

Chapter 8 Offenses Against the Administration of Government

Part 1 Corrupt Practices

76-8-101 Definitions.

As used in this chapter:

- (1) "Party official" means an individual holding any post in a political party whether by election, appointment, or otherwise.
- (2) "Peace officer" means an employee of a police or law enforcement agency that is part of or administered by the state or a political subdivision of the state, and whose duties consist primarily of the prevention and detection of crime and the enforcement of criminal statutes or ordinances of this state or a political subdivision of the state.
- (3)
 - (a) "Pecuniary benefit" means an advantage in the form of money, property, commercial interest, or anything else, the primary significance of which is economic gain.
 - (b) "Pecuniary benefit" does not include economic advantage applicable to the public generally, such as tax reduction or increased prosperity generally.
- (4)
 - (a) "Public property" means real or personal property that is owned, held, or managed by a public entity.
 - (b) "Public property" includes real or personal property that is owned, held, or managed by a public entity after the real or personal property is transferred by the public entity to an independent contractor of the public entity.
 - (c) "Public property" remains public property while in the possession of an independent contractor of a public entity for the purpose of providing a program or service for, or on behalf of, the public entity.

Amended by Chapter 96, 2024 General Session

76-8-102 Campaign contributions not prohibited.

- (1) Nothing in this chapter shall be construed to prohibit the giving or receiving of campaign contributions made for the purpose of defraying the costs of a political campaign.
- (2) No person shall be convicted of an offense solely on the evidence that a campaign contribution was made and that an appointment or nomination was subsequently made by the person to whose campaign or political party the contribution was made.

Amended by Chapter 96, 2024 General Session

76-8-103 Bribery or offering a bribe.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits bribery or offering a bribe if the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion of a public servant, party official, or voter.
- (3) A violation of Subsection (2) is:

- (a) a second degree felony if the value of the benefit is \$1,000 or more; or
 - (b) a third degree felony if the value of the benefit is less than \$1,000.
- (4) It is not a defense to a prosecution under this statute that:
- (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
 - (b) the person sought to be influenced did not act in the desired way; or
 - (c) the benefit is not conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or
 - (ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-104 Threat to influence official or political action.

- (1)
- (a) As used in this section:
 - (i) "Harm" means any disadvantage or injury, pecuniary or otherwise, including disadvantage or injury to any other person or entity in whose welfare the public servant, party official, or voter is interested.
 - (ii) "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 threat to influence official or political action if the actor, with a purpose of influencing an action, decision, opinion, recommendation, nomination, vote, or other exercise of discretion of a public servant, party official, or voter, threatens harm to:
- (a) the public servant, party official, or voter; or
 - (b) a person or entity in whose welfare the public servant, party official, or voter is interested.
- (3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-105 Receiving or soliciting bribe or bribery by public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits receiving or soliciting a bribe if the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that the purpose or intent is to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public servant, party official, or voter.
- (3) A violation of Subsection (2) is:
- (a) a second degree felony if the value of the benefit asked for, solicited, accepted, or conferred is more than \$1,000; or
 - (b) a third degree felony if the value of the benefit asked for, solicited, accepted, or conferred is \$1,000 or less.
- (4) It is not a defense to a prosecution under this statute that:
- (a) the person sought to be influenced was not qualified to act in the desired way, whether because the person had not assumed office, lacked jurisdiction, or for any other reason;
 - (b) the person sought to be influenced did not act in the desired way; or
 - (c) the benefit is not asked for, conferred, solicited, or accepted until after:
 - (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or exercise of discretion, has occurred; or

(ii) the public servant ceases to be a public servant.

Amended by Chapter 96, 2024 General Session

76-8-106 Receiving bribe for endorsement of person as a public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits receiving a bribe for endorsement of a person as a public servant if the actor solicits, accepts, agrees to accept for the actor's self, another person, or a political party, money or any other pecuniary benefit as compensation for the actor's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-106.1 Bribery for endorsement of person as public servant.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits bribery for endorsement of a person as a public servant if the actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or a political party as compensation for the person's or political party's endorsement, nomination, appointment, approval, or disapproval of any person for a position as a public servant or for the advancement of any public servant.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-107 Alteration of proposed legislative bill or resolution.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits alteration of proposed legislative bill or resolution if the actor fraudulently alters the draft of a bill or resolution that has been presented to either of the houses composing the Legislature to be passed or adopted, with intent to procure the proposed legislative bill or resolution being passed or adopted by either house, or certified by the presiding officer of either house in language different from that intended by either house.

