

Part 3

Obstructing Governmental Operations

76-8-301 Interference with public servant.

- (1)
 - (a) As used in this section, "public servant" does not include a juror.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits interference with a public servant if the actor:
 - (a) uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with a public servant performing or purporting to perform an official function; or
 - (b) obstructs, hinders, conceals, or prevents the lawful service of any civil or criminal legal process by a sheriff, constable, deputy sheriff, deputy constable, peace officer, private investigator, or any other person authorized to serve legal process.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-301.2 Denial of public servant's use of public property.

- (1)
 - (a) As used in this section, "public servant" does not include a juror.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits denial of public servant's use of public property if the actor, on property that is owned, operated, or controlled by the state or a political subdivision of the state, willfully denies to a public servant lawful:
 - (a) freedom of movement;
 - (b) use of the property or facility; or
 - (c) entry into or exit from the facility.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-301.5 Failure to disclose identity.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits failure to disclose identity if, during the period of time that the actor is lawfully subjected to a stop as described in Section 77-7-15:
 - (a) a peace officer demands that the actor disclose the actor's name or date of birth;
 - (b) the demand described in Subsection (2)(a) is reasonably related to the circumstances justifying the stop;
 - (c) the disclosure of the actor's name or date of birth by the actor does not present a reasonable danger of self-incrimination in the commission of a crime; and
 - (d) the actor fails to disclose the actor's name or date of birth.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-302 Picketing or parading in or near court.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

- (2) An actor commits picketing or parading in or near a court if the actor pickets or parades in or near a building that houses a court of this state with intent to:
 - (a) obstruct access to that court; or
 - (b) affect the outcome of a case pending before that court.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-303 Prevention of Legislature or public servant from meeting or organizing.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prevention of Legislature or public servant from meeting or organizing if the actor intentionally and by force or fraud:
 - (a) prevents the Legislature, either of the houses composing the Legislature, or any of the members of the Legislature, from meeting or organizing; or
 - (b) prevents any other public servant from meeting or organizing to perform a lawful governmental function.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-305 Interference with a peace officer.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits interference with a peace officer if the actor:
 - (a) knows, or by the exercise of reasonable care should have known, that a peace officer is seeking to effect a lawful arrest or detention of the actor or another individual; and
 - (b) interferes with the arrest or detention by:
 - (i) use of force or a weapon;
 - (ii) refusing to perform an act required by lawful order:
 - (A) necessary to effect the arrest or detention; and
 - (B) made by a peace officer involved in the arrest or detention; or
 - (iii) refusing to refrain from performing an act that would impede the arrest or detention.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) Recording the actions of a peace officer with a camera, mobile phone, or other photographic device, while the peace officer is performing official duties in plain view, does not by itself constitute:
 - (a) interference with the peace officer;
 - (b) willful resistance;
 - (c) disorderly conduct; or
 - (d) obstruction of justice.

Amended by Chapter 96, 2024 General Session

76-8-305.5 Failure to stop at the command of a peace officer.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits failure to stop at the command of a peace officer if, after the peace officer has issued a verbal or visual command to stop, the actor flees from or otherwise attempts to elude a peace officer:
 - (a) for the purpose of avoiding arrest; and

- (b) by any means other than a violation of Section 41-6a-210 regarding failure to stop a vehicle at the command of a law enforcement officer.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-306 Obstruction of justice in a criminal investigation or proceeding.

