of a third degree felony and, notwithstanding Sections 76-3-301 and 76-3-302, is subject to:
(i) if an individual, a fine not to exceed $100,000; or
(ii) if by a person other than an individual, a fine not to exceed $500,000.
(b) Subsection (1)(a) may not be construed to include vertical agreements between a manufacturer, its distributors, or their subdistributors dividing customers and territories solely involving the manufacturer's commodity or service where the manufacturer distributes its commodity or service both directly and through distributors or subdistributors in competition with itself.
(2) A defendant may plead nolo contendere to a charge brought under this title but only with the consent of the court.
(3) The court may accept the plea only after due consideration of the views of the parties and the interest of the public in the effective administration of justice.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 17
Offenses Concerning Kickbacks, Pyramid Schemes, and Patterns of Unlawful Activity

Part 1
General Provisions

76-17-101 Definitions.
Reserved.

Enacted by Chapter 173, 2025 General Session

Part 2
Offenses Concerning Kickbacks

76-17-201 Definitions.

As used in this part:

(1) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration, that is:
  (a) direct or indirect;
  (b) overt or covert; or
  (c) in cash or in kind.

(2) "Kickback or bribe" does not include:
  (a) a fee that is:
    (i) shared between two or more individuals, each of whom is licensed to practice law; and
    (ii) charged for services provided in the individual's capacity as a licensee described in Subsection (2)(a)(i); or
  (b) payment for medical services rendered.

Enacted by Chapter 173, 2025 General Session

76-17-202 Unlawful conduct concerning a kickback or bribe.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-201 apply to this section.

(2) An actor commits unlawful conduct concerning a kickback or bribe if the actor:
  (a) solicits or receives a kickback or bribe in return for the referral of a person to another person for the furnishing of a good or service that relates to an insurance claim or a claim for damages; or
  (b) offers or pays a kickback or bribe to induce the referral of a person to another person for the furnishing of a good or service that relates to an insurance claim or a claim for damages.

(3) A violation of Subsection (2) is a third degree felony.

(4)
  (a) This section does not apply to an individual licensed to practice law or a medical provider when referring a client for medical treatment or evaluation, if the referral is made without compensation.
  (b) This section does not apply to an individual licensed to practice law when:
    (i) paying a lien, contractual reimbursement, or medical bill on behalf of a client from proceeds of a settlement or judgment; or
    (ii) marketing to, or engaging in client development activities with, an individual licensed to provide medical treatment or evaluation, if the marketing or client development activities are not for the purpose of inducing the individual licensed to provide medical treatment or evaluation to refer a particular person to the individual licensed to practice law.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 3
Offenses Concerning Pyramid Schemes

76-17-301 Definitions.

As used in this part:

(1)
(a) "Compensation" means money, money bonuses, overrides, prizes, or other real or personal property, tangible or intangible.
(b) "Compensation" does not include payment based on the sale of goods or services to anyone purchasing the goods or services for actual personal use or consumption.

(2) "Consideration" does not include:
(a) payment for sales demonstration equipment or materials furnished at cost for use in making sales and not for resale; or
(b) time or effort spent in selling or recruiting activities.

(3) "Person" includes a business trust, estate, trust, joint venture, or any other legal or commercial entity.

(4) "Pyramid scheme" means a sales device or plan under which a person gives consideration to another person in exchange for compensation or the right to receive compensation that is derived primarily from the introduction of other persons into the sales device or plan rather than from the sale of goods, services, or other property.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-302 Rights of person giving consideration in pyramid scheme.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.

(2)
(a) A person giving consideration in connection with a pyramid scheme may, notwithstanding any agreement to the contrary, declare the person's giving of consideration and the related sale or contract for sale void, and may bring a court action to recover the consideration.
(b) In an action brought under Subsection (2)(a), the court shall, in addition to any judgment awarded to the plaintiff, require the defendant to pay to the plaintiff interest as provided in Section 15-1-4, reasonable attorney fees, and the costs of the action reduced by any compensation paid by the defendant to the plaintiff in connection with the pyramid scheme.

(3)
(a) The rights, remedies, and penalties provided in this part are independent of and supplemental to each other and to any other right, remedy or penalty available in law or equity.
(b) Nothing contained in this part shall be construed to diminish or abrogate any other right, remedy or penalty.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-303 Conducting a pyramid scheme.

(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.

(2) An actor commits conducting a pyramid scheme if the actor knowingly organizes, establishes, promotes, or administers a pyramid scheme.

(3) A violation of Subsection (2) is a third degree felony.

(4) It is not a defense to an action brought under this section that:
(a) the sales device or plan limits the number of persons who may be introduced into the sales device or plan;
(b) the sales device or plan includes additional conditions affecting eligibility for introduction into the sales device or plan or when compensation may be received from the sales device or plan; or

(c) a person receives property or services in addition to the compensation or right to receive compensation in connection with a pyramid scheme.
(5) The appropriate county attorney or district attorney has primary responsibility for investigating and prosecuting a criminal violation of this section.
(6)
(a) A violation under this section constitutes a violation of Section 13-11-4.
(b) A criminal conviction under this section is prima facie evidence of a violation of Section 13-11-4.
(c) In addition to prosecution under this section, a violation of this section shall be civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-304 Participating in a pyramid scheme.
(1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.
(2) An actor commits participating in a pyramid scheme if the actor participates in a pyramid scheme only by receiving compensation for the introduction of another person into the pyramid scheme rather than from the sale of goods, services, or other property.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) It is not a defense to an action brought under this section that:
(a) the sales device or plan limits the number of persons who may be introduced into the sales device or plan;
(b) the sales device or plan includes additional conditions affecting eligibility for introduction into the sales device or plan or when compensation may be received from the sales device or plan; or
(c) a person receives property or services in addition to the compensation or right to receive compensation in connection with a pyramid scheme.
(5) The appropriate county attorney or district attorney has primary responsibility for investigating and prosecuting a criminal violation of this section.
(6)
(a) A violation under this section constitutes a violation of Section 13-11-4.
(b) A criminal conviction under this section is prima facie evidence of a violation of Section 13-11-4.
(c) In addition to prosecution under this section, a violation of this section shall be civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah Consumer Sales Practices Act.

Renumbered and Amended by Chapter 173, 2025 General Session

Part 4
Offenses Concerning Patterns of Unlawful Activity

76-17-401 Definitions.
As used in this part:
(1)

(a) "Enterprise" means an individual, sole proprietorship, partnership, corporation, business trust, association, or other legal entity, and a union or group of individuals associated in fact although not a legal entity.
(b) "Enterprise" includes illicit as well as licit entities.
(2) "Pattern of unlawful activity" means engaging in conduct that 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 an 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 that would constitute an offense described by the following crimes or categories of crimes, or to attempt or conspire to engage in an act that would constitute any of those offenses, regardless of whether the act is in fact charged or indicted by an authority or is classified as a misdemeanor or a felony:
(a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized Recording Practices Act;
(b) an act prohibited by the criminal provisions under Title 19, Environmental Quality Code, Sections 19-1-102 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 under Title 23A, Wildlife Resources Act, or Section 23A-5-311;
(d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
(e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal Offenses and Procedure Act;
(f) unlawful marking of a handgun under Section 53-5a-105;
(g) alteration of number or mark on a handgun under Section 53-5a-106;
(h) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah Uniform Land Sales Practices Act;
(i) an act prohibited by the criminal provisions under Chapter 18, Part 2, Offenses Concerning Controlled Substances, Part 4, Offenses Concerning Imitation Controlled Substances, Part 5, Clandestine Drug Labs, Title 58, Chapter 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors;
(j) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform Securities Act;
(k) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah Procurement Code;
(l) assault under Section 76-5-102;
(m) aggravated assault under Section 76-5-103;
(n) terrorism under Section 76-5-107.3;
(o) a criminal homicide offense under Section 76-5-201;
(p) kidnapping under Section 76-5-301;
(q) aggravated kidnapping under Section 76-5-302;

(r) human trafficking for labor under Section 76-5-308;
(s) human trafficking for commercial sexual exploitation under Section 76-5-308.1;
(t) human trafficking of a child for labor under Section 76-5-308.5;
(u) human trafficking of a child for commercial sexual exploitation under Section 76-5-308.6;
(v) aggravated human trafficking for labor under Section 76-5-310;
(w) aggravated human trafficking for commercial sexual exploitation under Section 76-5-310.2;
(x) human trafficking of a vulnerable adult for labor under Section 76-5-311;
(y) human trafficking of a vulnerable adult for commercial sexual exploitation under Section 76-5-312;
(z) human smuggling under Section 76-5-316;
(aa) aggravated human smuggling under Section 76-5-317;
(bb) sexual exploitation of a minor under Section 76-5b-201;
(cc) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
(dd) sexual extortion under Section 76-5b-204;
(ee) aggravated sexual extortion under Section 76-5b-204.1;
(ff) possession of apparent child sexual abuse material under Section 76-5b-207;
(gg) distribution of apparent child sexual abuse material under Section 76-5b-208;
(hh) unlawful activity regarding obscene material depicting the sexual abuse of a minor under Section 76-5b-209;
(ii) arson under Section 76-6-102;
(jj) aggravated arson under Section 76-6-103;
(kk) causing a catastrophe under Section 76-6-105;
(ll) burglary under Section 76-6-202;
(mm) aggravated burglary under Section 76-6-203;
(nn) burglary of a vehicle under Section 76-6-204;
(oo) manufacture or possession of an instrument for burglary or theft under Section 76-6-205;
(pp) robbery under Section 76-6-301;
(qq) aggravated robbery under Section 76-6-302;
(rr) theft under Section 76-6-404;
(ss) theft by deception under Section 76-6-405;
(tt) theft by extortion under Section 76-6-406;
(uu) theft by receiving stolen property under Section 76-6-408;
(vv) theft of service under Section 76-6-409;
(ww) forgery under Section 76-6-501;
(xx) unlawful use of financial transaction card under Section 76-6-506.2;
(yy) unlawful acquisition, possession, or transfer of financial transaction card under Section 76-6-506.3;
(zz) financial transaction card offenses under Section 76-6-506.6;
(aaa) deceptive business practices under Section 76-6-507;
(bbb) bribery or receiving bribe by person in the business of selection, appraisal, or criticism of goods or services under Section 76-6-508;
(ccc) bribery of a labor official under Section 76-6-509;
(ddd) defrauding of creditors under Section 76-6-511;
(eee) acceptance of deposit by insolvent financial institution under Section 76-6-512;
(fff) unlawful dealing of property by fiduciary under Section 76-6-513;
(ggg) unlawful influence of a contest under Section 76-6-514;
(hhh) making a false credit report under Section 76-6-517;
(iii) criminal simulation under Section 76-6-518;

