

Part 8 Sabotage Prevention

76-8-801 Definitions.

For the purpose of this part:

- (1) "Highway" includes any private or public street, way, or other place used for travel to or from property.
- (2) "Highway commissioners" means any individual, board, or other body having authority under then existing law to discontinue the use of the highway which it is desired to restrict or close to public use and travel.
- (3) "Public utility" includes any pipeline, gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, railroad, airplane, transportation communication or other system by whomsoever owned or operated for public use.

Enacted by Chapter 196, 1973 General Session

76-8-802 Destruction of property to interfere with preparation for defense or war.

Whoever intentionally destroys, impairs, injures, interferes, or tampers with real or personal property with reasonable grounds to believe that the act will hinder, delay, or interfere with the preparation of the United States or of any of the states for defense or for war, or with the prosecution of war by the United States, shall be guilty of a felony of the second degree.

Enacted by Chapter 196, 1973 General Session

76-8-803 Causing or omitting to note defects in articles used in preparation for defense or war.

Whoever intentionally makes or causes to be made or omits to note on inspection any defect in any article or thing with reasonable grounds to believe that the article or thing is intended to be used in connection with the preparation of the United States or any of the states for defense or for war, or for the prosecution of war by the United States, or that the article or thing is one of a number of similar articles or things, some of which are intended so to be used, shall be guilty of a felony of the third degree.

Enacted by Chapter 196, 1973 General Session

76-8-804 Attempts to commit crimes of sabotage.

Whoever attempts to commit any of the crimes defined by this part shall be punishable for the attempt as prescribed in Section 76-4-102. In addition to the acts which constitute an attempt to commit crime under the law of this state, the solicitation or incitement of another to commit any of the crimes defined by this part not allowed by the commission of the crime, the collection or assemblage of any materials with the intent that they are to be used then or at a later time in the commission of the crime, or the entry, with or without permission, of a building, enclosure or other premises of another with the intent to commit any such crime therein or thereon shall constitute an attempt to commit the crime.

Enacted by Chapter 196, 1973 General Session

76-8-805 Conspiracy to commit crimes of sabotage.

If two or more persons conspire to commit any crime defined by this part each of the persons is guilty of conspiracy and subject to the same punishment as if he had committed the crime which he conspired to commit, whether or not any act be done in furtherance of the conspiracy. It shall not constitute any defense or ground of suspension of judgment, sentence, or punishment on behalf of any person prosecuted under this section that any of his fellow conspirators has been acquitted, has not been arrested or convicted, or is amenable to justice or has been pardoned or otherwise discharged before or after conviction.

Enacted by Chapter 196, 1973 General Session

76-8-806 Facts kept secret until complaint filed.

A person may not make public any evidence of fact or the name of the person accused of violating the provisions of Sections 76-8-802, 76-8-803, 76-8-804, and 76-8-805 prior to the filing of a formal complaint by the prosecuting attorney or committing magistrate charged with the performance of that duty.

Amended by Chapter 296, 1997 General Session

76-8-807 Posting of signs at war or defense facilities -- Entering posted premises without permission.

- (1) Any individual, partnership, association, corporation, municipal corporation, or state or any political subdivision thereof engaged in, or preparing to engage in, the manufacture, transportation or storage of any product to be used in the preparation of the United States or of any of the states for defense or for war or in the prosecution of war by the United States, or the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any natural or artificial persons operating any public utility, whose property, except where it fronts on water or where there are entrances for railway cars, vehicles, persons, or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post around his or its property at each gate, entrance, dock, or railway entrance and every one hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also designate a point of entrance or place where application may be made for permission to enter, and permission shall not be denied to any loyal citizen who has a valid right to enter.
- (2) Any person willfully entering property enumerated in Subsection (1), without permission of the owner, shall be guilty of a class C misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-808 Detention and arrest without warrant of unauthorized persons on posted premises.

Any peace officer or any person employed as watchman, guard, or in a supervisory capacity on premises posted as provided in Section 76-8-807 may stop any person found on any premises to which entry without permission is forbidden by Section 76-8-807 and may detain him for the purpose of demanding, and may demand, of him, his name, address, and business in such place. If the peace officer or employee has reason to believe that the person has no right to be in the place, he shall release the person or he may arrest him without a warrant on the charge of violating the provisions of Section 76-8-807; and the employee shall release him or turn him over to the peace officer, or may arrest him without a warrant on the charge of violating the provisions of Section 76-8-807.

Enacted by Chapter 196, 1973 General Session

76-8-809 Closing or restricting use of highways abutting defense or war facilities -- Posting of notices.

Any individual, partnership, association, corporation, municipal corporation or state or any political subdivision thereof engaged in or preparing to engage in the manufacture, transportation or storage of any product to be used in the preparation of the United States or any of the states for defense or for war or in the prosecution of war by the United States, or in the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or any of said natural or artificial persons operating any public utility who has property so used which he or it believes will be endangered if public use and travel is not restricted or prohibited on one or more highways or parts thereof upon which the property abuts, may petition the highway commissioners of any city, town, or county to close one or more of the highways or parts thereof to public use and travel or to restrict by order the use and travel upon one or more of the highways or parts thereof.

Upon receipt of the petition, the highway commissioners shall set a day for hearing and give notice thereof by publication in a newspaper having general circulation in the city, town, or county in which the property is located and as required in Section 45-1-101, the publication shall be made at least seven days prior to the date set for hearing. If, after hearing, the highway commissioners determine that the public safety and the safety of the property of the petitioner so require, they shall by suitable order close to public use and travel or reasonably restrict the use of and travel upon one or more of the highways or parts thereof; provided the highway commissioners may issue written permits to travel over the highway so closed or restricted to responsible and reputable persons for a term, under conditions and in a form as the commissioners may prescribe. Appropriate notices in letters at least three inches high shall be posted conspicuously at each end of any highway so closed or restricted by an order. The highway commissioners may at any time revoke or modify any order so made.

Amended by Chapter 388, 2009 General Session

76-8-810 Violation of order relating to use of highways -- Classification of offense.

Whoever violates any order made under the immediate preceding section shall be guilty of a class C misdemeanor.

Enacted by Chapter 196, 1973 General Session

76-8-811 Bargaining rights of employees not impaired by sabotage prevention laws.

Nothing in this part shall be construed to impair, curtail, or destroy the rights of employees and their representatives to self organize, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection as provided by state or federal laws.

Amended by Chapter 20, 1995 General Session