- (1)
 - (a) As used in this section:
 - (i)
 - (A) "Conduct that constitutes a criminal offense" means conduct that would be punishable as a crime and is separate from a violation of this section.
 - (B) "Conduct that constitutes a criminal offense" includes:
 - (I) any violation of a criminal statute or ordinance of this state or a political subdivision of this state, any other state, or any district, possession, or territory of the United States; and
 - (II) conduct committed by a juvenile that would be a crime if committed by an adult.
 - (ii) "Juvenile offender" means the same as that term is defined in Section 80-1-102.
 - (iii) "Official custody" means the same as that term is defined in Section 76-8-309.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
 - (2) Except as provided in Subsection (5), an actor commits obstruction of justice in a criminal investigation or proceeding if the actor, with intent to hinder, delay, or prevent the investigation, apprehension, prosecution, conviction, or punishment of any person regarding conduct that constitutes a criminal offense:
 - (a) provides any person with a weapon;
 - (b) prevents by force, intimidation, or deception, a person from performing an act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of any person;
 - (c) alters, destroys, conceals, or removes an item or other thing;
 - (d) makes, presents, or uses an item or thing known by the actor to be false;
 - (e) harbors or conceals a person;
 - (f) provides a person with transportation, disguise, or other means of avoiding discovery or apprehension;
 - (g) warns a person of impending discovery or apprehension;
 - (h) warns a person of an order authorizing the interception of wire communications or of a pending application for an order authorizing the interception of wire communications;
 - (i) conceals information that is not privileged and that concerns the offense, after a judge or magistrate has ordered the actor to provide the information; or
 - (j) provides false information regarding a suspect, a witness, the conduct constituting an offense, or any other material aspect of the investigation.
 - (3) A violation of Subsection (2) is:
 - (a) a second degree felony if the conduct that constitutes an offense would be a capital felony or first degree felony;
 - (b) a third degree felony if:
 - (i) the conduct that constitutes an offense would be a second or third degree felony and the actor violates Subsection (2)(b), (c), (d), (e), or (f);
 - (ii) the conduct that constitutes an offense would be any offense other than a capital or first degree felony and the actor violates Subsection (2)(a);
 - (iii) the obstruction of justice is presented or committed before a court of law; or
 - (iv) a violation of Subsection (2)(h); or

- (c) a class A misdemeanor for any violation of this section that is not enumerated under Subsection (3)(a) or (b).
- (4) It is not a defense that the actor was unaware of the level of penalty for the conduct constituting an offense.
- (5)
 - (a) Subsection (2) does not apply to harboring or concealing an offender who has escaped from official custody, which is governed by Section 76-8-309.2.
 - (b) Subsection (2)(b) does not apply to:
 - (i) threat with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316;
 - (ii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.2;
 - (iii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.4;
 - (iv) attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole under Section 76-8-316.6;
 - (v) tampering with a witness under Section 76-8-508;
 - (vi) retaliation against a witness, victim, or informant under Section 76-8-508.3;
 - (vii) tampering or retaliating against a juror under Section 76-8-508.5;
 - (viii) receiving or soliciting a bribe as a witness under Section 76-8-508.7; or
 - (ix) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509.
 - (c) Subsection (2)(e) does not apply to harboring a juvenile offender, which is governed by Section 76-8-319.
- (6) For purposes of Subsection (3), a violation of a criminal statute that is committed in another state, or any district, possession, or territory of the United States, is:
 - (a) a capital felony if the penalty provided includes death or life imprisonment without parole;
 - (b) a first degree felony if the penalty provided includes life imprisonment with parole or a maximum term of imprisonment exceeding 15 years;
 - (c) a second degree felony if the penalty provided exceeds five years;
 - (d) a third degree felony if the penalty provided includes imprisonment for any period exceeding one year; or
 - (e) a misdemeanor if the penalty provided includes imprisonment for any period of one year or less.

Amended by Chapter 96, 2024 General Session

76-8-306.5 Obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits obstructing service of a Board of Pardons and Parole warrant or a probationer order to show cause if the actor:
 - (a) knows that:
 - (i) the Board of Pardons and Parole has issued a warrant for a parolee; or

- (ii) a court has issued an order to show cause regarding a defendant's violation of the terms of probation; and
- (b)
 - (i) harbors or conceals the parolee or probationer;
 - (ii) provides the parolee or probationer with transportation, disguise, or other means or assistance to avoid discovery; or
 - (iii) warns the parolee or probationer of the parolee's or probationer's impending discovery.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-307 Failure to aid a peace officer.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits failure to aid a peace officer if, upon command by a peace officer identifiable or identified by the peace officer as such, the actor unreasonably fails or refuses to aid the peace officer in effecting an arrest or in preventing the commission of any offense by another person.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-308 Acceptance of bribe or bribery to prevent criminal prosecution.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits acceptance of bribe or bribery to prevent criminal prosecution if the actor:
 - (a) solicits, accepts, or agrees to accept any benefit as consideration for the actor's refraining from initiating or aiding in a criminal prosecution; or
 - (b) confers, offers, or agrees to confer any benefit upon a person as consideration for the person refraining from initiating or aiding in a criminal prosecution.
- (3) A violation of Subsection (2) is a class A misdemeanor.
- (4) It is an affirmative defense that the value of the benefit did not exceed an amount that the actor believed to be due as restitution or indemnification for the loss caused or to be caused by the offense.

