

Part 5

Falsification in Official Matters

76-8-501 Definitions.

As used in this part:

- (1) "False statement" includes a false unsworn declaration.
- (2) "Material" means capable of affecting the course or outcome of an official proceeding, unless the individual who made the statement or provided the information retracts the statement or information before the earlier of:
 - (a) the end of the official proceeding in which the statement was made or the information was provided;
 - (b) when it becomes manifest that the false or misleading nature of the statement or information has been or will be exposed; or
 - (c) when the statement or information substantially affects the proceeding.
- (3) "Official proceeding" means:
 - (a) a proceeding before:
 - (i) a legislative, judicial, administrative, or other governmental body or official authorized by law to take evidence under oath or affirmation;
 - (ii) a notary; or
 - (iii) an individual who takes evidence in connection with a proceeding described in Subsection (3)(a)(i);
 - (b) a civil or administrative action, trial, examination under oath, administrative proceeding, or other civil or administrative adjudicative process; or
 - (c) an investigation or audit conducted by:
 - (i) the Legislature, or a house, committee, subcommittee, or task force of the Legislature; or
 - (ii) an employee or independent contractor of an entity described in Subsection (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).
- (4) "Unsworn declaration" means the same as that term is defined in Section 78B-18a-102.

Amended by Chapter 96, 2024 General Session

76-8-502 Making a false or inconsistent material statement.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits making a false or inconsistent material statement if the actor:
 - (a) makes a false material statement under oath or affirmation or swears or affirms the truth of a material statement previously made and the actor does not believe the statement to be true; or
 - (b) makes inconsistent material statements under oath or affirmation, both within the period of limitations, one of which is false and the actor does not believe to be true.
- (3) A violation of Subsection (2) is a second degree felony.
- (4) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
- (5)
 - (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.

- (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.

Amended by Chapter 96, 2024 General Session

76-8-503 Making a false or inconsistent statement.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) Except as provided in Subsection (6), an actor commits making a false or inconsistent statement if the actor:
 - (a) makes a false statement under oath or affirmation or swears or affirms the truth of the statement previously made and the actor does not believe the statement to be true if:
 - (i) the falsification occurs in an official proceeding, or is made with a purpose to mislead a public servant in performing the public servant's official functions; or
 - (ii) the statement is one that is authorized by law to be sworn or affirmed before a notary or other individual authorized to administer oaths; or
 - (b) makes inconsistent statements under oath or affirmation, both within the period of limitations, one of which is false and not believed by the actor to be true.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4)
 - (a) It is not a defense to prosecution under this section that the oath or affirmation was administered or taken in an irregular manner.
 - (b) It is a defense to prosecution under this section that the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
- (5)
 - (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's statement may not be established solely through contradiction by the testimony of a single witness.
 - (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or proved which of the statements are false but only that one or the other statement is false and not believed by the actor to be true.
- (6) Subsection (2) does not include obstructing a legislative proceeding, as described in Section 36-12-9.5.

Amended by Chapter 96, 2024 General Session

76-8-504 Making a written false statement.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits making a written false statement if:
 - (a) the actor makes a statement that the actor does not believe to be true on or under a form bearing a notification authorized by law to the effect that a false statement made therein is punishable; or
 - (b) with intent to deceive a public servant in the performance of the public servant's official function, the actor:
 - (i) makes a written false statement that the actor does not believe to be true;
 - (ii) knowingly creates a false impression in a written application for a pecuniary or other benefit by omitting information necessary to prevent a statement in the application from being misleading;
 - (iii) submits or invites reliance on a writing that the actor knows to be lacking in authenticity; or

- (iv) submits or invites reliance on a sample, specimen, map, boundary mark, or other object that the actor knows to be false.
- (3)
 - (a) Except as provided in 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 the false statement is on a financial declaration described in Section 77-38b-204.
- (4)
 - (a) An actor does not violate this section if the actor retracted the false statement before it became manifest that the falsity of the statement had been or would be exposed.
 - (b) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.