Amended by Chapter 96, 2024 General Session

76-8-108 Alteration of enrolled legislative bill or resolution.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits alteration of enrolled legislative bill or resolution if the actor fraudulently alters the enrolled copy of a bill or resolution that has been passed or adopted by the Legislature with intent to procure the enrolled bill or resolution to be approved by the governor or certified by the Division of Archives, or printed or published by the printer of statutes, in language different from that in which the enrolled bill or resolution was passed or adopted by the Legislature.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-110 Prohibited action by peace officer for collection agency or creditor.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits prohibited action by peace officer for collection agency or creditor if the actor:
 - (a) is a peace officer; and
 - (b)
 - (i) has an interest in a collection agency; or
 - (ii) acts as a compensated collection agent for a creditor or collection agency.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 General Session

**Part 2
Abuse of Office**

76-8-201 Official misconduct -- Unauthorized acts or failure of duty.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits official misconduct based on an unauthorized act or failure of duty if the actor:
 - (a) is a public servant; and
 - (b) with an intent to benefit the actor or another or to harm another, the actor knowingly:
 - (i) commits an unauthorized act that purports to be an act of the actor's office; or
 - (ii) knowingly refrains from performing a duty imposed on the actor by law or clearly inherent in the nature of the actor's office.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-202 Official misconduct concerning inside information.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits official misconduct concerning inside information if:
 - (a) the actor is a public servant; and
 - (b) knowing that official action is contemplated, or in reliance on information that the actor has acquired by virtue of the actor's office or from another public servant, which information has not been made public, the actor:
 - (i) acquires or divests the actor's self of a pecuniary interest in any property, transaction, or enterprise that may be affected by such action or information;
 - (ii) speculates or wagers on the basis of such action or information; or
 - (iii) knowingly aids another person to do an action described in Subsection (2)(b)(i) or (2)(b)(ii).
- (3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-203 Unofficial misconduct.

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

- (2) An actor commits unofficial misconduct if the actor exercises or attempts to exercise any of the functions of a public office when the actor:
 - (a) has not taken and filed the required oath of office;
 - (b) has failed to execute and file a required bond;
 - (c) has not been elected or appointed to office;
 - (d) exercises any of the functions of the actor's office after the actor's term has expired and the successor has been elected or appointed and has qualified, or after the actor's office has been legally removed; or
 - (e) knowingly:
 - (i) withholds or retains from the actor's successor in office, or other person entitled to possession, the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office; or
 - (ii) mutilates, destroys, or takes away the official seal or a record, paper, document, or other writing appertaining or belonging to the actor's office.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

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

Part 4 Offenses Against Public Property

76-8-402 Misusing public money or public property -- Disqualification from office.

- (1)
- (a) As used in this section, "authorized personal use" means:
 - (i) the use of public property, for a personal matter, by an actor who is a public servant if:
 - (A) the actor is authorized to use or possess the public property to fulfill the actor's duties as a public servant;
 - (B) the primary purpose of the actor using or possessing the public property is to fulfill the actor's duties as a public servant;
 - (C) at the time the actor uses the public property for a personal matter, a written policy of the actor's public entity is in effect that authorizes the actor to use or possess the public property for personal use in addition to the primary purpose of fulfilling the actor's duties as a public servant; and
 - (D) the actor uses and possesses the public property in a lawful manner and in accordance with the policy described in Subsection (1)(a)(i)(C); or
 - (ii) incidental or de minimus use of public property for a personal matter by an actor who is a public servant if:
 - (A) the value provided to the actor's public entity by the actor's use or possession of the public property for a public purpose substantially outweighs the personal benefit received by the actor from the incidental use of the public property for a personal matter; and
 - (B) the incidental or de minimus use of the public property for a personal matter is not prohibited by law or by the actor's public entity.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits misusing public money or public property if the actor is a public servant and knowingly:
- (a) appropriates public money to the actor's own use or benefit or to the use or benefit of another person without authority of law;
 - (b) loans or transfers public money without authority of law;
 - (c) fails to keep public money in the actor's possession until disbursed by authority of law;
 - (d) deposits public money in a bank or with another person in violation of the written policy of the actor's public entity or the requirements of law;
 - (e) keeps a false account or makes a false entry or erasure in an account of, or relating to, public money;
 - (f) fraudulently alters, falsifies, conceals, or destroys an account described in Subsection (2)(e);
 - (g) refuses or omits to pay over, on demand, any public money in the actor's custody or control, upon the presentation of a draft, order, or warrant drawn upon the public money by competent authority;
 - (h) omits to transfer public money when the transfer is required by law;
 - (i) omits or refuses to pay over, to an officer or person authorized by law to receive public money, public money received by the actor under any duty imposed on the actor by law;

