

Effective 7/1/2025

76-6-406 Theft by extortion.

- (1)
- (a) As used in this section, extortion occurs when an actor threatens to:
 - (i) cause physical harm in the future to the person threatened, to any other person, or to property at any time;
 - (ii) subject the person threatened or any other person to physical confinement or restraint;
 - (iii) engage in other conduct constituting a crime;
 - (iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;
 - (v) reveal any information sought to be concealed by the person threatened;
 - (vi) testify, provide information, or withhold testimony or information with respect to a person's legal claim or defense;
 - (vii) take action as an official against anyone or anything, or withhold official action, or cause such action or withholding;
 - (viii) bring about or continue a strike, boycott, or other similar collective action to obtain property that is not demanded or received for the benefit of the group that the actor purports to represent; or
 - (ix) do any other act which would not in itself substantially benefit the actor but which would harm substantially any other person with respect to that person's health, safety, business, calling, career, financial condition, reputation, or personal relationships.
 - (b) Terms defined in Section 76-1-101.5 apply to this section.
- (2) An actor commits theft by extortion if the actor obtains or exercises control over the property of another person by extortion and with a purpose to deprive the person of the person's property.
- (3) A violation of Subsection (2) is:
- (a) a second degree felony if the:
 - (i) value of the property is or exceeds \$5,000;
 - (ii) property stolen is a firearm or an operable motor vehicle; or
 - (iii) property is stolen from the person of another;
 - (b) a third degree felony if:
 - (i) the value of the property is or exceeds \$1,500 but is less than \$5,000;
 - (ii) 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:
 - (A) any theft, any robbery, or any burglary with intent to commit theft;
 - (B) any offense under Part 5, Fraud;
 - (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B); or
 - (D) any offense in another jurisdiction, including a state, federal, or military court, that is substantially equivalent to an offense under Subsection (3)(b)(ii)(A), (B), or (C);
 - (iii)
 - (A) the value of property is or exceeds \$500 but is less than \$1,500;
 - (B) the theft occurs on a property where the offender has committed any theft within the past five years; and
 - (C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or
 - (iv) the actor has been previously convicted of a felony violation of any of the offenses listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(D), 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;

(c) a class A misdemeanor if:

(i) the value of the property stolen is or exceeds \$500 but is less than \$1,500;

(ii)

(A) the value of property is less than \$500;

(B) the theft occurs on a property where the offender has committed any theft within the past five years; and

(C) the offender has received written notice from the merchant prohibiting the offender from entering the property pursuant to Subsection 78B-3-108(4); or

(iii) the actor has been twice before convicted of any of the offenses listed in Subsections (3)(b)

(ii)(A) through (3)(b)(ii)(D), 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

(d) 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)(c).

(4)

(a) A person who is adversely impacted by the conduct prohibited in Subsection (2) may bring a civil action for equitable relief and damages.

(b) In accordance with Section 78B-2-305, a person who brings an action under Subsection (4)

(a) shall commence the action within three years after the day on which the cause of action arises.

Amended by Chapter 434, 2025 General Session