Amended by Chapter 96, 2024 General Session

76-8-309 Escape.

- (1)
 - (a) As used in this section:
 - (i) "Agency" means a law enforcement agency, the Department of Corrections, a county or district attorney's office, the Office of the Attorney General, the Board of Pardons and Parole, or the judicial branch, including the Judicial Council, the Administrative Office of the Courts, or a similar administrative unit of the judicial branch.
 - (ii) "Confinement in a state prison" means:
 - (A)
 - (I) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, after being sentenced and committed;

- (II) the individual's sentence has not been terminated or voided; and
 - (III) the individual is not on parole;
 - (B) the individual is being housed in a county jail, after felony commitment, in accordance with a contract with the Department of Corrections;
 - (C) the individual is on parole and the individual is in prehearing custody after an arrest for a parole violation;
 - (D) the individual is housed in a state prison and is being transported as a prisoner in the state prison by a correctional officer; or
 - (E) the individual is housed in a state prison, or any other facility in accordance with a contract with the Department of Corrections or Section 80-6-507, and the individual is permitted to leave temporarily for a work release or home visit and is required to return at a designated time.
- (iii) "Lawful authorization" does not include authorization to leave official custody, or to remove or disable a tracking device, if the authorization was obtained by means of deceit, fraud, or other artifice.
- (iv)
- (A) "Offender" means an individual who is in official custody.
 - (B) "Offender" includes an individual who is under trusty status.
- (v) "Official custody" means:
- (A) confinement in a state prison;
 - (B) the individual is lawfully detained in a facility for secure confinement of minors that is operated by the Division of Juvenile Justice and Youth Services;
 - (C)
 - (I) the individual is lawfully detained in a county jail before trial or sentencing or the individual is housed in a county jail after sentencing and commitment;
 - (II) the individual's sentence has not been terminated or voided; and
 - (III) the individual is not on parole or probation;
 - (D) the individual is lawfully detained following an arrest regardless of whether the individual was arrested with or without a warrant; or
 - (E) the individual is on probation and the individual is in prehearing custody after an arrest for a probation violation.
- (vi)
- (A) "Tracking device" means a device that reveals the device's location or movement by the transmission or recording of an electronic signal.
 - (B) "Tracking device" includes a satellite-based radio navigation system.
- (vii) "Volunteer" means a person who donates service without pay or other compensation except for expenses actually and reasonably incurred with approval by the supervising agency.
- (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits escape if the actor:
- (a) is an offender who, without lawful authorization:
 - (i) leaves official custody; or
 - (ii) intentionally or knowingly removes, disables, or permits the removal or disabling of, a tracking device that is installed or employed as an alternative to incarceration; or
 - (b)
 - (i) is convicted as a party to an offense under this section, as described in Section 76-2-202; and
 - (ii) is an employee at, or a volunteer of, an agency.

- (3)
 - (a) Except as provided by Subsection (3)(b) or Section 76-8-309.1, a violation of Subsection (2)(a) is a third degree felony.
 - (b) Except as provided by Section 76-8-309.1, a violation of Subsection (2)(a) is a second degree felony if the actor leaves confinement in a state prison without lawful authorization, including failing to return from a work release or home visit by the time designated for return.
 - (c) Except as provided in Section 76-8-309.1, a violation of Subsection (2)(b) is a second degree felony.
- (4)
 - (a) For purposes of an attempt to commit an escape under Section 76-4-102, the conception of the design to escape is conduct constituting a substantial step toward the commission of the crime.
 - (b) For purposes of a conspiracy to commit an escape under Section 76-4-201, the conception of the design to escape is an overt act in pursuance of the conspiracy to commit the crime.
 - (c) For an inchoate offense of escape, an escape is considered a continuing activity that commences with the conception of the design to escape and continues until the actor's attempt to escape is thwarted or abandoned or the actor commits the escape as described in Subsection (2)(a).
- (5) For a completed offense of escape, an escape is considered a continuing activity that commences when the actor commits an escape as described in Subsection (2)(a) and continues until the actor is returned to official custody or the actor's escape is thwarted or abandoned.
- (6) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Repealed and Re-enacted by Chapter 187, 2024 General Session

76-8-309.1 Aggravated escape.