Amended by Chapter 96, 2024 General Session

76-8-504.5 Making a false statement to be used in a preliminary hearing.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits making a false statement to be used in a preliminary hearing if the actor makes a false statement that:
 - (a) the actor does not believe to be true;
 - (b) the actor has reason to believe will be used in a preliminary hearing; and
 - (c) the actor made after having been notified either verbally or in writing that:
 - (i) the statement may be used in a preliminary hearing before a magistrate or a judge; and
 - (ii) if the actor makes a false statement after having received this notification, the actor is subject to a criminal penalty.
- (3) A violation of Subsection (2) is a class A misdemeanor.
- (4) It is not a defense to prosecution under this section that, if applicable, an oath or affirmation was administered or taken in an irregular manner.
- (5) A notification under Subsection (2)(c) is sufficient if the notification is verbal or written and is in substantially the following form: "You are notified that statements you are about to make may be presented to a magistrate or a judge in lieu of your sworn testimony at a preliminary examination. Any false statement you make and that you do not believe to be true may subject you to criminal punishment as a class A misdemeanor."

Amended by Chapter 96, 2024 General Session

76-8-504.6 Providing false or misleading information.

- (1)
 - (a) As used in this section, "officer of the court" means:
 - (i) a prosecutor;
 - (ii) a judge;
 - (iii) a court clerk;
 - (iv) an interpreter;
 - (v) a presentence investigator;
 - (vi) a probation officer;
 - (vii) a parole officer; or
 - (viii) an individual reasonably believed to be gathering information for a criminal proceeding.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

- (2) An actor commits providing false or misleading information if the actor, not under oath or affirmation, intentionally or knowingly provides false or misleading material information to:
 - (a) an officer of the court for the purpose of influencing a criminal proceeding; or
 - (b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of eligibility for:
 - (i) expungement; or
 - (ii) removal of the person's name from the White Collar Crime Registry created in Title 77, Chapter 42, Utah White Collar Crime Offender Registry.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B misdemeanor.
- (4) This section does not apply under circumstances amounting to Section 76-8-306 or any other provision of this code carrying a greater penalty.

Amended by Chapter 96, 2024 General Session

76-8-506 Providing false information to a law enforcement officer, government agency, or specified professional.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits providing false information to a law enforcement officer, government agency, or specified professional if:
 - (a) the actor knowingly gives or causes to be given:
 - (i) false information to a peace officer or a state or local government agency or personnel with a purpose of inducing the recipient of the information to believe that another person has committed an offense;
 - (ii) information concerning the commission of an offense to a peace officer, a state or local government agency or personnel, or to an individual licensed in this state to practice social work, psychology, or marriage and family therapy, knowing that the offense did not occur or knowing that the actor has no information relating to the offense or danger; or
 - (iii) false information to a state or local government agency or personnel with a purpose of inducing a change in the actor's licensing or certification status or the licensing or certification status of another person; or
 - (b)
 - (i) at the time of the actor's arrest for an offense, the actor states to a law enforcement officer that the actor ingested drugs before the actor's arrest;
 - (ii) the law enforcement officer, based on the actor's statement described in Subsection (2)(b)(i), takes the actor to a health care facility for medical treatment; and
 - (iii) a medical examination of the actor demonstrates that the actor's statement described in Subsection (2)(b)(i) was false.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Amended by Chapter 491, 2024 General Session

76-8-507 Providing false personal information to a peace officer.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits providing false personal information to a peace officer if the actor knowingly:
 - (a) with intent of misleading a peace officer as to the actor's identity, birth date, or place of residence, gives a false name, birth date, or address to the peace officer in the lawful discharge of the peace officer's official duties; or