- (j) damages or disposes of public property in violation of the written policy of the actor's public entity or the requirements of law;
 - (k) obtains or exercises unauthorized control of public property with the intent to deprive the owner of possession of the public property;
 - (l) obtains or exercises unauthorized control of public property with the intent to temporarily appropriate, possess, use, or deprive the owner of possession of the public property;
 - (m) appropriates public property to the actor's own use or benefit or to the use or benefit of another person without authority of law;
 - (n) loans or transfers public property without authority of law; or
 - (o) fails to keep public property in the actor's possession until returned to the property owner or disposed of or relinquished in accordance with the written policy of the actor's public entity and the requirements of law.
- (3)
- (a) Except as provided by Subsection (3)(b), a violation of Subsections (2)(a) through (i) is a third degree felony.
 - (b) A violation of Subsections (2)(a) through (i) is a second degree felony if:
 - (i) the value of the public money exceeds \$5,000;
 - (ii) the amount of the false account exceeds \$5,000;
 - (iii) the amount falsely entered exceeds \$5,000;
 - (iv) the amount that is the difference between the original amount and the fraudulently altered amount exceeds \$5,000; or
 - (v) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the account exceeds \$5,000.
 - (c) A violation of Subsection (2)(j) is:
 - (i) a class B misdemeanor if the cost to repair or replace the public property is less than \$500;
 - (ii) a class A misdemeanor if the cost to repair or replace the public property is \$500 or more, but less than \$1,500;
 - (iii) a third degree felony if the cost to repair or replace the public property is \$1,500 or more, but less than \$5,000; or
 - (iv) a second degree felony if the cost to repair or replace the public property is \$5,000 or more.
 - (d) A violation of Subsection (2)(k), (m), (n), or (o) is:
 - (i) a class B misdemeanor if the value of the public property is less than \$500;
 - (ii) a class A misdemeanor if the value of the public property is \$500 or more, but less than \$1,500;
 - (iii) a third degree felony if the value of the public property is \$1,500 or more, but less than \$5,000; or
 - (iv) a second degree felony if the value of the public property is \$5,000 or more.
 - (e) A violation of Subsection (2)(l) is:
 - (i) a class C misdemeanor if the value of the public property is less than \$500;
 - (ii) a class B misdemeanor if the value of the public property is \$500 or more, but less than \$1,500;
 - (iii) a class A misdemeanor if the value of the public property is \$1,500 or more, but less than \$5,000; or
 - (iv) a third degree felony if the value of the public property is \$5,000 or more.
- (4) It is not a defense to a violation of Subsection (2) that:
- (a) subsequent to the violation, a public entity modifies or adopts a policy or law, or takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a violation; or

- (b) a written policy of the actor's public entity permits private use of the public property if it is proven, beyond a reasonable doubt, that the actor did not comply with the written policy.
- (5) Subsections (2)(j) through (2)(o) do not apply to the authorized personal use of public property.
- (6) In addition to the punishment described in Subsection (3), an actor who:
 - (a) is convicted of a felony offense under this section may not disburse public funds or access public accounts; or
 - (b) is a public officer and is convicted of a felony offense under this section is disqualified from holding public office if:
 - (i) regardless of whether the public officer receives, safekeeps, transfers, disburses, or has a fiduciary relationship with public money, the public officer makes a profit from or out of public money or public property; or
 - (ii) the public officer uses public money or public property in a manner or for a purpose not authorized by law.