(jjj) criminal usury under Section 76-6-520;
(kkk) insurance fraud under Section 76-6-521;
(lll) retail theft under Section 76-6-602;
(mmm) unlawful computer technology access or action or denial of service attack under Section 76-6-703;
(nnn) identity fraud under Section 76-6-1102;
(ooo) mortgage fraud under Section 76-6-1203;
(ppp) sale of child under Section 76-7-203;
(qqq) bribery or offering a bribe under Section 76-8-103;
(rrr) threat to influence official or political action under Section 76-8-104;
(sss) receiving or soliciting bribe or bribery by public servant under Section 76-8-105;
(ttt) receiving bribe for endorsement of person as a public servant under Section 76-8-106;
(uuu) bribery for endorsement of person as public servant under Section 76-8-106.1;
(vvv) official misconduct based on unauthorized acts or failure of duty under Section 76-8-201;
(www) official misconduct concerning inside information under Section 76-8-202;
(xxx) obstruction of justice in a criminal investigation or proceeding under Section 76-8-306;
(yyy) acceptance of bribe or bribery to prevent criminal prosecution under Section 76-8-308;
(zzz) harboring or concealing an offender who has escaped from official custody under Section 76-8-309.2;
(aaaa) unlawfully advancing foreign organizations and governments under Section 76-8-321;
(bbbb) making a false or inconsistent material statement under Section 76-8-502;
(cccc) making a false or inconsistent statement under Section 76-8-503;
(dddd) making a written false statement under Section 76-8-504;
(eeee) tampering with a witness under Section 76-8-508;
(ffff) retaliation against a witness, victim, or informant under Section 76-8-508.3;
(gggg) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
(hhhh) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
(iiii) tampering with evidence under Section 76-8-510.5;
(jjjj) falsification or alteration of a government record under Section 76-8-511, if the record is a record described in Title 20A, Election Code, or Title 36, Chapter 11, Lobbyist Disclosure and Regulation Act;
(kkkk) public assistance fraud by an applicant for public assistance under Section 76-8-1203.1;
(llll) public assistance fraud relating to obtaining or using public assistance under Section 76-8-1203.3;
(mmmm) public assistance fraud by a provider under Section 76-8-1203.5;
(nnnn) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;
(oooo) public assistance fraud by a person facilitating an inaccurate public assistance application under Section 76-8-1203.9;
(pppp) false statement to obtain or increase unemployment compensation under Section 76-8-1301;
(qqqq) false statement to prevent or reduce unemployment compensation or liability under Section 76-8-1302;
(rrrr) unlawful failure to comply with the Employment Security Act requirement under Section 76-8-1303;
(ssss) unlawful use or disclosure of employment information under Section 76-8-1304;
(tttt) intentionally or knowingly causing one animal to fight with another under Subsection 76-13-202(2)(d) or (e), or Section 76-13-205 or 76-13-206 concerning dog fighting;
(uuuu) aggravated disorderly conduct on a street or highway under Section 76-9-102.1;

(vvvv) soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang under Section 76-9-803;
(wwww) aggravated soliciting, recruiting, enticing, or intimidating a minor to join a criminal street gang under Section 76-9-803.1;
(xxxx) intimidating a minor to remain in a criminal street gang under Section 76-9-803.2;
(yyyy) aggravated intimidating a minor to remain in a criminal street gang under Section 76-9-803.3;
(zzzz) unlawful conduct involving an explosive, chemical, or incendiary device under Section 76-15-210;
(aaaaa) unlawful conduct involving an explosive, chemical, or incendiary part under Section 76-15-211;
(bbbbb) unlawful delivery or mailing of an explosive, chemical, or incendiary device under Section 76-15-209;
(ccccc) forging or counterfeiting a trademark, trade name, or trade device under Section 76-16-302;
(ddddd) selling goods under a counterfeited trademark, trade name, or trade device under Section 76-16-303;
(eeeee) sale in a container bearing a registered trademark of a substituted article under Section 76-16-304;
(fffff) selling, trafficking, or withholding an article bearing a registered trademark or service mark with intent to defraud under Section 76-16-306;
(ggggg) participating in gambling under Section 76-9-1402;
(hhhhh) permitting gambling under Section 76-9-1403;
(iiiii) online gambling promotion under Section 76-9-1404;
(jjjjj) general gambling promotion under Section 76-9-1405;
(kkkkk) gambling fraud under Section 76-9-1406;
(lllll) possessing a gambling device or record under Section 76-9-1407;
(mmmmm) obtaining a benefit from a confidence game under Section 76-9-1410;
(nnnnn) distributing pornographic material under Section 76-5c-202;
(ooooo) aiding or abetting a minor in distributing pornographic material under Section 76-5c-203;
(ppppp) inducing acceptance of pornographic material under Section 76-5c-204;
(qqqqq) distributing material harmful to minors under Section 76-5c-205;
(rrrrr) aiding or abetting a minor in distributing material harmful to minors under Section 76-5c-206;
(sssss) distributing obscene animal abuse material under Section 76-5c-215;
(ttttt) distribution of a pornographic film for exhibition under Section 76-5c-305;
(uuuuu) indecent public display in the presence of a minor under Section 76-5c-207;
(vvvvv) engaging in prostitution under Section 76-5d-202;
(wwwww) aiding prostitution under Section 76-5d-206;
(xxxxx) exploitation of prostitution under Section 76-5d-207;
(yyyyy) aggravated exploitation of prostitution under Section 76-5d-208;
(zzzzz) communications fraud under Section 76-6-525;
(aaaaaa) possession of a dangerous weapon with criminal intent under Section 76-11-208;
(bbbbbb) an act prohibited by the criminal provisions of Chapter 9, Part 16, Money Laundering and Currency Transaction Reporting;
(cccccc) vehicle compartment for contraband under Section 76-9-1902;
(dddddd) unlawful creation, installation, or attachment of a contraband compartment under Section 76-9-1903;

(eeeeee) an act prohibited by the criminal provisions of the laws governing taxation in this state; or

(ffffff) an act illegal under the laws of the United States and enumerated in 18 U.S.C. Secs. 1961(1)(B), (C), and (D).

Amended by Chapter 330, 2026 General Session

76-17-402 Enforcement authority of peace officers.

Notwithstanding any law to the contrary, peace officers in this state have the authority to enforce the criminal provisions of this part by initiating investigations, assisting grand juries, obtaining indictments, filing informations, and assisting in the prosecution of criminal cases through the attorney general or county attorneys' offices.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-403 Remedies of person injured by a pattern of unlawful activity -- Double damages -- Costs, including attorney fees -- Arbitration -- Agency -- Burden of proof -- Actions by attorney general or county attorney -- Dismissal -- Statute of limitations -- Authorized orders of a court.

(1)

(a) A person injured in the person's person, business, or property by a person engaged in conduct forbidden by Section 76-17-407 may bring an action in a court with jurisdiction under Title 78A, Judiciary and Judicial Administration, to recover twice the damages that the person sustains, regardless of whether:

(i) the injury is separate or distinct from the injury suffered as a result of the acts or conduct constituting the pattern of unlawful conduct alleged as part of the cause of action; or

(ii) the conduct has been adjudged criminal by a court of the state or of the United States.

(2) A party who prevails on a cause of action brought under this section recovers the cost of the suit, including reasonable attorney fees.

(3) All actions arising under this section that are grounded in fraud are subject to arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

(4)

(a) In all actions under this section, a principal is liable for actual damages for harm caused by an agent acting within the scope of either the agent's employment or apparent authority.

(b) A principal is liable for double damages only if the pattern of unlawful activity alleged and proven as part of the cause of action was authorized, solicited, requested, commanded, undertaken, performed, or recklessly tolerated by the board of directors or a high managerial agent acting within the scope of the agent's employment.

(5) In all actions arising under this section, the burden of proof is clear and convincing evidence.

(6) The attorney general, county attorney, or, if within a prosecution district, the district attorney may maintain an action under this section on behalf of the state, the county, or any person injured by a person engaged in conduct forbidden by Section 76-17-407, to prevent, restrain, or remedy injury as defined in this section and may recover the damages and costs allowed by this section.

(7) In all actions under this section, the elements of each claim or cause of action shall be stated with particularity against each defendant.

(8) If an action, claim, or counterclaim brought or asserted by a private party under this section is dismissed before trial or disposed of on summary judgment, or if it is determined at trial

that there is no liability, the prevailing party shall recover from the party who brought the action or asserted the claim or counterclaim the amount of the prevailing party's reasonable expenses incurred because of the defense against the action, claim, or counterclaim, including a reasonable attorney fee.

(9)

(a) An action or proceeding brought under this section shall be commenced within three years after the conduct prohibited by Section 76-17-407 terminates or the cause of action accrues, whichever is later.

(b) Subsection (9)(a) supersedes any limitation to the contrary.

(10)

(a) In any action brought under this section, the court may prevent, restrain, or remedy injury as defined by this section by issuing appropriate orders after making provisions for the rights of innocent persons.

(b) Before liability is determined in any action brought under this section, the court may:

(i) issue restraining orders and injunctions;

(ii) require satisfactory performance bonds or any other bond the court considers appropriate and necessary in connection with any property or requirement imposed upon a party by the court; and

(iii) enter any other order the court considers necessary and proper.

(c) After a determination of liability, the court may, in addition to granting the relief allowed in Subsection (1), do any one or all of the following:

(i) order a person to divest the person's self of any interest in or any control, direct or indirect, of an enterprise;

(ii) impose reasonable restrictions on the future activities or investments of a person, including prohibiting a person from engaging in the same type of endeavor as the enterprise engaged in, to the extent the Utah Constitution and the Constitution of the United States permit; or

(iii) order the dissolution or reorganization of an enterprise.

(d)

(i) However, if an action is brought to obtain any relief provided by this section, and if the conduct prohibited by Section 76-17-407 has for its pattern of unlawful activity acts or conduct illegal under Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, 76-5c-215, or 76-5c-305, the court may not enter an order that would amount to a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States, or Article I, Sec. 15 of the Utah Constitution.

(ii) The court shall, upon the request of an affected party, and upon the notice to all parties, before the issuance of an order provided for in this subsection, and at any later time, hold hearings as necessary to determine whether any materials at issue are obscene or pornographic and to determine if there is probable cause to believe that any act or conduct alleged violates Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, 76-5c-215, or 76-5c-305.

(iii) In making the court's findings, the court shall be guided by the same considerations required of a court making similar findings in criminal cases brought under Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, 76-5c-215, or 76-5c-305, including, but not limited to, the definitions in Sections 76-5c-101 and 76-5c-301, and the exemptions in Section 76-5c-302.