- (b) with the intent of leading a peace officer to believe that the actor is another actual individual, gives the name, birth date, or address of another individual to the peace officer acting in the lawful discharge of the peace officer's official duties.
- (3)
 - (a) A violation of Subsection (2)(a) is a class C misdemeanor.
 - (b) A violation of Subsection (2)(b) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-508 Tampering with a witness.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits tampering with a witness if the actor:
 - (a)
 - (i) believes that an official proceeding or investigation is pending or about to be instituted; or
 - (ii) intends to prevent an official proceeding or investigation; and
 - (b) attempts to induce or otherwise cause another individual to:
 - (i) testify or inform falsely;
 - (ii) withhold testimony, information, a document, or an item;
 - (iii) elude legal process summoning the individual to provide evidence; or
 - (iv) absent the individual from a proceeding or investigation to which the individual has been summoned.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Amended by Chapter 96, 2024 General Session

76-8-508.3 Retaliation against a witness, victim, or informant.

- (1)
 - (a) As used in this section:
 - (i) "An individual closely associated with a witness, victim, or informant" means an individual who is a member of the witness's, victim's, or informant's family, has a close personal or business relationship with the witness or victim, or resides in the same household with the witness, victim, or informant.
 - (ii) "Harm" means physical, emotional, or economic injury or damage to a person or to his property, reputation, or business interests.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits retaliation against a witness, victim, or informant if the actor:
 - (a) believes that an official proceeding or investigation is pending, is about to be brought, or has been concluded;
 - (b) makes a threat of harm or causes harm; and
 - (c) directs the threat or action causing harm as retaliation or retribution against a witness or an informant involved in an official proceeding, a victim of a crime, or an individual closely associated with a witness, victim, or informant.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

- (5) This section does not prohibit an individual from seeking other legal redress to which the individual is otherwise entitled.

Amended by Chapter 96, 2024 General Session

76-8-508.5 Tampering with or retaliating against a juror.

- (1)
- (a) As used in this section, "juror" means an individual:
 - (i) summoned for jury duty; or
 - (ii) serving as or having served as a juror or alternate juror in any court or as a juror on any grand jury of the state.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits tampering or retaliating against a juror if the actor:
- (a) attempts to or actually influences a juror in the discharge of the juror's service by:
 - (i) communicating with the juror by any means, directly or indirectly, except for an attorney in the lawful discharge of the attorney's duties in open court;
 - (ii) offering, conferring, or agreeing to confer any benefit upon the juror; or
 - (iii)
 - (A) communicating to the juror a threat that a reasonable person would believe to be a threat to injure:
 - (I) the juror's person or property; or
 - (II) the person or property of another individual in whose welfare the juror is interested; and
 - (B) 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; or
 - (b) commits an unlawful act in retaliation for an action taken by the juror in the discharge of the juror's service:
 - (i) to the juror's person or property; or
 - (ii) to the person or property of another individual in whose welfare the juror is interested.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

Amended by Chapter 179, 2024 General Session

76-8-508.7 Receiving or soliciting a bribe as a witness.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits receiving or soliciting a bribe as a witness if the actor:
- (a) believes that an official proceeding or investigation is pending or about to be instituted; and
 - (b) solicits, accepts, or agrees to accept a benefit in consideration of the actor:
 - (i) testifying or informing falsely;
 - (ii) withholding testimony, information, a document, or an item;
 - (iii) eluding legal process summoning the actor to provide evidence; or
 - (iv) absenting the actor from a proceeding or investigation to which the actor has been summoned.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) A violation under this section does not merge with another substantive offense committed in the course of violating this section.

Enacted by Chapter 96, 2024 General Session

76-8-509 Extortion or bribery to dismiss a criminal proceeding.

- (1)
 - (a) As used in this section, "victim" includes a child or other individual under the care or custody of a parent or guardian.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits extortion or bribery to dismiss a criminal proceeding if the actor attempts to induce an alleged victim of a crime to take an action to secure the dismissal or to prevent the filing of a criminal complaint, indictment, or information by:
 - (a) the use of force; or
 - (b) a threat that would constitute a means of committing the offense of theft by extortion under Section 76-6-406 if the threat were employed to obtain property or by promise of a reward or pecuniary benefit.
- (3) A violation of Subsection (2) is a second degree felony.