- (1)
 - (a) As used in this section, "escape" means an offense under Section 76-8-309.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits aggravated escape if, during the course of the commission of an escape, the actor:
 - (a) uses a dangerous weapon; or
 - (b) causes serious bodily injury to another.
- (3) A violation of Subsection (2) is a first degree felony.
- (4) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Enacted by Chapter 96, 2024 General Session

76-8-309.2 Harboring or concealing an offender who has escaped from official custody.

- (1)
 - (a) As used in this section, "official custody" means the same as that term is defined in Section 76-8-309.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits harboring or concealing an offender who has escaped from official custody if the actor harbors or conceals an offender who has escaped from official custody.

(3) A violation of Subsection (2) is a third degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-309.3 Aggravated escape.

- (1)
 - (a) As used in this section, "escape" means an offense under Section 76-8-309.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits aggravated escape if, during the course of the commission of an escape, the actor:
 - (a) uses a dangerous weapon; or
 - (b) causes serious bodily injury to another.
- (3) A violation of Subsection (2) is a first degree felony.
- (4) A court sentencing an actor for a violation of this section shall impose a consecutive sentence to any other sentence the actor is either serving or ordered to serve.

Enacted by Chapter 187, 2024 General Session

76-8-311.1 Establishment of secure areas -- Items prohibited -- References to penalty provisions.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Explosive" means the same as the term "explosive, chemical, or incendiary device" defined in Section 76-10-306.
 - (iv) "Firearm" means the same as that term is defined in Section 76-10-501.
 - (v) "Law enforcement facility" means a facility that is owned, leased, or operated by a law enforcement agency.
 - (vi) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
 - (vii)
 - (A) "Secure area" means an area created under this section into which certain persons are restricted from transporting a firearm or other dangerous weapon, ammunition, or explosive.
 - (B) A "secure area" may not include any area normally accessible to the public.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2)
 - (a) The State Tax Commission or a correctional, law enforcement, or mental health facility may establish secure areas within the facility and may prohibit or control by rule any firearm or other dangerous weapon, ammunition, or explosive.
 - (b) Subsections (2)(a), (3), (4), and (5) apply to a higher education secure area hearing room referred to in Subsections 53B-3-103(2)(a)(ii) and (b).
- (3) An entity that creates a secure area under this section shall ensure that at least one notice is prominently displayed at each entrance to the secure area in which a firearm, ammunition, dangerous weapon, or explosive is restricted.
- (4)

- (a) An entity that creates a secure area under this section shall provide a secure weapons storage area so that an individual entering the secure area may store the individual's weapon before entering the secure area.
 - (b) The entity operating the facility shall be responsible for a weapon while the weapon is stored in the storage area described in Subsection (4)(a).
- (5)
- (a) An actor who transports a firearm or other dangerous weapon or ammunition into a secure area created under this section or a higher education secure area hearing room created under this section may be punished under Section 76-8-311.2.
 - (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a secure area or a higher education secure area hearing room created under this section may be punished under Section 76-10-306.
 - (c) It is a defense to a prosecution related to this section that the actor acted in conformity with the facility's rule or policy established pursuant to this section.

Amended by Chapter 96, 2024 General Session

76-8-311.2 Prohibited dangerous weapon or ammunition in a secure area.

- (1)
- (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Firearm" means the same as that term is defined in Section 76-10-501.
 - (iv) "Higher education secure area" means a higher education secure area hearing room created under Section 76-8-311.1.
 - (v) "Law enforcement facility" means the same as that term is defined in Section 76-8-311.1.
 - (vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited dangerous weapon or ammunition in a secure area if the actor knowingly or intentionally transports a firearm or other dangerous weapon or ammunition into:
- (a) a correctional facility;
 - (b) a secure area created by the State Tax Commission;
 - (c) a secure area in a law enforcement facility or a mental health facility; or
 - (d) a higher education secure area.
- (3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of Subsection (2) is a third degree felony.
- (4) It is a defense to a prosecution under this section that the actor acted in conformity with the facility's rule or policy established under Section 76-8-311.1.

Enacted by Chapter 96, 2024 General Session

76-8-311.3 Establishment of prohibited item policy in a correctional or mental health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.

- (1)
- (a) As used in this section:
 - (i) "Communication device" means a device designed to receive or transmit an image, text message, email, video, location information, or voice communication, or another device that can be used to communicate electronically.