Amended by Chapter 255, 2026 General Session

76-17-404 Evidentiary value of a criminal judgment in a civil proceeding.

A final judgment or decree rendered in favor of the state or a county in a criminal proceeding brought by this state or a county shall preclude the defendant from denying the essential allegations of the criminal offense in a subsequent civil proceeding.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-405 Prospective application.

(1) Except as provided in Subsection (2), amendments to this part are prospective in nature and apply only to civil causes of action accruing after April 27, 1987.
(2) A crime committed before April 27, 1987, may comprise part of a pattern of unlawful activity if at least one of the criminal episodes comprising that pattern occurs after April 27, 1987, and the pattern otherwise meets the definition of pattern of unlawful activity as defined in Section 76-17-401.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-406 Severability clause.

If any part or application of this part is held invalid, the remainder of this part, or the part's application to other situations or persons, is not affected.

Renumbered and Amended by Chapter 173, 2025 General Session

76-17-407 Prohibited conduct concerning a pattern of unlawful activity.

(1)
  (a) As used in this section, "net proceeds" of a violation of this section means property acquired as a result of the violation minus the direct costs of acquiring the property.
  (b) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-401 apply to this section.
(2) An actor commits prohibited conduct concerning a pattern of unlawful activity if the actor:
  (a)
    (i) has received proceeds derived, whether directly or indirectly, from a pattern of unlawful activity in which the actor has participated as a principal; and
    (ii) uses or invests, directly or indirectly, any part of the income described in Subsection (2)(a)(i), or the proceeds of the income, or the proceeds derived from the investment or use of those proceeds, in the acquisition of an interest in, or the establishment or operation of, an enterprise;
  (b) acquires or maintains, directly or indirectly, through a pattern of unlawful activity, an interest in or control of an enterprise;
  (c)
    (i) is employed by or associated with an enterprise; and
    (ii) conducts or participates, whether directly or indirectly, in the conduct of the enterprise's affairs through a pattern of unlawful activity; or
  (d) conspires to violate Subsection (2)(a), (b), or (c).
(3) A violation of Subsection (2) is a second degree felony.
(4) In addition to penalties prescribed by law, the court may order an actor to pay to the state, if the attorney general brought the action, or to the county, if the county attorney or district attorney brought the action, the costs of investigating and prosecuting the offense and the costs of securing the forfeitures provided for in this section.

(5) In lieu of a fine otherwise authorized by law for a violation of this section, an actor who derives net proceeds from a conduct prohibited by this section may be fined not more than twice the amount of the net proceeds.
(6) Upon a conviction for a violation of this section, and in addition to a penalty prescribed by law, the court may do any or all of the following:
(a) order restitution to any victim or rightful owner of property obtained, directly or indirectly, from:
(i) the conduct constituting the pattern of unlawful activity; or
(ii) any act or conduct constituting the pattern of unlawful activity that is proven as part of the violation of this section;
(b) order the actor to divest the actor of any interest in or any control, direct or indirect, of an enterprise;
(c) impose reasonable restrictions on the future activities or investments of any person, including prohibiting the person from engaging in the same type of endeavor as the enterprise engaged in, to the extent the Utah Constitution and the Constitution of the United States permit; or
(d) order the dissolution or reorganization of an enterprise.
(7) If a violation of this section is based on a pattern of unlawful activity consisting of acts or conduct in violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, the court may not enter an order that would amount to a prior restraint on the exercise of an affected party's rights under the First Amendment to the Constitution of the United States or Utah Constitution, Article I, Section 15.

Renumbered and Amended by Chapter 173, 2025 General Session

Chapter 18
Drug Offenses

Part 1
General Provisions

76-18-101 Definitions.
Reserved.

Enacted by Chapter 362, 2026 General Session

76-18-102 Applicable provisions to chapter from other titles.
Sections 58-37-309 and 58-37-402 are applicable to this chapter.

Enacted by Chapter 362, 2026 General Session

Part 2
Offenses Concerning Controlled Substances

76-18-201 Definitions.
(1) As used in this part:

(a) "Continuing criminal enterprise" means any individual, sole proprietorship, partnership, corporation, business trust, association, other legal entity, or any union or groups of individuals associated in fact although not a legal entity, and includes illicit as well as licit entities created or maintained for the purpose of engaging in conduct that constitutes the commission of episodes of activity made unlawful by this part, Part 3, Offenses Concerning Drug Paraphernalia, Part 4, Offenses Concerning Imitation Controlled Substances, Part 5, Clandestine Drug Labs, or Title 58, Chapter 37, Controlled Substances, or Title 58, Chapter 37c, Controlled Substance Precursors, which episodes:

(i) are not isolated, but have the same or similar purposes, results, participants, victims, methods of commission, or otherwise are interrelated by distinguishing characteristics; and

(ii) taken together, demonstrate continuing unlawful conduct and are related either to each other or to the enterprise.

(b) "Indian" means a member of an Indian tribe.

(c) "Indian religion" means a religion:

(i) the origin and interpretation of which is from within a traditional Indian culture or community; and

(ii) that is practiced by Indians.

(d) "Indian tribe" means any tribe, band, nation, pueblo, or other organized group or community of Indians, including any Alaska Native village, that is legally recognized as eligible for and is consistent with the special programs, services, and entitlements provided by the United States to Indians because of the Indians' status as Indians.

(2) Terms defined in Sections 58-37-101, 76-1-101.5, and 76-18-101 apply to this part.

Enacted by Chapter 362, 2026 General Session

76-18-202 Applicable provisions to part from other titles.

The following sections from Title 58, Chapter 37, Controlled Substances, apply to this part:

(1) Section 58-37-101, Definitions;

(2) Section 58-37-102, Applicability of chapter -- Uniform construction;

(3) Section 58-37-104, Severability;

(4) Section 58-37-105, Division responsibilities -- Licensing -- Records required;

(5) Section 58-37-107, Controlled substances;

(6) Section 58-37-108, Schedules of controlled substances -- Schedules I through V -- Findings required -- Specific substances included in schedules;

(7) Section 58-37-109, Listed controlled substances;

(8) Section 58-37-110, Recognized controlled substance analogs;

(9) Section 58-37-111, Exceptions to applicability for certain herbs and food supplements;

(10) Section 58-37-114, Burden of proof in proceedings on violations;

(11) Section 58-37-115, Restrictions on liability for law enforcement;

(12) Section 58-37-202, Applicability of Title 76 to prosecutions;

(13) Section 58-37-203, Enforcement -- Coordination and cooperation of federal and state agencies -- Powers;

(14) Section 58-37-204, Investigators -- Status of peace officers;

(15) Section 58-37-206, Court to enjoin a violation -- Jury trial;

(16) Section 58-37-208, Prima facie evidence;

(17) Section 58-37-210, Penalties -- Bar to state prosecution;

(18) Section 58-37-308, Veterinary exemption for gabapentin;

(19) Section 58-37-403, Exemption for possession or distribution of a cannabinoid product, expanded cannabinoid product, or transportable industrial hemp concentrate;
(20) Section 58-37-404, Medical cannabis decriminalization; and
(21) Section 58-37-405, Enforcement.

Enacted by Chapter 362, 2026 General Session

76-18-203 Exemptions and affirmative defenses applicable to certain drug crimes.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2)
(a) Civil or criminal liability may not be imposed under an offense listed in Subsection (2)(b) on any Indian who uses, possesses, or transports peyote for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.
(b) The offenses referred to in Subsection (2)(a) are:
(i) unlawfully possessing or using a controlled substance or a controlled substance analog under Section 76-18-207;
(ii) unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance under Section 76-18-208;
(iii) unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance under Section 76-18-209;
(iv) unlawfully possessing a controlled substance or counterfeit substance with intent to distribute under Section 76-18-210;
(v) unlawfully engaging in a continuing criminal enterprise involving drugs under Section 76-18-211;
(vi) unlawfully allowing possession, use, or distribution of a controlled substance on the premises under Section 76-18-212;
(vii) unlawful possession of an altered or forged prescription or order for a controlled substance under Section 76-18-213;
(viii) unlawful use of a license number in the course of manufacturing or distributing a controlled substance under Section 76-18-214;
(ix) unlawful misrepresentation as an authorized person to obtain a controlled substance under Section 76-18-215;
(x) unlawful conduct to obtain a controlled substance under Section 76-18-216;
(xi) unlawfully prescribing or dispensing a controlled substance to a person known to be using unlawful means under Section 76-18-217;
(xii) unlawfully making, forging, altering, or uttering a prescription or a written order under Section 76-18-218; and
(xiii) unlawful materials to create a counterfeit controlled substance under Section 76-18-219.
(c)
(i) In a prosecution alleging a violation of an offense listed in Subsection (2)(b) regarding peyote as defined in Section 58-37-108, it is an affirmative defense that the peyote was used, possessed, or transported by an Indian for bona fide traditional ceremonial purposes in connection with the practice of a traditional Indian religion.
(ii)
(A) A defendant shall provide written notice of intent to claim an affirmative defense under this Subsection (2) as soon as practicable, but not later than 10 days before trial.
(B) The notice shall include the specific claims of the affirmative defense.

(C) The court may waive the notice requirement in the interest of justice for good cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely notice.

(iii)

(A) A defendant shall establish the affirmative defense under this Subsection (2) by a preponderance of the evidence.

(B) If the defense is established, it is a complete defense to the charges.

(3) An offense listed in Subsection (2)(b) does not prohibit a veterinarian, in good faith and in the course of the veterinarian's professional practice only and not for humans, from prescribing, dispensing, or administering controlled substances, or from causing the substances to be administered by an assistant or orderly under the veterinarian's direction and supervision.

(4) Civil or criminal liability may not be imposed under an offense listed in Subsection (2)(b) against:

(a) a person registered under this chapter or Title 58, Chapter 37, Controlled Substances, who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or an investigational new drug by a registered practitioner in the ordinary course of professional practice or research;

(b) a law enforcement officer acting in the course and legitimate scope of the law enforcement officer's employment; or

(c) a healthcare facility, substance use harm reduction services program, or drug addiction treatment facility that temporarily possesses a controlled substance or counterfeit substance to conduct a test or analysis on the controlled substance or counterfeit substance to identify or analyze the strength, effectiveness, or purity of the substance for a public health or safety reason.

(5)

(a) It is an affirmative defense that a person produced, possessed, or administered a controlled substance listed in Section 58-37-109 if the person was:

(i) engaged in medical research; and

(ii) a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113.

(b) It is not a defense under Subsection (5)(a) that the person prescribed or dispensed a controlled substance listed in Section 58-37-109.