Amended by Chapter 96, 2024 General Session

76-8-403 Failure to keep and pay over public money.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) Except as otherwise provided in Subsection 76-8-402(3)(b), an actor commits failure to keep and pay over public money if the actor:
 - (a) receives, safekeeps, transfers, or disburses public money; and
 - (b) neglects or fails to keep and pay over the public money in the manner prescribed by law.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-405 Failure to pay over a fine, forfeiture, or fee.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits failure to pay over a fine, forfeiture, or fee if the actor:
 - (a) is a public officer;
 - (b) receives any fine, forfeiture, or fee; and
 - (c) refuses or neglects to pay over the fine, forfeiture, or fee within the time prescribed by law.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-406 Obstructing the collection of revenue.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits obstructing the collection of revenue if the actor willfully obstructs or hinders a public officer who is empowered by law to collect revenue, taxes, or other sums of money from collecting revenue, taxes, or other sums of money in which this state is interested.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-407 Refusing to give accurate tax assessment information.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits refusing to give accurate tax assessment information if the actor:
 - (a) unlawfully refuses, upon demand, to give to a county assessor or deputy county assessor a list of the actor's property subject to taxation, or to swear to such list; or
 - (b) gives a false name, or fraudulently refuses to give the actor's true name when demanded by the county assessor or deputy county assessor in the discharge of the assessor's official duties.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-408 Giving a false tax receipt or failing to give a receipt.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits giving a false tax receipt or failing to give a receipt if the actor:
 - (a) uses or gives a receipt, except that prescribed by law, as evidence of the payment for a tax or license of any kind; or
 - (b) receives payment for the tax or license without delivering the receipt prescribed by law.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409 Refusing to give a tax assessor or tax or license fee collector a list of employees.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits refusing to give a tax assessor or tax or license fee collector a list of employees if the actor refuses to give the assessor or collector the name and residence of each individual in the actor's employ when requested by the assessor or collector.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-409.2 Denying a tax assessor or tax or license fee collector access to a building or place of employment.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits denying a tax assessor or tax or license fee collector access to a building or place of employment if the actor refuses to give the assessor or collector access to the building or place of employment when access is requested by the assessor or collector.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-410 Doing business without a license.

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

- (2) An actor commits doing business without a license if the actor commences or carries on a business, trade, profession, or calling, for which a license is required by law, or by county, city, or town ordinance, without obtaining the required license.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-411 Trafficking in warrants.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits trafficking in warrants if the actor:
 - (a) is a state, county, city, town, or district officer; and
 - (b) directly or indirectly contracts for or purchases a warrant or order issued by the state, county, city, town, or district of which the actor is an officer, at any discount whatever upon the sum due on the warrant or order.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-412 Stealing, destroying or mutilating public records by custodian.

- (1)
 - (a) As used in this section, "public record" means the following records filed or deposited in a public office:
 - (i) a record;
 - (ii) a map;
 - (iii) a book; or
 - (iv) a paper or proceeding of a court.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits stealing, destroying, or mutilating a public record by a custodian if the actor:
 - (a) is a government officer who has custody of a public record; and
 - (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secretes the whole or a part of the public record or permits another individual to do so.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-413 Stealing, destroying or mutilating public records by one not custodian.

- (1)
 - (a) As used in this section, "public record" means the same as that term is defined in Section 76-8-412.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits stealing, destroying, or mutilating a public record by a noncustodian if the actor:
 - (a) does not have lawful custody of a public record; and
 - (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secretes the whole or a part of the public record or permits another individual to do so.

(3) A violation of Subsection (2) is a class A misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-414 Recording a false or forged instrument.

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

(2) An actor commits recording a false or forged instrument if the actor knowingly procures or offers a false or forged instrument to be filed, registered, or recorded in a public office, which instrument, if genuine, might be filed or registered or recorded under a law of this state or of the United States.

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

Amended by Chapter 96, 2024 General Session

76-8-415 Damaging or removing a monument of an official survey.

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

(2) An actor commits damaging or removing a monument of an official survey if the actor willfully injures, defaces, or removes a signal, monument, building, or appurtenance thereto, placed, erected, or used by persons engaged in the United States or state survey.

(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416 Taking a toll or maintaining a road, bridge, or ferry without authority.

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

(2) An actor commits taking a toll or maintaining a road, bridge, or ferry without authority if the actor, without authority:

(a) demands or receives compensation for the use of a bridge or ferry; or

(b) sets up or keeps a road, bridge, ferry, or constructed ford, for the purpose of receiving remuneration for the road's, bridge's, ferry's, or constructed ford's use.

(3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-416.2 Refusal to pay a lawful toll.

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

(2) An actor commits refusal to pay a lawful toll if the actor, after having used a licensed toll road, bridge, ferry, or constructed ford, refuses to pay on demand the compensation or fee authorized to be collected for use of the licensed toll road, bridge, ferry, or constructed ford.

(3) A violation of Subsection (2) is a class B misdemeanor.

Enacted by Chapter 96, 2024 General Session

76-8-417 Tampering with an official notice or proclamation.

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

(2) An actor commits tampering with an official notice or proclamation if the actor intentionally defaces, obliterates, tears down, or destroys:

(a) a copy, transcript, or extract from or of a law of the United States or of this state; or

- (b) a proclamation, advertisement, or notice, set up in this state by authority of a law of the United States or of this state, or by order of a court or of a public officer, before the expiration of the time for which the proclamation, advertisement, or notice was to remain set up.
- (3) A violation of Subsection (2) is an infraction.