- (ii) "Controlled substance" means a substance defined as a controlled substance under Title 58, Chapter 37, Utah Controlled Substances Act.
 - (iii) "Correctional facility" means:
 - (A) a facility operated by or contracting with the Department of Corrections to house an offender in either a secure or nonsecure setting;
 - (B) a facility operated by a municipality or a county to house or detain an offender;
 - (C) a juvenile detention facility; or
 - (D) a building or grounds appurtenant to a facility or land granted to the state, municipality, or county for use as a correctional facility.
 - (iv) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (v) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.
 - (vi) "Firearm" means the same as that term is defined in Section 76-10-501.
 - (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b, Pharmacy Practice Act, but does not include a controlled substance as defined in Title 58, Chapter 37, Utah Controlled Substances Act.
 - (viii) "Mental health facility" means the same as that term is defined in Section 26B-5-301.
 - (ix) "Nicotine product" means the same as that term is defined in Section 76-10-101.
 - (x) "Offender" means an individual in custody at a correctional facility.
 - (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
 - (xii) "Tobacco product" means the same as that term is defined in Section 76-10-101.
- (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2)
- (a) Notwithstanding Section 76-10-500, a correctional facility or mental health facility may prohibit a firearm, ammunition, a dangerous weapon, an implement of escape, an explosive, a controlled substance, spirituous or fermented liquor, medicine, or poison from being:
 - (i) transported to or within a correctional facility or mental health facility;
 - (ii) sold or given away to an offender at a correctional facility or mental health facility; or
 - (iii) possessed by an offender or another individual at a correctional facility or mental health facility.
 - (b) A correctional facility may prohibit a communication device from being:
 - (i) transported within the correctional facility for the purpose of being sold to an offender in the correctional facility;
 - (ii) sold or given away to an offender in the correctional facility; or
 - (iii) possessed by an offender or another individual at the correctional facility.
- (3) It is a defense to a prosecution related to this section that the actor, in committing the act made criminal by this section with respect to:
- (a) a correctional facility operated by the Department of Corrections, acted in conformity with departmental rule or policy;
 - (b) a correctional facility operated by a municipality, acted in conformity with the policy of the municipality;
 - (c) a correctional facility operated by a county, acted in conformity with the policy of the county; or
 - (d) a mental health facility, acted in conformity with the policy of the mental health facility.
- (4)
- (a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or 76-8-311.11 for a violation of a policy or rule created under this section.

- (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an explosive in a correctional facility or a mental health facility may be punished under Section 76-10-306.
- (c) The possession, distribution, or use of a controlled substance at a correctional facility or in a secure area of a mental health facility shall be charged under Title 58, Chapter 37, Utah Controlled Substances Act.

Amended by Chapter 96, 2024 General Session
Amended by Chapter 99, 2024 General Session

76-8-311.4 Prohibited item in correctional or mental health facility for use by offender or detainee.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
 - (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
 - (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited item in correctional or mental health facility for use by offender or detainee if the actor:
 - (a) transports a dangerous weapon, ammunition, or implement of escape to or within a correctional facility, or into a secure area of a mental health facility, with the intent to provide or sell to an offender or detainee the dangerous weapon, ammunition, or implement of escape; or
 - (b) provides or sells a dangerous weapon, ammunition, or implement of escape to:
 - (i) an offender at a correctional facility; or
 - (ii) a detainee at a secure area of a mental health facility.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
- (4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.6 Possession of prohibited item by offender or detainee in correctional or mental health facility.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
 - (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
 - (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits possession of prohibited item by offender or detainee in correctional or mental health facility if the actor:
 - (a)
 - (i) is an offender at a correctional facility; or

- (ii) is a detainee at a mental health facility; and
- (b) possesses a dangerous weapon, ammunition, or an implement of escape.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree felony.
- (4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.7 Possession of prohibited item in correctional facility or secure area of mental health facility.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
 - (iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
 - (iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits possession of prohibited item in correctional facility or secure area of mental health facility if the actor, without the permission of the authority operating the correctional facility or the secure area of a mental health facility, knowingly possesses a dangerous weapon, ammunition, or implement of escape at a correctional facility or in a secure area of a mental health facility.
- (3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of Subsection (2) is a third degree felony.
- (4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.8 Prohibited substance in correctional or mental health facility.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Medicine" means the same as that term is defined in Section 76-8-311.3.
 - (iii) "Mental health facility" means the same as that term is defined in Section 76-8-311.3.
 - (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
 - (v) "Prohibited substance" means:
 - (A) spirituous or fermented liquor;
 - (B) medicine, whether or not lawfully prescribed for an offender or a detainee; or
 - (C) poison in any quantity.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited substance in a correctional or mental health facility if the actor:
 - (a) without the permission of the authority operating the correctional facility or secure area of a mental health facility:
 - (i) knowingly transports a prohibited substance to or within a correctional facility or into a secure area of a mental health facility; or
 - (ii) fails to declare or knowingly possesses a prohibited substance at a correctional facility or in a secure area of a mental health facility;

