

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

76-6-107 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 on public lands.

- (1)
 - (a) As used in this section, "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 on public lands if the actor creates, or assists in creating, graffiti on any public lands or 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 defacing by graffiti on public lands, 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) If an actor is convicted of defacing by graffiti on public lands, the court may impose a fine up to the full amount of the estimated cost to restore the damaged land, caused by the actor, to the land's original state.
- (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 costs ordered by the court under Subsection (7).

Amended by Chapter 111, 2023 General Session

Amended by Chapter 411, 2023 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.
 - (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 or governmental entity's property; and
 - (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business 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 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).

Enacted by Chapter 230, 2024 General Session