(6) It is an affirmative defense that a person possessed, in the person's body, a controlled substance listed in Section 58-37-109 if:

(a) the person was the subject of medical research conducted by a holder of a valid license to possess controlled substances under Section 58-37-105 or 58-37-113; and

(b) the substance was administered to the person by the medical researcher.

Enacted by Chapter 362, 2026 General Session

76-18-204 Enhanced penalties and sentencing for certain drug offenses.

(1)

(a) As used in this section, "correctional facility" means the same as that term is defined in Section 76-8-311.3.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2)

(a) An actor not authorized under this part or Title 58, Chapter 37, Controlled Substances, who commits any act that is unlawful under Subsection (2)(b) is, upon conviction, subject to

the penalties and classifications under Subsection (3) if the trier of fact finds that the act is committed:

(i) in a public or private elementary or secondary school or on the grounds of a public or private elementary or secondary school during the hours of 6 a.m. through 10 p.m.;

(ii) in a public or private vocational school or postsecondary institution or on the grounds of a public or private vocational school or postsecondary institution during the hours of 6 a.m. through 10 p.m.;

(iii) in or on the grounds of a preschool or child-care facility during the preschool's or child-care facility's hours of operation;

(iv) in a public park, amusement park, arcade, or recreation center when the public or amusement park, arcade, or recreation center is open to the public;

(v) in or on the grounds of a house of worship as defined in Section 76-11-201;

(vi) in or on the grounds of a library when the library is open to the public;

(vii) within an area that is within 100 feet of a structure, facility, or grounds included in Subsections (2)(a)(i) through (vi);

(viii) in the presence of a person younger than 18 years old, regardless of where the act occurs; or

(ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or distribution of a substance in violation of an offense listed in Subsection (2)(b) to an inmate or on the grounds of a correctional facility.

(b) The offenses described in Subsection (2)(a) are:

(i) unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance under Section 76-18-208;

(ii) unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance under Section 76-18-209;

(iii) unlawfully possessing a controlled substance or counterfeit substance with intent to distribute under Section 76-18-210;

(iv) unlawfully engaging in a continuing criminal enterprise involving drugs under Section 76-18-211;

(v) unlawful manufacture of an imitation controlled substance under Section 76-18-404; and

(vi) unlawful distribution or possession with intent to distribute an imitation controlled substance under Section 76-18-405.

(3)

(a) Except as provided in Subsection (3)(b) or (c), an actor who is convicted of an enhancement under this section is guilty of one degree more than the maximum penalty prescribed for the offense described in Subsection (2)(b).

(b)

(i) The court shall sentence an actor who is convicted of a first degree felony under this section, who would have been convicted of a first degree felony under an offense listed in Subsection (2)(b) regardless of the application of this section, for a term of imprisonment of not less than five years.

(ii) Imposition or execution of the sentence described in Subsection (3)(b)(i) may not be suspended, and the actor is not eligible for probation.

(c) If the violation is of Subsection (2)(a)(ix):

(i)

(A) the actor may be sentenced to imprisonment for an indeterminate term as provided by law, and the court shall additionally sentence the actor for a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the actor for an indeterminate term not to exceed five years to run consecutively and not concurrently; and

(ii) the penalties under Subsection (3)(c)(i) also apply to an actor who, acting with the mental state required for the commission of an offense, directly or indirectly solicits, requests, commands, coerces, encourages, or intentionally aids another person to commit a violation of Subsection (2)(a)(ix).

(4) It is not a defense to a sentencing enhancement under Subsection (3) that:

(a) if the enhancement is for a violation of Subsection (2)(a)(viii), the actor mistakenly believed the individual to be 18 years old or older at the time of the offense or was unaware of the individual's true age; or

(b) the actor mistakenly believed that the location where the act occurred was not as described in Subsection (2)(a) or was unaware that the location where the act occurred was as described in Subsection (2)(a).

Enacted by Chapter 362, 2026 General Session

76-18-205 Unlawful alteration or removal of a controlled substance label.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful alteration or removal of a controlled substance label if:

(a) the actor:

(i) alters the face of a label on a container containing a controlled substance; or

(ii) removes a label on a container containing a controlled substance; and

(b) any of the original contents of the container described in Subsection (2)(a) remain.

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

Enacted by Chapter 362, 2026 General Session

76-18-206 Unlawful failure to use original controlled substance container.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful failure to use original controlled substance container if the actor:

(a)

(i) is an individual to whom, or for whose use, a controlled substance has been prescribed, sold, or dispensed by a practitioner; or

(ii) is the owner of an animal for which a controlled substance has been prescribed, sold, or dispensed by a veterinarian; and

(b) possesses the controlled substance in a manner other than in the container in which the controlled substance was delivered to the actor by the person selling or dispensing the controlled substance.

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

(4) It is a defense to a prosecution under this section if the actor produces in court a valid prescription for the controlled substance or the original container with the label attached.

Enacted by Chapter 362, 2026 General Session

76-18-207 Unlawfully possessing or using a controlled substance or controlled substance analog.

(1)
(a) As used in this section:
(i) "Correctional facility" means the same as that term is defined in Section 64-13-1.
(ii) "Good faith" does not include seeking medical assistance under this section during the course of a law enforcement agency's execution of a search warrant, execution of an arrest warrant, or other lawful search.
(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawfully possessing or using a controlled substance or a controlled substance analog if the actor knowingly and intentionally possesses or uses a controlled substance or a controlled substance analog, unless the controlled substance or controlled substance analog was obtained:
(a) under a valid prescription or order;
(b) directly from a practitioner while acting in the course of the practitioner's professional practice; or
(c) as otherwise authorized by this part or Title 58, Chapter 37, Controlled Substances.
(3) Subject to Subsection (4), a violation of Subsection (2) is:
(a) a second degree felony if the substance is marijuana and the amount is 100 pounds or more;
(b) a third degree felony if:
(i)
(A) the substance is a substance classified in Schedule I or II or a controlled substance analog, not including marijuana; and
(B) the actor's current violation results in the actor receiving at least a third conviction under this section and each of the actor's previous convictions were based on a violation committed within seven years before the date of the violation upon which the current conviction is based; or
(ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's current violation results in the actor receiving at least a fourth conviction under this section and each of the actor's previous convictions were based on a violation committed within seven years before the date of the violation upon which the current conviction is based;
(c) a class A misdemeanor if:
(i)
(A) the substance is a substance classified in Schedule I or II or a controlled substance analog, not including marijuana; and
(B) the current violation is the actor's first or second conviction under this section or does not qualify as a third degree felony under Subsection (3)(b); or
(ii) the violation would otherwise qualify under Subsection (3)(d), but the actor's current violation results in the actor receiving at least a third conviction under this section and each of the actor's previous convictions were based on a violation committed within seven years before the date of the violation upon which the current conviction is based; or
(d) if Subsection (3)(a), (b), or (c) does not apply, a class B misdemeanor, including a substance listed in Section 58-37-109 or marijuana.
(4)
(a) Except as provided in Subsection (4)(c) and subject to Subsection (5), upon an actor's conviction of a violation of this section, if the actor has previously been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211, the court shall sentence the actor to a penalty that is one degree higher than the applicable penalty provided in Subsection (3).
(b)

(i) Except as provided in Subsection (4)(c) and subject to Subsection (5), the court shall sentence an actor convicted of violating this section to a penalty that is one degree higher than the applicable penalty provided in Subsection (3)(a), (3)(b)(i), or (3)(c)(i), if the violation of this section occurs while the actor is inside the exterior boundaries of property occupied by:

(A) a correctional facility;

(B) a public jail; or

(C) another place of confinement.

(ii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of this section is based on a controlled substance listed in Subsection (3)(a) or (3)(b)(i), the actor may be sentenced to imprisonment for an indeterminate term as provided by law, and:

(A) the court shall additionally sentence the actor to a term of one year to run consecutively and not concurrently; and

(B) the court may additionally sentence the actor for an indeterminate term not to exceed five years to run consecutively and not concurrently.

(iii) Except as provided in Subsection (4)(c) and subject to Subsection (5), if an actor is subject to an enhanced penalty under Subsection (4)(b)(i) and the violation of this section is based on a controlled substance that would qualify for punishment under Subsection (3)(d), the actor may be sentenced to imprisonment for an indeterminate term as provided by law and the court shall additionally sentence the actor to a term of six months to run consecutively and not concurrently.

(5) The application of any increase in penalty under this section may not result in any greater penalty than a second degree felony.

(6)

(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section may only be a conviction that:

(i) is from a separate criminal episode than the current conviction under this section; and

(ii) has not already been used under a separate penalty enhancement provision to enhance the conviction under this section.

(c) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(7)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(8) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(9) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (9)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (9)(b).
(10)
(a) It is an affirmative defense to a violation of Subsection (2) if the circumstances listed in Subsection (10)(b) apply and the actor or bystander:
(i) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
(ii) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;
(iii) provides, in the report described in Subsection (10)(a)(ii), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;
(iv) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;
(v) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and
(vi) is alleged to have committed the offense in the same course of events from which the reported overdose arose.
(b) The circumstances referred to in Subsection (10)(a) are:
(i) the possession or use of less than 16 ounces of marijuana; or
(ii) the possession or use of a scheduled or listed controlled substance other than marijuana.

Enacted by Chapter 362, 2026 General Session

76-18-208 Unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) Except as authorized by this part or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully producing, manufacturing, or dispensing a controlled substance or counterfeit substance if the actor knowingly and intentionally:
(a) produces, manufactures, or dispenses a controlled substance or a counterfeit substance; or
(b) possesses, with the intent to produce, manufacture, or dispense, a controlled substance or a counterfeit substance.

(3)
(a) Except as provided in Subsection (3)(b) and subject to Subsections (4) and (5), a violation of Subsection (2) is:
(i) a second degree felony if the controlled substance or counterfeit substance is:
(A) a substance or a counterfeit of a substance classified in Schedule I or II, not including marijuana;
(B) a controlled substance analog; or
(C) gammahydroxybutyric acid as listed in Schedule III;
(ii) a third degree felony if the controlled substance or counterfeit substance is:
(A) a substance or a counterfeit of a substance classified in Schedule III or IV;
(B) marijuana; or
(C) a substance listed in Section 58-37-109; or
(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a substance or counterfeit substance of a substance classified in Schedule V.
(b) Subject to Subsections (4) and (5), a second or subsequent conviction under:
(i) Subsection (3)(a)(i) is a first degree felony;
(ii) Subsection (3)(a)(ii) is a second degree felony; or
(iii) Subsection (3)(a)(iii) is a third degree felony.
(4)
(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not suspend any portion of the jail sentence or grant early release, if:
(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of an offense under this section;
(ii)
(A) the violation is the actor's second or subsequent conviction for any level of offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or
(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; and
(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.
(b)
(i) Except as provided in Subsection (4)(b)(ii), an actor who is subject to a mandatory jail sentence under Subsection (4)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (4)(a).
(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (4)(a).
(5) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.
(6)
(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(7)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(8) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(9) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (9)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (9)(b).

