

**Effective 5/4/2022**

***Superseded 2/27/2023***

**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, local 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.