- (b) knowingly violates correctional or mental health facility policy or rule by providing or selling a prohibited substance to an offender at a correctional facility or a detainee within a secure area of a mental health facility; or
- (c)
 - (i) is a detainee in a mental health facility or an offender; and
 - (ii) in violation of correctional or mental health facility policy or rule, possesses at a correctional facility or in a secure area of a mental health facility a prohibited substance other than medicine provided by the facility's health care providers in compliance with facility policy.
- (3)
 - (a) Except as provided in Subsection (4), a violation of Subsection (2)(a)(i), (2)(b), or (2)(c) is a third degree felony.
 - (b) Except as provided in Subsection (4), a violation of Subsection (2)(a)(ii) is a class A misdemeanor.
- (4) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.9 Prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility.

- (1)
 - (a) As used in this section:
 - (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Electronic cigarette product" means the same as that term is defined in Section 76-10-101.
 - (iii) "Nicotine product" means the same as that term is defined in Section 76-10-101.
 - (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
 - (v) "Tobacco product" means the same as that term is defined in Section 76-10-101.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited tobacco, electronic cigarette, or nicotine product in a correctional facility if the actor, with the intent to directly or indirectly provide or sell a tobacco product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:
 - (a) transports, delivers, or distributes a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility;
 - (b) solicits, requests, commands, coerces, encourages, or intentionally aids another individual to transport a tobacco product, electronic cigarette product, or nicotine product to an offender or on the grounds of a correctional facility, if the other individual is acting with the mental state required for the commission of an offense; or
 - (c) facilitates, arranges, or causes the transport of a tobacco product, electronic cigarette product, or nicotine product in violation of this section or Section 76-8-311.3 to an offender or on the grounds of a correctional facility.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class A misdemeanor.
- (4) The defenses provided in Section 76-8-311.3 apply to this section.
- (5) In accordance with Section 76-8-311.3, the Department of Corrections shall make rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing written notice to visitors that providing a tobacco product, electronic cigarette product, or nicotine product to an offender is a class A misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-311.10 Possession of contraband in a correctional facility.

- (1)
 - (a) As used in this section:
 - (i) "Contraband" means an item not specifically prohibited for possession by an offender under this section or Section 76-8-311.3, 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, or 76-8-311.9.
 - (ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits possession of contraband in a correctional facility if the actor, without the permission of the authority operating a correctional facility, knowingly engages in an activity that would facilitate the possession of contraband by an offender in the correctional facility.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
- (4)
 - (a) The possession, distribution, or use of a controlled substance at a correctional facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled Substances Act.
 - (b) The provisions of Section 76-8-311.9 take precedence over this section.
 - (c) The defenses provided in Section 76-8-311.3 apply to this section.

Enacted by Chapter 96, 2024 General Session

76-8-311.11 Prohibited communication device in a correctional facility.

- (1)
 - (a) As used in this section:
 - (i) "Communication device" means the same as that term is defined in Section 76-8-311.3.
 - (ii) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
 - (iii) "Offender" means the same as that term is defined in Section 76-8-311.3.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited communication device in a correctional facility if the actor, without the permission of the correctional facility:
 - (a) knowingly transports a communication device into the correctional facility with the intent to provide or sell the communication device to an offender in the correctional facility;
 - (b) provides or sells a communication device to an offender in the correctional facility;
 - (c)
 - (i) is an offender; and
 - (ii) possesses a communication device in the correctional facility; or
 - (d)
 - (i) subject to Subsection (4), is an individual other than an offender; and
 - (ii) knowingly possesses a communication device at the correctional facility.
- (3)
 - (a) A violation of Subsection (2)(a), (b), or (c) is a third degree felony.
 - (b) A violation of Subsection (2)(d) is a class A misdemeanor.
- (4)
 - (a) A correctional facility that prohibits an individual other than an offender from possessing a communication device in the correctional facility under Subsection (2)(d) shall post a sign visible to an individual entering the correctional facility that provides the individual with notice that possessing a communication device in the correctional facility is prohibited and the individual may be prosecuted for possessing a communication device.