Amended by Chapter 96, 2024 General Session

76-8-418 Damaging a jail or other place of confinement.

- (1)
 - (a) As used in this section:
 - (i) "Child" means the same as that term is defined in Section 80-1-102.
 - (ii) "Detention facility" means the same as that term is defined in Section 80-1-102.
 - (iii) "Secure care facility" means the same as that term is defined in Section 80-1-102.
 - (iv) "Shelter 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 damaging a jail or other place of confinement if the actor willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise damages a public jail or other place of confinement, including a detention facility, a shelter facility, or a secure care facility.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) This section is applicable to a child who willfully and intentionally commits an offense against a public jail, a detention facility, a shelter facility, or a secure care facility.

Amended by Chapter 96, 2024 General Session

76-8-419 Damaging a highway or bridge.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits damaging a highway or bridge if the actor intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise damages or destroys a public highway or private way laid out by authority of law, or a bridge upon the highway or private way.
- (3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree felony.
- (4) If the violation of this section constitutes an offense subject to a greater penalty under another provision of Title 76, Utah Criminal Code, than is provided under this section, this section does not prohibit the prosecution and sentencing for the offense subject to a greater penalty.

Amended by Chapter 96, 2024 General Session

76-8-420 Removing or damaging a road sign.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits removing or damaging a road sign if the actor intentionally or knowingly removes or damages:
 - (a) a milepost, milestone, or guidepost erected on a highway; or
 - (b) an inscription on a milepost, milestone, or guidepost.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

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

**Part 6
Abuse of Process**

76-8-601 Wrongful commencement of an action in justice court.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits wrongful commencement of an action in justice court if the actor:
 - (a) is:
 - (i) a party to a suit or a proceeding; or
 - (ii) an agent or attorney for a party to a suit or proceeding; and
 - (b) except as provided in Section 78A-7-105 or 78A-7-106, knowingly commences, prosecutes, or maintains an action, suit, or proceeding in a justice court.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-602 Wrongfully conferring jurisdiction upon a justice court.

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

- (2) An actor commits wrongfully conferring jurisdiction upon a justice court if the actor, for the purpose of conferring jurisdiction of a cause upon a justice court in a precinct or city that would be without jurisdiction except for the liability of the joint obligor, binds the actor's self, voluntarily becomes liable jointly or jointly and severally with another person, or induces a person to assume a liability.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

76-8-603 Wrongfully issued writ of attachment by a justice court judge.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits wrongfully issued writ of attachment by a justice court judge if the actor:
 - (a) is a justice court judge; and
 - (b) issues a writ of attachment in an action, suit, or proceeding:
 - (i) before the affidavit is filed; or
 - (ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:
 - (a) double the value of the attached property;
 - (b) all costs paid by the person; and
 - (c) all damages incurred in the attachment proceedings.

Amended by Chapter 96, 2024 General Session

76-8-604 Wrongful inducement to receive writ of attachment.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits wrongful inducement to receive writ of attachment if the actor:
 - (a) is:
 - (i) a party to an action, suit, or proceeding;
 - (ii) an agent of a party to an action, suit, or proceeding; or
 - (iii) an attorney of a party to an action, suit, or proceeding; and
 - (b) advises, induces, or procures the issuance of a writ of attachment in the action, suit or proceeding:
 - (i) before the affidavit is filed; or
 - (ii) in which the affidavit filed does not conform substantially with the requirements of Rule 64C of the Utah Rules of Civil Procedure.
- (3) A violation of Subsection (2) is a class B misdemeanor.
- (4) In addition to the penalty under Subsection (3), an actor is liable to the person whose property, credits, money, or earnings are attached for:
 - (a) double the value of the attached property;
 - (b) all costs paid by the person; and
 - (c) all damages incurred in the attachment proceedings.

Enacted by Chapter 96, 2024 General Session

Part 7

Colleges and Universities

76-8-703 Criminal trespass upon an institution of higher education.