Enacted by Chapter 362, 2026 General Session

76-18-209 Unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance.

(1)

(a) As used in this section:

(i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

(ii) "Firearm" means the same as that term is defined in Section 76-11-101.

(iii) "Readily accessible for immediate use" means the same as that term is defined in Section 76-11-201.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully distributing or agreeing to distribute a controlled substance or counterfeit substance if the actor knowingly and intentionally:

(a) distributes a controlled substance or a counterfeit substance; or

(b) agrees, consents, offers, or arranges to distribute a controlled substance or a counterfeit substance.

(3)

(a) Except as provided in Subsection (3)(b) and subject to Subsections (4), (5), and (6), a violation of Subsection (2) is:

(i) a second degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule I or II, not including marijuana;

(B) a controlled substance analog; or

(C) gammahydroxybutyric acid as listed in Schedule III;

(ii) a third degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule III or IV;

(B) marijuana; or

(C) a substance listed in Section 58-37-109; or

(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a substance or counterfeit substance of a substance classified in Schedule V.

(b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:

(i) Subsection (3)(a)(i) is a first degree felony;

(ii) Subsection (3)(a)(ii) is a second degree felony; or

(iii) Subsection (3)(a)(iii) is a third degree felony.

(4)

(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the court shall impose an indeterminate prison term for an actor who has been convicted of a violation of this section that is a first degree felony or a second degree felony under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt that, during the commission or furtherance of the violation of Subsection (2), the actor intentionally or knowingly:

(i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry, threatening, intimidating, or coercive manner;

(ii) used a firearm or had a firearm readily accessible for immediate use; or

(iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.

(b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison term for an actor convicted under Subsection (4)(a) if the court:

(i) details on the record the reasons why it is in the interests of justice to not impose the indeterminate prison term;

(ii) makes a finding on the record that the actor does not pose a significant safety risk to the public; and

(iii) orders the person to complete the terms and conditions of supervised probation provided by the Division of Adult Probation and Parole created in Section 64-14-202.

(5)

(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of an offense under this section;

(ii)

(A) the violation is the actor's second or subsequent conviction for any level of offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or

(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; and

(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b)

(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a mandatory jail sentence under Subsection (5)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (5)(a).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (5)(a).

(6) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(7)

(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(8)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(9) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(10) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (10)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (10)(b).

Enacted by Chapter 362, 2026 General Session

76-18-210 Unlawfully possessing a controlled substance or counterfeit substance with intent to distribute.

(1)

(a) As used in this section:

(i) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

(ii) "Firearm" means the same as that term is defined in Section 76-11-101.

(iii) "Readily accessible for immediate use" means the same as that term is defined in Section 76-11-201.

(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized by this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully possessing a controlled substance or counterfeit substance with intent to distribute if the actor knowingly

and intentionally possesses a controlled substance or counterfeit substance with the intent to distribute.

(3)

(a) Except as provided in Subsection (3)(b) and subject to Sections (4), (5), and (6), a violation of Subsection (2) is:

(i) a second degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule I or II, not including marijuana;

(B) a controlled substance analog; or

(C) gammahydroxybutyric acid as listed in Schedule III;

(ii) a third degree felony if the controlled substance or counterfeit substance is:

(A) a substance or a counterfeit of a substance classified in Schedule III or IV;

(B) marijuana; or

(C) a substance listed in Section 58-37-109; or

(iii) a class A misdemeanor if the controlled substance or counterfeit substance is a substance or counterfeit substance of a substance classified in Schedule V.

(b) Subject to Subsections (4), (5), and (6), a second or subsequent conviction under:

(i) Subsection (3)(a)(i) is a first degree felony;

(ii) Subsection (3)(a)(ii) is a second degree felony; or

(iii) Subsection (3)(a)(iii) is a third degree felony.

(4)

(a) Except as provided under Subsection (4)(b) and subject to Subsection (6), the court shall impose an indeterminate prison term for an actor who has been convicted of a violation of this section that is a first degree felony or a second degree felony under Subsection (3)(a) or (3)(b) if the trier of fact finds beyond a reasonable doubt that, during the commission or furtherance of the violation of Subsection (2), the actor intentionally or knowingly:

(i) used, drew, or exhibited a dangerous weapon that is not a firearm, in an angry, threatening, intimidating, or coercive manner;

(ii) used a firearm or had a firearm readily accessible for immediate use; or

(iii) distributed a firearm or possessed a firearm with intent to distribute the firearm.

(b) Subject to Subsections (5) and (6), a court may suspend the indeterminate prison term for an actor convicted under Subsection (4)(a) if the court:

(i) details on the record the reasons why it is in the interests of justice to not impose the indeterminate prison term;

(ii) makes a finding on the record that the actor does not pose a significant safety risk to the public; and

(iii) orders the person to complete the terms and conditions of supervised probation provided by the Division of Adult Probation and Parole created in Section 64-14-202.

(5)

(a) A court shall impose a mandatory jail sentence of 360 days in jail, and may not suspend any portion of the jail sentence or grant early release, if:

(i) the court suspends the imposition of a prison sentence for a felony conviction under this section or sentences an actor for a misdemeanor violation of an offense under this section;

(ii)

(A) the violation is the actor's second or subsequent conviction for any level of offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; or

(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under this section, Section 76-18-209, 76-18-210, or 76-18-211; and

(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.

(b)

(i) Except as provided in Subsection (5)(b)(ii), an actor who is subject to a mandatory jail sentence under Subsection (5)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (5)(a).

(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (5)(a).

(6) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(7)

(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(8)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(9) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.

(10) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (10)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (10)(b).

Enacted by Chapter 362, 2026 General Session

76-18-211 Unlawfully engaging in a continuing criminal enterprise involving drugs.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) Except as authorized under this chapter or Title 58, Chapter 37, Controlled Substances, and under circumstances not amounting to an offense described in Section 76-18-220, trafficking of fentanyl or a fentanyl-related substance, an actor commits unlawfully engaging in a continuing criminal enterprise involving drugs if the actor knowingly and intentionally engages in a continuing criminal enterprise where:

(a) the actor participates, directs, or engages in conduct that results in a felony violation of an offense in:

(i) this part;

(ii) Part 3, Offenses Concerning Drug Paraphernalia;

(iii) Part 4, Offenses Concerning Imitation Controlled Substances;

(iv) Part 5, Clandestine Drug Labs;

(v) Title 58, Chapter 37, Controlled Substances; or

(vi) Title 58, Chapter 37c, Controlled Substance Precursors; and

(b) the violation described in Subsection (2)(a) is part of a continuing series of two or more violations of an offense described in Subsection (2)(a)(i) through (vi), on separate occasions that are undertaken in concert with five or more persons, with respect to whom the actor occupies a position of organizer, supervisor, or any other position of management.

(3)

(a) Subject to Subsections (3)(b) and (4), a violation of Subsection (2) is a first degree felony punishable by imprisonment for an indeterminate term of not less than:

(i) seven years and which may be for life; or

(ii) 15 years and which may be for life, if the trier of fact determines that the actor knew, or reasonably should have known, that any subordinate described in Subsection (2)(b) was under 18 years old.

(b)

(i) Except as provided in Subsection (3)(b)(ii), imposition or execution of the sentence described in Subsection (3)(a) may not be suspended, and the actor is not eligible for probation.

(ii) Subsection (3)(a)(ii) does not apply to an actor who, at the time of the offense, was under 18 years old.

(4) Notwithstanding any other provision of this section, a violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.

(5)

(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.

(b) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(6)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(7) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.
(8) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (8)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (8)(b).

Enacted by Chapter 362, 2026 General Session

76-18-212 Unlawfully allowing possession, use, or distribution of a controlled substance on the premises.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawfully allowing possession, use, or distribution of a controlled substance on the premises if the actor:
(a) is an owner, tenant, licensee, or person in control of a building, room, tenement, vehicle, boat, aircraft, or other place; and
(b) knowingly and intentionally permits a person to occupy the building, room, tenement, vehicle, boat, aircraft, or other place while the person is unlawfully manufacturing, possessing, using, or distributing a controlled substance at or in the building, room, tenement, vehicle, boat, aircraft, or other place.
(3)
(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:
(i) a class B misdemeanor on a first conviction;
(ii) a class A misdemeanor on a second conviction; or
(iii) a third degree felony on a third or subsequent conviction.
(b) Upon an actor's conviction of a violation of this section, if the actor has previously been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211, the court shall sentence the actor to a one degree greater penalty than provided in Subsection (3)(a).
(4)
(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(b) A previous conviction used for a penalty enhancement under this section may only be a conviction that:
(i) is from a separate criminal episode than the current conviction under this section; and
(ii) has not already been used under a separate penalty enhancement provision to enhance the conviction under this section.
(c) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.
(5)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.
(6) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.
(7) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (7)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (7)(b).

Enacted by Chapter 362, 2026 General Session

76-18-213 Unlawful possession of an altered or forged prescription or order for a controlled substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawful possession of an altered or forged prescription or order for a controlled substance if the actor knowingly and intentionally possesses an altered or forged prescription or written order for a controlled substance.
(3)
(a) Subject to Subsection (3)(b), a violation of Subsection (2) is:
(i) a class B misdemeanor on a first conviction;
(ii) a class A misdemeanor on a second conviction; or
(iii) a third degree felony on a third or subsequent conviction.
(b) Upon an actor's conviction of a violation of this section, if the actor has previously been convicted of a violation of Section 76-18-208, 76-18-209, 76-18-210, or 76-18-211, the court shall sentence the actor to a one degree greater penalty than provided in Subsection (3)(a).
(4)
(a) For purposes of a penalty enhancement, a plea of guilty or no contest to a violation or attempted violation of this section or a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction, even if the charge has been subsequently reduced or dismissed in accordance with the plea in abeyance agreement.
(b) A previous conviction used for a penalty enhancement under this section may only be a conviction that:
(i) is from a separate criminal episode than the current conviction under this section; and
(ii) has not already been used under a separate penalty enhancement provision to enhance the conviction under this section.
(c) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.
(5)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.
(6) The Administrative Office of the Courts shall report to the Division of Professional Licensing the name, case number, date of conviction, and if known, the date of birth of each actor convicted of violating this section.
(7) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (7)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (7)(b).