- (b) A prosecuting attorney may not prosecute an individual under Subsection (2)(d) if the correctional facility fails to comply with Subsection (4)(a).

Amended by Chapter , 2024 General Session

76-8-312 Unlawful absence after pretrial release.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits unlawful absence after pretrial release if the actor:
 - (a) has been granted pretrial release by court order or by other lawful authority upon condition that the actor subsequently appear personally upon a charge of an offense; and
 - (b) fails without just cause to appear at the time and place that have been lawfully designated for the actor's appearance.
- (3) A violation of Subsection (2) is:
 - (a) a third degree felony if the offense for which the actor failed to appear is a felony;
 - (b) a class B misdemeanor if the offense for which the actor failed to appear is a misdemeanor; or
 - (c) an infraction if the offense for which the actor failed to appear is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-313 Threatened or attempted assault on an elected official.

- (1)
 - (a) As used in this section, "elected official" means:
 - (i) an elected official of the state, county, or city;
 - (ii) an immediate family member of an individual described in Subsection (1)(a)(i);
 - (iii) a temporary judge appointed to fill a vacant judicial position;
 - (iv) a judge not yet retained by a retention election;
 - (v) a member of a school board; or
 - (vi) an individual appointed to fill a vacant position of an individual described in Subsection (1)(a)(i).
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits threatened or attempted assault on an elected official:
 - (a) if the actor attempts or threatens, irrespective of a showing of immediate force or violence, to inflict bodily injury on an elected official with the intent to impede, intimidate, or interfere with the elected official in the performance of the elected official's official duties or with the intent to retaliate against the elected official because of the performance of the elected official's official duties; and
 - (b) if the actor's conduct described in Subsection (2)(a) involves a threat, the actor is reckless as to whether the actor's threat would be considered to be threatening by a reasonable person who received the threat.
- (3)
 - (a) Except as provided by Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.
 - (b) A violation of Subsection (2) is a third degree felony if:
 - (i) the actor attempts to inflict bodily injury; or
 - (ii) the elected official receives bodily injury.

Amended by Chapter 96, 2024 General Session

Amended by Chapter 179, 2024 General Session

76-8-316 Threat with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

- (1)
 - (a) As used in this section:
 - (i) "Board member" means an appointed member of the Board of Pardons and Parole.
 - (ii) "Family member" means a parent, spouse, surviving spouse, child, or sibling of a judge or board member.
 - (iii) "Judge" means:
 - (A) a judge of a court of record;
 - (B) a judge of a court not of record; or
 - (C) a court commissioner.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits threat with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor threatens to assault, kidnap, or murder a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-316.2 Assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

- (1)
 - (a) As used in this section:
 - (i) "Board member" means the same as that term is defined in Section 76-8-316.
 - (ii) "Family member" means the same as that term is defined in Section 76-8-316.
 - (iii) "Judge" means the same as that term is defined in Section 76-8-316.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits an assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
- (3) A violation of Subsection (2) is a second degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.4 Aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

- (1)

- (a) As used in this section:
 - (i) "Board member" means the same as that term is defined in Section 76-8-316.
 - (ii) "Family member" means the same as that term is defined in Section 76-8-316.
 - (iii) "Judge" means the same as that term is defined in Section 76-8-316.
- (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits aggravated assault with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits aggravated assault on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
- (3) A violation of Subsection (2) is a first degree felony.

Enacted by Chapter 96, 2024 General Session

76-8-316.6 Attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge or member of the Board of Pardons and Parole or acting against a family member of a judge or a member of the Board of Pardons and Parole.

- (1)
 - (a) As used in this section:
 - (i) "Board member" means the same as that term is defined in Section 76-8-316.
 - (ii) "Family member" means the same as that term is defined in Section 76-8-316.
 - (iii) "Judge" means the same as that term is defined in Section 76-8-316.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits attempted murder with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or family member if the actor commits attempted murder on a judge, a board member, or a family member with the intent to impede, intimidate, or interfere with the judge or board member while engaged in the performance of the judge's or board member's official duties, or with the intent to retaliate against the judge or board member on account of the performance of those official duties.
- (3) A violation of Subsection (2) is a first degree felony.
- (4) A member of the Board of Pardons and Parole is an executive officer for purposes of Subsection 76-5-202(2)(a)(xiii).