Amended by Chapter 96, 2024 General Session

76-8-510.5 Tampering with evidence.

- (1)
 - (a) As used in this section, "thing or item" includes any document, record book, paper, file, electronic compilation, or other evidence.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits tampering with evidence if the actor:
 - (a)
 - (i) believes that an official proceeding or investigation is pending or about to be instituted; or
 - (ii) intends to prevent an official proceeding or investigation or to prevent the production of a thing or item which reasonably would be anticipated to be evidence in the official proceeding or investigation; and
 - (b) knowingly or intentionally:
 - (i) alters, destroys, conceals, or removes a thing or item with the purpose of impairing the veracity or availability of the thing or item in the proceeding or investigation; or
 - (ii) makes, presents, or uses a thing or item which the actor knows to be false with the purpose of deceiving a public servant or other party who is or may be engaged in the proceeding or investigation.
- (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 offense is committed in conjunction with an official proceeding.
- (4) Subsection (2) does not apply to any offense that amounts to a violation of Section 76-8-306.

Amended by Chapter 96, 2024 General Session

76-8-511 Falsification or alteration of a government record.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

- (2) An actor commits falsification or alteration of a government record if, under circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter 6, Part 5, Fraud, the actor:
 - (a) knowingly makes a false entry in or false alteration of anything belonging to, received, or kept by the government for information or record, or required by law to be kept for information of the government;
 - (b) presents or uses anything knowing it to be false and with a purpose that it be taken as a genuine part of information or record referred to in Subsection (2)(a); or
 - (c) intentionally destroys, conceals, or otherwise impairs the verity or availability of the information or record, knowing that the destruction, concealment, or impairment is unlawful.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-512 Impersonation of officer.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits impersonation of an officer if the actor:
 - (a) impersonates a public servant or a peace officer with intent to deceive another individual or with intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act;
 - (b) falsely states that the actor is a public servant or a peace officer with intent to deceive another individual or to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act; or
 - (c) displays or possesses without authority a badge, identification card, other form of identification, a restraint device, the uniform of a state or local governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive another individual or with the intent to induce another individual to submit to the actor's pretended official authority or to rely upon the actor's pretended official act.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-513 Sending a false judicial or official notice.

- (1)
 - (a) As used in this section:
 - (i) "Official document" means:
 - (A) a summons, complaint, court order, or process; or
 - (B) an insignia, seal, or printed form of a federal, state, or local governmental entity or an instrumentality of a federal, state, or local governmental entity.
 - (ii)
 - (A) "False official document" means a document that has the appearance or format of an official document but that has not been sanctioned by the relevant governmental entity.
 - (B) "False official document" includes a document calculated to induce an individual to believe that the document is an official document of the relevant governmental entity.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

- (2) An actor commits sending a false judicial or official notice if the actor knowingly sends, mails, or delivers to an individual a false official document with the purpose to procure the compliance of the individual.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-515 Impersonation of a utility officer or employee.

- (1)
 - (a) As used in this section:
 - (i) "Critical infrastructure facility" means the same as that term is defined in Section 76-6-106.3.
 - (ii) "Sabotage" means the same as that term is defined in Section 76-8-901.
 - (iii) "Terrorism" means the same as that term is defined in Section 53-2a-102.
 - (iv) "Utility" means a private or governmental entity operating a critical infrastructure facility.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.
- (2) An actor commits impersonation of a utility officer or employee if the actor, without authority from a utility:
 - (a) intends to lead an individual to believe that the actor is acting on behalf of the utility in an official capacity; and
 - (b) attempts to act on behalf of the utility.
- (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, while taking the action described in Subsection (2), intends to commit an act of terrorism or sabotage.

Amended by Chapter 96, 2024 General Session