Enacted by Chapter 362, 2026 General Session

76-18-214 Unlawful use of a license number in the course of manufacturing or distributing a controlled substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawful use of a license number in the course of manufacturing or distributing a controlled substance if the actor knowingly and intentionally uses, in the course of the manufacture or distribution of a controlled substance, a license number that is fictitious, revoked, suspended, or issued to another person.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor on a first or second conviction; or
(b) a third degree felony on a third or subsequent conviction.
(4)
(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.
(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.
(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-215 Unlawful misrepresentation as an authorized person to obtain a controlled substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful misrepresentation as an authorized person to obtain a controlled substance if the actor knowingly and intentionally, for the purpose of obtaining a controlled substance, assumes the title of, or represents to be, a manufacturer, wholesaler, apothecary, physician, dentist, veterinarian, or other authorized person.

(3) A violation of Subsection (2) is:

(a) a class A misdemeanor on a first or second conviction; or

(b) a third degree felony on a third or subsequent conviction.

(4)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-216 Unlawful conduct to obtain a controlled substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful conduct to obtain a controlled substance if the actor knowingly and intentionally acquires, obtains possession of, procures or attempts to procure the administration of, or obtains a prescription for, a controlled substance by:

(a) misrepresentation;

(b) failure to disclose receiving a controlled substance from another source;

(c) fraud;

(d) forgery;

(e) deception;

(f) subterfuge;

(g) alteration of a prescription or written order for a controlled substance; or

(h) use of a false name or address.

(3) A violation of Subsection (2) is:

(a) a class A misdemeanor on a first or second conviction; or
(b) a third degree felony on a third or subsequent conviction.
(4)
(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.
(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.
(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-217 Unlawfully prescribing or dispensing a controlled substance to a person known to be using unlawful means.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawfully prescribing or dispensing a controlled substance to a person known to be using unlawful means if the actor knowingly and intentionally prescribes or dispenses to a person known to be attempting to acquire or obtain possession of, or to procure the administration of, a controlled substance by:
(a) misrepresentation;
(b) failure by the person to disclose receiving a controlled substance from another source;
(c) fraud;
(d) forgery;
(e) deception;
(f) subterfuge;
(g) alteration of a prescription or written order for a controlled substance; or
(h) the use of a false name or address.
(3) A violation of Subsection (2) is:
(a) a class A misdemeanor on a first or second conviction; or
(b) a third degree felony on a third or subsequent conviction.
(4)
(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-218 Unlawfully making, forging, altering, or uttering a prescription or a written order.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawfully making, forging, altering, or uttering a prescription or a written order if the actor knowingly and intentionally:

(a) makes a false or forged prescription or written order for a controlled substance;

(b) utters a false or forged prescription or written order for a controlled substance; or

(c) alters a prescription or written order issued or written under the terms of this chapter or Title 58, Chapter 37, Controlled Substances.

(3) A violation of Subsection (2) is:

(a) a class A misdemeanor on a first or second conviction; or

(b) a third degree felony on a third or subsequent conviction.

(4)

(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.

(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.

(c) Defenses and exemptions in Section 76-18-203 apply to this section.

(d) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-219 Unlawful materials to create a counterfeit controlled substance.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.

(2) An actor commits unlawful materials to create a counterfeit controlled substance if the actor knowingly and intentionally makes, distributes, or possesses a punch, die, plate, stone, or other thing designed to print, imprint, or reproduce:
(a) the trademark, trade name, or other identifying mark, imprint, or device of another upon any drug, container, or labeling, so as to render a drug a counterfeit controlled substance; or
(b) any likeness of a trademark, trade name, or other identifying mark, imprint, or device of another upon any drug, container, or labeling, so as to render a drug a counterfeit controlled substance.
(3) A violation of Subsection (2) is a third degree felony.
(4)
(a) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part or Title 58, Chapter 37, Controlled Substances.
(b) A penalty imposed for a violation of this section is in addition to, and not in lieu of, a civil or administrative penalty or sanction authorized by law.
(c) Defenses and exemptions in Section 76-18-203 apply to this section.
(5) If a minor who is under 18 years old is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; and
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-220 Trafficking of fentanyl or a fentanyl-related substance.
(1)
(a) As used in this section:
(i) "Fentanyl-related substance" means a derivative or analog of fentanyl including:
(A) carfentanil;
(B) sufentanil;
(C) alfentanil; or
(D) a fentanyl-related substance that is a controlled substance as described in Section 58-37-107.
(ii) "Trafficking amount of fentanyl or a fentanyl-related substance" means 100 grams or more of any composition or mixture, including pills, that contains any quantity of fentanyl or a fentanyl-related substance.
(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits trafficking of fentanyl or a fentanyl-related substance if the actor intentionally:
(a) produces, manufactures, or dispenses a trafficking amount of fentanyl or a fentanyl-related substance;
(b) distributes a trafficking amount of fentanyl or a fentanyl-related substance;
(c) agrees, consents, offers, or arranges to distribute a trafficking amount of fentanyl or a fentanyl-related substance; or
(d) possesses a trafficking amount of fentanyl or a fentanyl-related substance with the intent to distribute the fentanyl or fentanyl-related substance.

(3) A violation of Subsection (2) is a first degree felony.
(4) Except as provided in Subsection (5) or (6), a court may not grant probation, suspend the execution or imposition of the sentence, order hospitalization, or enter a judgment for a lower category of offense under Section 76-3-402, if the effect of which would in any way shorten the actor's required indeterminate prison sentence, when:
(a) sentencing an actor for a violation described in Subsection (3);
(b) sentencing an actor for a conviction of an attempt to commit trafficking of fentanyl or a fentanyl-related substance in accordance with Section 76-4-102; or
(c) sentencing an actor who has had the first degree felony classified in Subsection (3) reduced one degree by a prosecuting attorney in accordance with Section 77-2-2.3.
(5) Except as provided by Subsection (7), a court may suspend the execution or imposition of a prison sentence under Subsection (4) if the court:
(a) makes a finding on the record that:
(i) details why it is in the interests of justice not to execute or impose the prison sentence; and
(ii) the actor does not pose a significant safety risk to the general public; and
(b) orders the actor to complete the terms and conditions of probation that is supervised by the Division of Adult Probation and Parole.
(6) Subsection (4) does not apply if the sentencing court finds that the actor:
(a) was under 18 years old at the time of the offense; and
(b) could have been adjudicated in the juvenile court but for the delayed reporting or delayed filing of the information.
(7)
(a) If a court seeks to suspend the execution or imposition of a prison sentence under Subsection (5), the court shall impose the mandatory jail sentence described in Subsection (7)(b), and may not suspend any portion of the jail sentence or grant early release, if:
(i) the court suspends the imposition of a prison sentence for a conviction under Subsection (2);
(ii)
(A) the violation is the actor's second or subsequent conviction for an offense under Subsection (2); or
(B) the actor previously has been convicted of a criminal violation in another jurisdiction, including a state or federal court, that is substantially equivalent to the violation of an offense under Subsection (2); and
(iii) the actor previously has been convicted of reentry of a removed alien under 8 U.S.C. Sec. 1326.
(b) The mandatory jail sentence referred to in Subsection (7)(a) is 360 days in jail.
(c)
(i) Except as provided in Subsection (7)(c)(ii), an actor who is subject to a mandatory jail sentence under Subsection (7)(a) may not be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation until the actor has served the entire jail sentence described in Subsection (7)(b).
(ii) An actor may be released to the federal Immigration and Customs Enforcement Agency of the United States Department of Homeland Security for deportation at any time during the 14-day period before the final day of the actor's jail sentence described in Subsection (7)(b).
(8) A previous conviction used for a penalty enhancement under this section includes a conviction for an offense described in a statute previously in effect in this state that is the same or substantially similar to a violation of this section.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-221 Unlawful failure to report a practitioner's diversion of drugs.

(1)
(a) As used in this section:
(i) "Diversion" means a practitioner's transfer of a significant amount of drugs to another individual for an unlawful purpose.
(ii) "Drug" means a Schedule II or Schedule III controlled substance, as defined in Section 58-37-108, that is an opiate.
(iii) "HIPAA" means the same as that term is defined in Section 26B-3-126.
(iv) "Opiate" means the same as that term is defined in Section 58-37-101.
(v) "Practitioner" means an individual:
(A) licensed, registered, or otherwise authorized by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course of professional practice; or
(B) employed by a person who is licensed, registered, or otherwise authorized by the appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in the course of professional practice or standard operations.
(vi) "Significant amount" means an aggregate amount equal to, or more than, 500 morphine milligram equivalents calculated in accordance with guidelines developed by the Centers for Disease Control and Prevention.
(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) An actor commits unlawful failure to report a practitioner's diversion of drugs if the actor:
(a) knows that a practitioner is involved in diversion; and
(b) knowingly fails to report the diversion described in Subsection (2)(a) to a peace officer or law enforcement agency.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) Subsection (2) does not apply to the extent that an actor is prohibited from reporting by 42 C.F.R. Part 2 or HIPAA.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-222 Possession, sale, or use of an adulterant or synthetic urine.

(1)
(a) As used in this section, "adulterant" means a substance that may be added to human urine or another human bodily fluid to change, dilute, or interfere with the composition, chemical properties, physical appearance, or physical properties of the urine or other bodily fluid.
(b) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-201 apply to this section.
(2) Under circumstances not amounting to a violation of Section 76-8-510.5, Tampering with evidence, an actor commits possession, sale, or use of an adulterant or synthetic urine if the actor:
(a) distributes, possesses, or sells synthetic urine;
(b) distributes or sells an adulterant with:
(i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening test; or
(ii) knowledge that the recipient of the adulterant intends to use the adulterant to defeat or defraud an alcohol or drug screening test;
(c) possesses an adulterant with intent to use the adulterant to defeat or defraud an alcohol or drug screening test; or

(d) intentionally uses:
(i) an adulterant to defeat or defraud an alcohol or drug screening test;
(ii) the actor's urine or bodily fluid to defeat or defraud an alcohol or drug screening test if the urine or bodily fluid was expelled or withdrawn before the time at which the urine or bodily fluid is collected for the test; or
(iii) the urine or bodily fluid of another individual to defeat or defraud an alcohol or drug screening test.
(3) A violation of Subsection (2) is an infraction.
(4) An actor does not commit a violation of Subsection (2) if the actor is engaging in conduct described in this section for the sole purpose of education or medical or scientific research.
(5) This section does not apply to persons currently under:
(a) court-ordered supervision; or
(b) the supervision of the Board of Pardons and Parole.
(6) An entity that collects specimens for the purpose of testing and screening, and reports the results back to an employer, shall report to the employer and the Department of Public Safety if a report is received that indicates that adulterated or synthetic urine was submitted for an alcohol or drug screening test.