Enacted by Chapter 96, 2024 General Session

76-8-317 Refusal to comply with an order to evacuate or order issued in a local or state emergency.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits refusal to comply with an order to evacuate or order issued in a local or state emergency if the actor:
 - (a) receives notice of:
 - (i) an order to evacuate issued under Title 53, Chapter 2a, Emergency Management Act; or
 - (ii) an order issued:
 - (A) by the governor in a state of an emergency under Section 53-2a-204; or
 - (B) by a chief executive officer in a local emergency under Section 53-2a-205; and
 - (b) refuses to comply with the order described in Subsection (2)(a).
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-318 Assault or threat of violence against child welfare worker.

- (1)
 - (a) As used in this section:
 - (i) "Assault" means an offense under Section 76-5-102.
 - (ii) "Child welfare worker" means an employee of the Division of Child and Family Services created in Section 80-2-201.
 - (iii) "Threat of violence" means an offense under Section 76-5-107.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits assault or threat of violence against child welfare worker if:
 - (a) the actor is not:
 - (i) a prisoner or an individual detained under Section 77-7-15; or
 - (ii) a minor in the custody of or receiving services from a division within the Department of Health and Human Services;
 - (b) the actor knew that the victim was a child welfare worker; and
 - (c) the child welfare worker was acting within the scope of the child welfare worker's authority at the time of the assault or threat of violence.
- (3)
 - (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A misdemeanor.
 - (b) A violation of Subsection (2) is a third degree felony if the actor:
 - (i) causes substantial bodily injury; and
 - (ii) acts intentionally or knowingly.

Amended by Chapter 96, 2024 General Session

76-8-319 Aiding or concealing an adjudicated minor -- Trespass of a secure care facility -- Criminal penalties. juvenile offender -- Trespass of a secure care facility -- Criminal penalties.

- (1)
 - (a) As used in this section:
 - (i) "Abscond from a facility" means an adjudicated minor:
 - (A) leaves a facility without permission; or
 - (B) fails to return at a prescribed time.
 - (ii) "Abscond from supervision" means an adjudicated minor:
 - (A) changes the adjudicated minor's residence from the residence that the adjudicated minor reported to the division as the adjudicated minor's correct address to another residence, without notifying the division or obtaining permission; or
 - (B) for the purpose of avoiding supervision:
 - (I) hides at a different location from the adjudicated minor's reported residence; or
 - (II) leaves the adjudicated minor's reported residence.
 - (iii) "Adjudicated minor" means the same as the term "minor" is defined in Section 80-6-501.
 - (iv) "Division" means the Division of Juvenile Justice and Youth Services created in Section 80-5-103.
 - (v) "Facility" means the same as the term "detention facility" is defined in Section 80-1-102.
 - (vi) "Secure care" means the same as that term is defined in Section 80-1-102.

- (vii) "Secure care facility" means the same as that term is defined in Section 80-1-102.
- (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits aiding or concealing an adjudicated minor if the actor:
 - (a) knowingly harbors or conceals an adjudicated minor who has:
 - (i) escaped from secure care; or
 - (ii) absconded from:
 - (A) a facility or supervision; or
 - (B) supervision of the division; or
 - (b) willfully aided or assisted an adjudicated minor who has been lawfully committed to a secure care facility in escaping or attempting to escape from the secure care facility.
- (3) A violation of Subsection (2) is a third degree felony.

Renumbered and Amended by Chapter 96, 2024 General Session

76-8-320 Trespass of a secure care facility.

- (1)
 - (a) As used in this section:
 - (i) "Juvenile offender" means the same as that term is defined in Section 76-8-311.5.
 - (ii) "Secure care facility" means the same as that term is defined in Section 76-8-311.5.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits trespass of a secure care facility if the actor:
 - (a) without permission, enters or attempts to enter a building or enclosure appropriated to the use of juvenile offenders;
 - (b)
 - (i) enters any premises belonging to a secure care facility; and
 - (ii) commits or attempts to commit a trespass or damage on the premises of the secure care facility; or
 - (c) willfully annoys or disturbs the peace and quiet of:
 - (i) a secure care facility; or
 - (ii) a juvenile offender in a secure care facility.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Enacted by Chapter 96, 2024 General Session