

Effective 5/7/2025

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;
(wwwv) 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;
(eeee) sale in a container bearing a registered trademark of a substituted article under Section 76-16-304;
(ffff) 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;
(oooo) 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;

(wwwwww) 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;
(ccccc) vehicle compartment for contraband under Section 76-9-1902;
(ddddd) 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
(fffff) 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