- (1)
 - (a) As used in this section:
 - (i) "Chief administrative officer" means the same as that term is defined in Section 53B-20-107.
 - (ii) "Enters" means intrusion of the entire body.
 - (iii) "Institution of higher education" means the same as that term is defined in Section 53B-20-107.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits criminal trespass upon an institution of higher education if the actor enters or remains on property that is owned, operated, or controlled by an institution of higher education:
 - (a) after being ordered to leave by the chief administrative officer; or
 - (b) without authorization if notice against entry or remaining has been given by:
 - (i) personal communication to the person by the chief administrative officer or a person with apparent authority to act for the institution of higher education;
 - (ii) the posting of signs reasonably likely to come to the attention of a trespasser;
 - (iii) fencing or other enclosure obviously designed to exclude a trespasser; or
 - (iv) a current order of suspension or expulsion.
- (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 class A misdemeanor if the actor has previously been convicted two or more times of a violation of Subsection (2).
- (4) The mere carrying or possession of a firearm on the campus of a state institution of higher education, as defined in Section 53B-3-102, does not warrant an order to leave under Subsection (2)(a) if the individual carrying or possessing the firearm is otherwise complying with all state laws regulating the possession and use of a firearm.
- (5) If an employee or student of an institution of higher education is ordered to leave under Subsection (2)(a) or receives a notice against entry or remaining under Subsection (2)(b), the institution of higher education shall afford the employee or student the process required by the institution of higher education's rules and regulations.

Amended by Chapter 96, 2024 General Session

76-8-705 Willful interference with lawful activities of students or faculty.

- (1)
 - (a) As used in this section, "institution" means the same as that term is defined in Section 53B-20-107.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits willful interference with lawful activities of students or faculty if the actor, while on property that is owned, operated, or controlled by an institution, willfully:
 - (a) denies to a student, school official, employee, or invitee lawful:
 - (i) freedom of movement;
 - (ii) use of the property or facilities; or
 - (iii) ingress or egress to the institution's physical facilities;

- (b) impedes a faculty or staff member of the institution in the lawful performance of the member's duties; or
 - (c) impedes a student of the institution in the lawful pursuit of the student's educational activities.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 8 Sabotage Prevention

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

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits destruction of property to interfere with preparations for defense or war if the actor:
 - (a) intentionally destroys, impairs, injures, interferes, or tampers with real or personal property; and
 - (b) has reasonable grounds to believe that the actor's conduct under Subsection (2)(a) will hinder, delay, or interfere with the preparation of the United States government or of a state government for defense or for war, or with the prosecution of war by the United States government.
- (3) A violation of Subsection (2) is a second degree felony.
- (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's conduct under Subsection (2) or the name of the actor may not be made public.

Amended by Chapter 96, 2024 General Session

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

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits causing or omitting to note defects in articles used in preparation for defense or war if the actor:
 - (a) intentionally makes or causes to be made or omits to note on inspection a defect in an article or thing; and
 - (b) has reasonable grounds to believe that the article or thing is intended to be used in connection with the preparation of the United States government or of a state government for defense or for war, or for the prosecution of war by the United States government.
- (3) A violation of Subsection (2) is a third degree felony.
- (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's conduct under Subsection (2) or the name of the actor may not be made public.

Amended by Chapter 96, 2024 General Session

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

- (1)

- (a) An actor that attempts to commit a crime under this part is punishable for the attempt as prescribed in Section 76-4-102.
- (b) In addition to the acts that constitute an attempt to commit a crime under the law of this state, an actor's conduct constitutes an attempt to commit a crime under this part if the actor:
 - (i) solicits or incites another individual to commit a crime under this part;
 - (ii) collects or assembles materials with the intent to use the materials to commit a crime under this part; or
 - (iii) enters, with or without permission, a building, enclosure, or other premises intending to commit a crime under this part.
- (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's conduct under this section or the name of the actor may not be made public.

Amended by Chapter 96, 2024 General Session

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

- (1)
 - (a) If two or more actors conspire to commit a crime under this part and regardless of whether an additional act is done in furtherance of the conspiracy, each actor:
 - (i) is guilty of conspiracy in accordance with Section 76-4-201; and
 - (ii) notwithstanding Section 76-4-202, is subject to the same punishment as if the actor had committed the crime that the actor conspired to commit.
 - (b) It is not a defense or ground of suspension of judgment, sentence, or punishment under this section that an actor's fellow conspirators have been acquitted, have not been arrested or convicted, or are amenable to justice or have been pardoned or otherwise discharged before or after a conviction.
- (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's conduct under Subsection (1)(a) or the name of the actor may not be made public.

Amended by Chapter 96, 2024 General Session

76-8-807 Trespassing at a war or defense facility.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits trespassing at a war or defense facility if:
 - (a) the actor intentionally enters a facility engaged in, or preparing to engage in, the manufacture, transportation, or storage of a product to be used in the preparation of the United States government or of a state government for defense or for war or in the prosecution of war by the United States government;
 - (b) the actor does not have permission from the owner of the facility to enter; and
 - (c) the facility has posted signs reading "No Entry Without Permission."
- (3) A violation of Subsection (2) is a class C misdemeanor.
- (4)
 - (a) A peace officer or individual employed as a watchman, a guard, or in a supervisory capacity on the premises of a facility under this section may stop an individual found on the premises and detain the individual for the purpose of demanding the individual's name, address, and reason for being on the premises.
 - (b) If the peace officer or individual employed as a watchman, a guard, or in a supervisory capacity on the premises of a facility under this section has reason to believe that an

individual stopped on the facility's premises has no right to be there, the peace officer or employee may:

- (i) release the individual; or
- (ii) arrest the individual without a warrant on the charge of violating this section.