Renumbered and Amended by Chapter 362, 2026 General Session

Part 3
Offenses Concerning Drug Paraphernalia

76-18-301 Definitions.

As used in this part:
(1)
(a) "Drug paraphernalia" means any equipment, product, or material used, or intended for use, to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, conceal, inject, ingest, inhale, or to otherwise introduce a controlled substance into the human body in violation of Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances.
(b) "Drug paraphernalia" includes:
(i) a kit used, or intended for use, in planting, propagating, cultivating, growing, or harvesting any species of plant that is a controlled substance or from which a controlled substance can be derived;
(ii) a kit used, or intended for use, in manufacturing, compounding, converting, producing, processing, or preparing a controlled substance;
(iii) an isomerization device used, or intended for use, to increase the potency of any species of plant that is a controlled substance;
(iv) except as provided in Subsection (1)(c), testing equipment used, or intended for use, to identify or to analyze the strength, effectiveness, or purity of a controlled substance;
(v) a scale or balance used, or intended for use, in weighing or measuring a controlled substance;
(vi) a diluent or adulterant, such as quinine hydrochloride, mannitol, mannited, dextrose and lactose, used, or intended for use, to cut a controlled substance;

(vii) a separation gin or sifter used, or intended for use, to remove twigs, seeds, or other impurities from marihuana;
(viii) a blender, bowl, container, spoon, or mixing device used, or intended for use, to compound a controlled substance;
(ix) a capsule, balloon, envelope, or other container used, or intended for use, to package a small quantity of a controlled substance;
(x) a container or other object used, or intended for use, to store or conceal a controlled substance;
(xi) a hypodermic syringe, needle, or other object used, or intended for use, to parenterally inject a controlled substance into the human body, except as provided in Section 76-18-304, 76-18-305, or 76-18-306; and
(xii) an object used, or intended for use, to ingest, inhale, or otherwise introduce a controlled substance into the human body, including:
(A) a metal, wooden, acrylic, glass, stone, plastic, or ceramic pipe, with or without a screen, permanent screen, hashish head, or punctured metal bowl;
(B) a water pipe;
(C) a carburetion tube or device;
(D) a smoking or carburetion mask;
(E) an object used to hold burning material, such as a marihuana cigarette, that has become too small or too short to be held in the hand, sometimes referred to as a "roach clip";
(F) a miniature cocaine spoon or cocaine vial;
(G) a chamber pipe;
(H) a carburetor pipe;
(I) an electric pipe;
(J) an air-driven pipe;
(K) a chillum;
(L) a bong; and
(M) an ice pipe or chiller.
(c) "Drug paraphernalia" does not include a testing product or equipment, including a fentanyl test strip, used or intended for use to determine whether a substance contains:
(i) a controlled substance that can cause physical harm or death; or
(ii) a chemical or compound that can cause physical harm or death.
(2) "Minor" means an individual who is under 18 years old.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-302 Considerations in determining whether an object is drug paraphernalia.

In determining whether an object is drug paraphernalia, the trier of fact, in addition to all other logically relevant factors, should consider:
(1) statements by an owner or by anyone in control of the object concerning the object's use;
(2) prior convictions, if any, of an owner, or of anyone in control of the object, under any state or federal law relating to a controlled substance;
(3) the proximity of the object, in time and space, to a direct violation of this part;
(4) the proximity of the object to a controlled substance;
(5) the existence of any residue of a controlled substance on the object;
(6) instructions, whether oral or written, provided with the object concerning the object's use;
(7) descriptive materials accompanying the object that explain or depict the object's use;
(8) national and local advertising concerning the object's use;

(9) the manner in which the object is displayed for sale;
(10) whether the owner or anyone in control of the object is a legitimate supplier of like or related items to the community, such as a licensed distributor or dealer of tobacco products;
(11) direct or circumstantial evidence of the ratio of sales of the object to the total sales of the business enterprise;
(12) the existence and scope of legitimate uses of the object in the community;
(13) whether the object is subject to Section 76-18-304, 76-18-305, or 76-18-306; and
(14) expert testimony concerning the object's use.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-303 Seizure -- Forfeiture -- Property rights -- Bystander defense.
(1) Drug paraphernalia is subject to seizure and forfeiture in accordance with the procedures and substantive protections of:
  (a) Title 77, Chapter 11a, Seizure of Property and Contraband; and
  (b) Title 77, Chapter 11b, Forfeiture of Seized Property.
(2) It is an affirmative defense to an allegation of the commission of an offense under this part if the actor or bystander:
  (a) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
  (b) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;
  (c) provides, in the report described in Subsection (2)(b), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;
  (d) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;
  (e) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and
  (f) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-304 Unlawful use of drug paraphernalia.
(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.
(2) An actor commits unlawful use of drug paraphernalia if the actor uses, or possesses with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale or otherwise introduce a controlled substance into the human body in violation of this part.

(3) A violation of Subsection (2) is a class B misdemeanor.
(4) An actor may not be charged with possession of a hypodermic syringe as drug paraphernalia if the syringe is unused and is in a sealed sterile package.
(5) In a prosecution under this section for possession of a hypodermic syringe or needle, the prosecutor or the court may dismiss the charge if the actor establishes, by a preponderance of the evidence, that:
(a) at the time of the offense:
(i) the hypodermic syringe or needle was stored in a sealed puncture-resistant container, such as a medical sharps disposal container, that was clearly marked on the outside of the container with a warning that identified the container as containing medical waste; and
(ii) the actor was enrolled or participating in a syringe exchange program under Section 26B-7-117; and
(b) after the day of the offense, but before the day on which the case is adjudicated, the actor demonstrated an intent to engage with substance abuse treatment by commencing, continuing, or completing a substance use disorder treatment program.
(6) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part.
(7) If a minor is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (7)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (7)(b).

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-305 Unlawful delivery of drug paraphernalia.
(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.
(2) An actor commits unlawful delivery of drug paraphernalia if the actor delivers, possesses with intent to deliver, or manufactures with intent to deliver, any drug paraphernalia, knowing that the drug paraphernalia will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, pack, repack, store, contain, conceal, inject, ingest, inhale, or otherwise introduce a controlled substance into the human body in violation of this part.
(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:
(i) is 18 years old or older;
(ii) delivers drug paraphernalia to a minor; and
(iii) is older than the minor by three or more years.
(4) An actor may not be charged with distribution of hypodermic syringes as drug paraphernalia if at the time of sale or distribution, the syringes are:
(a) in a sealed sterile package; and
(b) for a legitimate medical purpose, including:
(i) injection of prescription medications as prescribed by a practitioner; or
(ii) the prevention of disease transmission.

(5) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part.
(6) If a minor is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (6)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (6)(b).

Enacted by Chapter 362, 2026 General Session

76-18-306 Unlawful advertisement of drug paraphernalia.
(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-301 apply to this section.
(2) An actor commits unlawful advertisement of drug paraphernalia if the actor:
(a) places in this state in a newspaper, magazine, handbill, or other publication an advertisement; and
(b) knows that the purpose of the advertisement described in Subsection (2)(a) is to promote the sale of drug paraphernalia.
(3) A violation of Subsection (2) is a class B misdemeanor.
(4) An actor may be charged and sentenced for a violation of this section, notwithstanding a charge and sentence for a violation of any other section of this part.
(5) If a minor is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

Part 4
Offenses Concerning Imitation Controlled Substances

76-18-401 Definitions.
As used in this part:
(1) "Controlled substance" has the same meaning as provided in Section 58-37-101.
(2) "Distribute" means the actual, constructive, or attempted sale, transfer, delivery, or dispensing to another of an imitation controlled substance.
(3)
(a) "Imitation controlled substance" means a substance designed or packaged to substantially resemble any legally or illegally manufactured controlled substance.
(b) "Imitation controlled substance" does not include:
(i) a controlled substance; or

(ii) a substance represented to be any legally or illegally manufactured controlled substance under Subsection 58-37-101(1)(h)(ii).
(4) "Manufacture" means the production, preparation, compounding, processing, encapsulating, tableting, packaging or repackaging, labeling or relabeling, of an imitation controlled substance.
(5) "Minor" means an individual who is under 18 years old.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-402 Exemption of certain persons -- Bystander defense.
(1) No civil or criminal liability shall be imposed by virtue of this part on:
(a) any person registered under Title 58, Chapter 37, Controlled Substances, who manufactures, distributes, or possesses an imitation controlled substance for use as a placebo or investigational new drug by a registered practitioner in the ordinary course of professional practice or research; or
(b) a law enforcement officer acting in the course and legitimate scope of the law enforcement officer's employment.
(2) It is an affirmative defense to an allegation of the commission of an offense under this part if the actor or bystander:
(a) reasonably believes that the actor or another individual is experiencing an overdose event due to the ingestion, injection, inhalation, or other introduction into the human body of a controlled substance or other substance;
(b) reports, or assists an individual who reports, in good faith, the overdose event to a medical provider, an emergency medical service provider as defined in Section 53-2d-101, a law enforcement officer, a 911 emergency call system, or an emergency dispatch system, or the actor is the subject of a report made under this section;
(c) provides, in the report described in Subsection (2)(b), a functional description of the actual location of the overdose event that facilitates responding to the individual experiencing the overdose event;
(d) remains at the location of the individual experiencing the overdose event until a responding law enforcement officer or emergency medical service provider arrives, or remains at the medical care facility where the individual experiencing an overdose event is located until a responding law enforcement officer arrives;
(e) cooperates with the responding medical provider, emergency medical service provider, and law enforcement officer, including providing information regarding the individual experiencing the overdose event and any substances the individual may have injected, inhaled, or otherwise introduced into the individual's body; and
(f) is alleged to have committed the offense in the same course of events from which the reported overdose arose.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-403 Unlawful use of an imitation controlled substance.
(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.
(2) An actor commits unlawful use of an imitation controlled substance if the actor uses, or possesses with the intent to use, an imitation controlled substance.
(3) A violation of Subsection (2) is a class C misdemeanor.
(4) If a minor is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (4)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (4)(b).

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-404 Unlawful manufacture of an imitation controlled substance.

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.
(2) An actor commits unlawful manufacture of an imitation controlled substance if the actor manufactures an imitation controlled substance.
(3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
(4) A violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.
(5) If a minor is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-405 Unlawful distribution or possession with intent to distribute an imitation controlled substance.

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.
(2) An actor commits unlawful distribution or possession with intent to distribute an imitation controlled substance if the actor:
(a) distributes an imitation controlled substance; or
(b) possesses an imitation controlled substance with the intent to distribute the imitation controlled substance.
(3) Subject to Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
(4) A violation of this section is subject to the penalties and classifications under Section 76-18-204, Enhanced penalties and sentencing for certain drug offenses, if the trier of fact finds the elements described under Section 76-18-204.
(5) If a minor is found by a court to have violated this section, the court may order the minor to complete:
(a) a screening as defined in Section 41-6a-501;
(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (5)(a) indicates that an assessment is appropriate; or
(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (5)(b).

