

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; or
 - (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.
- (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 111, 2023 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:
 - (l) 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) "Misabeled" 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 hinder enforcement of that interest; 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 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

76-6-512 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