Amended by Chapter 96, 2024 General Session

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

(1) As used in this section:

- (a) "Highway" means a place used for travel to or from property, including a private or public street or way.
- (b) "Highway commissioner" means an individual, a board, or other body having authority to restrict or close the highway to public use and travel.
- (c) "Public utility" means a system owned or operated for public use, including:
 - (i) a pipeline system;
 - (ii) a system for gas, electric, heat, water, oil, sewer, telephone, telegraph, radio, railway, or transportation communication;
 - (iii) a railroad; or
 - (iv) an airplane.

(2) An individual, a partnership, an association, a corporation, a municipal corporation, the state, or a political subdivision of the state, may petition the highway commissioner of a city, town, or county to close or restrict travel upon a highway if the individual, partnership, association, corporation, municipal corporation, state, or political subdivision is:

- (a) engaged in or preparing to engage in the manufacture, transportation, or storage of a product to be used in the preparation of the United States government or a state government for defense, for war, or in the prosecution of war by the United States government; or
- (b)
 - (i)
 - (A) manufacturing, transporting, distributing, or storing gas, oil, coal, electricity, or water; or
 - (B) operating a public utility; and
 - (ii) believes the gas, oil, electricity, water, or public utility will be endangered if public use and travel is not restricted or prohibited on a highway abutting the property involved in operating the public utility or manufacturing, transporting, distributing, or storing the gas, oil, coal, electricity, or water.

(3) Upon receiving a petition described in Subsection (2), the highway commissioner shall set a day for a public hearing and give notice of the hearing at least seven days before the day on which the hearing will be held, as a class A notice under Section 63G-30-102, for the city, town, or county.

- (4)
- (a) Subject to Subsection (5), after holding the hearing described in Subsection (3), the highway commissioner may, after determining that public safety and the safety of the property of the petitioner require the closure or restricted use of the highway, issue an order to:
 - (i) close the highway to all public use and travel; or
 - (ii) reasonably restrict travel on the highway for the safety of the petitioner's property.

- (b) Visible notices at least three inches tall detailing the closure or restriction shall be posted at each end of a highway closed or restricted under this Subsection (4).
- (5) A highway commissioner issuing an order under Subsection (4) may issue a permit to a responsible and reputable individual to travel on a closed or restricted highway under conditions set by the highway commissioner.

Amended by Chapter 96, 2024 General Session

76-8-810 Violation of an order closing or restricting a highway.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-809 apply to this section.
- (2) An actor commits violation of an order closing or restricting a highway if the actor violates an order issued by a highway commissioner closing or restricting a highway under Section 76-8-809.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Amended by Chapter 96, 2024 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 the employees' representatives to self organize, to form, join, or assist labor organizations, to bargain collectively through representatives of the employees' 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 96, 2024 General Session

**Part 9
Syndicalism and Sabotage**

76-8-901 Definitions.

As used in this part:

- (1) "Criminal syndicalism" means the doctrine that advocates crime, violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a means of accomplishing or effecting industrial or political ends, or as a means of effecting industrial or political revolution.
- (2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction of, real or personal property, of an employer or owner by an individual.

Amended by Chapter 96, 2024 General Session

76-8-902 Advocating criminal syndicalism or sabotage.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.
- (2) An actor commits advocating criminal syndicalism or sabotage if the actor:
 - (a) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of crime, criminal syndicalism, or sabotage;

