

Effective 5/3/2023

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

