

**Effective 5/7/2025**

**76-5-107.3 Threat of terrorism -- Penalty.**

- (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)
  - (a) An actor commits a threat of terrorism if the actor threatens to commit an offense involving bodily injury, death, or substantial property damage and the actor:
    - (i)
      - (A) threatens the use of a weapon of mass destruction; or
      - (B) threatens the use of a hoax weapon of mass destruction; or
    - (ii) acts with intent to:
      - (A) intimidate or coerce a civilian population or to influence or affect the conduct of a government or a unit of government;
      - (B) 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
      - (C) 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.
  - (b) A threat under this section may be express or implied.
- (3)
  - (a)
    - (i) A violation of Subsection (2)(a)(i) or (2)(a)(ii)(A) is a second degree felony.
    - (ii) A violation of Subsection (2)(a)(ii)(B) is a third degree felony.
    - (iii) A violation of Subsection (2)(a)(ii)(C) 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.
  - (c) 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.
- (4) 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.

Amended by Chapter 173, 2025 General Session