Enacted by Chapter 362, 2026 General Session

76-18-406 Unlawful advertisement of an imitation controlled substance.

(1) Terms defined in Sections 76-1-101.5, 76-18-101, and 76-18-401 apply to this section.

(2) An actor commits unlawful advertisement of an imitation controlled substance if the actor:

(a) places in a newspaper, magazine, handbill, or other publication, or posts or distributes in any public place, an advertisement or solicitation; and

(b) takes the action described in Subsection (2)(a) with reasonable knowledge that the purpose of the advertisement or solicitation is to promote the distribution of an imitation controlled substance.

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

(4) If a minor is found by a court to have violated this section, the court may order the minor to complete:

(a) a screening as defined in Section 41-6a-501;

(b) an assessment as defined in Section 41-6a-501 if the screening described in Subsection (4)(a) indicates that an assessment is appropriate; or

(c) an educational series as defined in Section 41-6a-501 or substance use disorder treatment as indicated by an assessment described in Subsection (4)(b).

Renumbered and Amended by Chapter 362, 2026 General Session

Part 5
Clandestine Drug Labs

76-18-501 Definitions.

(1) As used in this part:

(a)

(i) "Booby trap" means a concealed or camouflaged device designed to cause bodily injury when triggered by the action of a person making contact with the device.

(ii) "Booby trap" includes guns, ammunition, or explosive devices attached to trip wires or other triggering mechanisms, sharpened stakes, nails, spikes, electrical devices, lines or wires with hooks attached, and devices for the production of toxic fumes or gases.

(b) "Clandestine laboratory operation" means the:

(i) purchase or procurement of chemicals, supplies, equipment, or laboratory location for the illegal manufacture of specified controlled substances;

(ii) transportation or arranging for the transportation of chemicals, supplies, or equipment for the illegal manufacture of specified controlled substances;

(iii) setting up of equipment or supplies in preparation for the illegal manufacture of specified controlled substances;

(iv) activity of compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of a substance, including a controlled substance precursor, or the packaging, repackaging, labeling, or relabeling of a container holding a substance that is a product of any of these activities, when the substance is to be used for the illegal manufacture of specified controlled substances;

(v) illegal manufacture of specified controlled substances; or

(vi) distribution or disposal of chemicals, equipment, supplies, or products used in or produced by the illegal manufacture of specified controlled substances.

(c) "Controlled substance precursor" means those chemicals designated in Title 58, Chapter 37c, Controlled Substance Precursors, except those substances designated in Subsection 58-37c-101(1)(kk) or (ll).
(d) "Counterfeit opioid" means an opioid or container or labeling of an opioid that:
(i)
(A) without authorization bears the trademark, trade name, or other identifying mark, imprint, number, device, or any likeness of them, of a manufacturer, distributor, or dispenser other than the person or persons who in fact manufactured, distributed, or dispensed the substance that falsely purports to be an opioid distributed by another manufacturer, distributor, or dispenser; and
(B) a reasonable person would believe to be an opioid distributed by an authorized manufacturer, distributor, or dispenser based on the appearance of the substance as described under this Subsection (1)(d)(i) or the appearance of the container or labeling of the opioid; or
(ii)
(A) is falsely represented to be any legally or illegally manufactured opioid; and
(B) a reasonable person would believe to be a legal or illegal opioid.
(e) "Disposal" means the abandonment, discharge, deposit, injection, dumping, spilling, leaking, or placing of hazardous or dangerous material into or on property, land, or water so that the material may enter the environment, be emitted into the air, or discharged into any waters, including groundwater.
(f) "Hazardous or dangerous material" means a substance that because of the substance's quantity, concentration, physical characteristics, or chemical characteristics may cause or significantly contribute to an increase in mortality, an increase in serious illness, or may pose a substantial present or potential future hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise improperly managed.
(g) "Illegal manufacture of specified controlled substances" means in violation of Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances, the:
(i) compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing for the purpose of producing methamphetamine, other amphetamine compounds as listed in Schedule I of Title 58, Chapter 37, Controlled Substances, phencyclidine, narcotic analgesic analogs as listed in Schedule I of Title 58, Chapter 37, Controlled Substances, lysergic acid diethylamide, mescaline, tetrahydrocannabinol, or counterfeit opioid;
(ii) conversion of cocaine or methamphetamine to their base forms; or
(iii) extraction, concentration, or synthesis of tetrahydrocannabinol.
(h) "Opioid" means the same as that term is defined in Section 58-37f-303.
(i) "Tetrahydrocannabinol" means the same as that term is defined in Section 58-37-403.
(2) Unless otherwise specified, the definitions in Section 58-37-101 also apply to this part.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-502 Purpose -- Coordination with other sections.
(1) The clandestine production of methamphetamine, other amphetamines, phencyclidine, narcotic analgesic analogs, so-called "designer drugs," various hallucinogens, concentrated tetrahydrocannabinols, counterfeit opioids, cocaine and methamphetamine, base "crack" cocaine and methamphetamine "ice" respectively, has increased dramatically throughout the western states and Utah.

(2) These highly technical illegal operations create substantial dangers to the general public and environment from fire, explosions, and the release of toxic chemicals.
(3) By their very nature, these activities often involve a number of persons in a conspiratorial enterprise to bring together all necessary components for clandestine production, to thwart regulation and detection, and to distribute the final product.
(4) Therefore, the Legislature enacts this part for prosecution of specific illegal laboratory operations.
(5) With regard to the controlled substances specified herein, this part shall control, notwithstanding the prohibitions and penalties in Part 2, Offenses Concerning Controlled Substances, and Title 58, Chapter 37, Controlled Substances.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-503 Department of Public Safety enforcement authority.
(1) As used in this section, "division" means the Criminal Investigations and Technical Services Division of the Department of Public Safety, created in Section 53-10-103.
(2)
  (a) The division has authority to enforce this part.
  (b) To carry out enforcement of this part, the division may:
    (i) assist the law enforcement agencies of the state in enforcing this part;
    (ii) conduct investigations to enforce this part;
    (iii) present evidence obtained from investigations conducted in conjunction with appropriate county and district attorneys and the Office of the Attorney General for civil or criminal prosecution or for administrative action against a licensee; and
    (iv) work in cooperation with the Division of Professional Licensing, created under Section 58-1-103, to accomplish the purposes of this section.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-504 Seizure and forfeiture.
Chemicals, equipment, supplies, vehicles, aircraft, vessels, and personal and real property used in furtherance of a clandestine laboratory operation are subject to seizure and forfeiture under the procedures and substantive protections of Title 77, Chapter 11a, Seizure of Property and Contraband, and Title 77, Chapter 11b, Forfeiture of Seized Property.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-505 Legal inference of intent -- Illegal possession of a controlled substance precursor or clandestine laboratory equipment.
The trier of fact may infer that an actor intended to engage in a clandestine laboratory operation if the actor:
(1) is in illegal possession of a controlled substance precursor; or
(2) illegally possesses, or attempts to illegally possess, a controlled substance or controlled substance precursor and is in possession of any one of the following pieces of equipment:
  (a) glass reaction vessel;
  (b) separatory funnel;
  (c) glass condenser;
  (d) analytical balance;

(e) heating mantle;
(f) pill press machine or similar device;
(g) closed loop extraction system;
(h) extraction tube; or
(i) rotary evaporator.

Renumbered and Amended by Chapter 362, 2026 General Session

76-18-506 Unlawful clandestine drug offense.

(1) Terms defined in Sections 58-37-101, 76-1-101.5, 76-18-101, and 76-18-501 apply to this section.

(2) An actor commits an unlawful clandestine drug offense if the actor knowingly or intentionally:
(a) possesses a controlled substance or a controlled substance precursor with the intent to engage in a clandestine laboratory operation;
(b) possesses laboratory equipment or supplies with the intent to engage in a clandestine laboratory operation;
(c) sells, distributes, or otherwise supplies a controlled substance, controlled substance precursor, laboratory equipment, or laboratory supplies, knowing or having reasonable cause to believe any of these items will be used for a clandestine laboratory operation;
(d) evades the recordkeeping provisions of Title 58, Chapter 37c, Controlled Substance Precursors, knowing or having reasonable cause to believe that the material distributed or received will be used for a clandestine laboratory operation;
(e) conspires with or aids another to engage in a clandestine laboratory operation;
(f) produces or manufactures, or possesses with intent to produce or manufacture, a controlled or counterfeit substance except as authorized under Part 2, Offenses Concerning Controlled Substances, or Title 58, Chapter 37, Controlled Substances;
(g) transports or conveys a controlled or counterfeit substance with the intent to distribute or to be distributed by the actor transporting or conveying the controlled or counterfeit substance or by another person regardless of whether the final destination for the distribution is within this state or another location; or
(h) engages in compounding, synthesis, concentration, purification, separation, extraction, or other physical or chemical processing of any substance, including a controlled substance precursor, or the packaging, repackaging, labeling, or relabeling of a container holding a substance that is a product of any of these activities, knowing or having reasonable cause to believe that the substance is a product of any of these activities and will be used in the illegal manufacture of specified controlled substances.

(3)
(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second degree felony punishable by imprisonment for an indeterminate term of not less than three years nor more than 15 years.
(b) Subject to Subsection (4), a violation of Subsection (2)(a), (b), (e), (f), or (h) is a first degree felony if the trier of fact also finds any one of the following conditions occurred in conjunction with the violation:
(i) possession of a firearm;
(ii) use of a booby trap;
(iii) illegal possession, transportation, or disposal of hazardous or dangerous material, or while transporting or causing to be transported materials in furtherance of a clandestine laboratory

operation, there was created a substantial risk to human health or safety or a danger to the environment;

(iv) the intended laboratory operation was to take place or did take place within 500 feet of a residence, place of business, church, or school;

(v) the clandestine laboratory operation actually produced any amount of a specified controlled substance or a counterfeit opioid; or

(vi) the intended clandestine laboratory operation was for the production of cocaine base or methamphetamine base.

(4) If the trier of fact finds that two or more of the conditions listed in Subsection (3)(b) occurred in conjunction with a violation of Subsection (2)(a), (b), (e), (f), or (h) at sentencing for the first degree felony:

(a) probation may not be granted;

(b) the execution or imposition of the sentence may not be suspended; and

(c) the court may not enter a judgment for a lower category of offense.

Renumbered and Amended by Chapter 362, 2026 General Session