- (b) as a means of accomplishing or effecting industrial or political ends, change, or revolution:
 - (i) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act;
 - (ii) prints, publishes, edits, or issues, or knowingly circulates, sells, distributes, or publicly displays a book, pamphlet, paper, handbill, poster, document, or written or printed matter in any form, containing, advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, performing an act of violence, the destruction of or damage to property, the injury to an individual, or the commission of a crime or unlawful act; or
 - (iii) organizes or becomes a member of, or voluntarily assembles with, a society or assemblage of individuals formed to teach or advocate the doctrine of criminal syndicalism or sabotage, or the necessity, propriety, or expediency of doing an act of violence or the commission of a crime or unlawful act; or
 - (c) with the intent to exemplify, spread, or teach or suggest criminal syndicalism, attempts to justify sabotage, an act of violence, the destruction of or damage to property, the injury of an individual, or the commission of a crime or unlawful act.
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-903 Assembling for advocating criminal syndicalism or sabotage.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.
 - (2) An actor commits assembling for advocating criminal syndicalism or sabotage if the actor, as a means of accomplishing or effecting industrial or political ends, change, or revolution:
 - (a) assembles with two or more individuals; and
 - (b) assembles for the purpose of advocating, teaching, or suggesting:
 - (i) the doctrine of criminal syndicalism; or
 - (ii) the duty, necessity, propriety, or expediency of performing an act of violence, destroying or damaging property, causing bodily injury to an individual, or committing a crime or unlawful act .
- (3) A violation of Subsection (2) is a third degree felony.

Amended by Chapter 96, 2024 General Session

76-8-904 Permitting the use of property for assembly advocating criminal syndicalism or sabotage.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this section.
 - (2) An actor commits permitting the use of property for assembly advocating criminal syndicalism or sabotage if the actor:
 - (a) is an owner, lessee, agent, superintendent, or individual in charge or occupation of a place, building, room, or structure; and
 - (b) knowingly permits assembly or consorting of individuals prohibited under Section 76-8-903.
- (3) A violation of Subsection (2) is a class B misdemeanor.

Amended by Chapter 96, 2024 General Session

Part 12 Public Assistance Fraud

76-8-1201 Definitions.

As used in this part:

- (1) "Client" means a person who receives or has received public assistance.
- (2) "Overpayment" means the same as that term is defined in Section 35A-3-102.
- (3) "Provider" means a person or entity that receives compensation from any public assistance program for goods or services provided to a public assistance recipient.
- (4) "Public assistance" means the same as that term is defined in Section 35A-1-102.

Amended by Chapter 366, 2024 General Session

76-8-1203 Required disclosures by an applicant, a recipient, or a provider of public assistance.

- (1) An individual who is 18 years old or older and applies for public assistance, or who is 18 years old or older and currently receives public assistance, shall disclose to the state agency administering the public assistance each fact that may materially affect the individual's eligibility to receive or continue to receive public assistance, including the individual's current:
 - (a) marital status;
 - (b) household composition;
 - (c) employment;
 - (d) earned and unearned income, as defined by rule;
 - (e) receipt of monetary and in-kind gifts that may affect the individual's eligibility;
 - (f) assets that may affect the individual's eligibility; and
 - (g) any other material fact or change in circumstance that may affect the determination of the individual's eligibility to receive public assistance benefits, or may affect the amount of benefits for which the individual is eligible.
- (2)
 - (a) Subject to Subsection (2)(b), a provider that solicits, requests, or receives, actually or constructively, a payment or contribution in the form of an assessment, a payment, a gift, a devise, a bequest, or other means, directly or indirectly, from a client or client's family shall:
 - (i) notify the state agency administering the public assistance to the client of the amount of the payment or contribution the provider received from the client or the client's family; and
 - (ii) provide the notification to the state agency in writing within 10 days after the day on which the payment or contribution was received.
 - (b) If the payment or contribution described in Subsection (2)(a) is made under an agreement, written or oral, the provider shall notify the state agency administering the public assistance to the client of the payment or contribution within 10 days after the day on which the provider entered into the agreement.
- (3) An actor may be charged under Section 76-8-1203.1, 76-8-1203.3, or 76-8-1203.5 for failing to provide information required under this section.

Amended by Chapter 96, 2024 General Session

76-8-1203.1 Public assistance fraud by an applicant for public assistance.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.

- (2) An actor commits public assistance fraud by an applicant for public assistance if the actor intentionally, knowingly, or recklessly:
 - (a) applies for public assistance; and
 - (b) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1).
- (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
 - (a) a second degree felony if the value is or exceeds \$5,000;
 - (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
 - (d) a class B misdemeanor if the value is less than \$500.
- (4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
- (5)
 - (a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
 - (b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
- (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.3 Public assistance fraud by a recipient of public assistance.

- (1)
 - (a) As used in this section, "SNAP benefit" means the same as that term is defined in Section 35A-1-102.
 - (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
- (2) An actor commits public assistance fraud by a recipient of public assistance if the actor:
 - (a)
 - (i) except as provided in Subsection (2)(b), is receiving public assistance administered by a state agency; and
 - (ii) intentionally, knowingly, or recklessly fails to disclose to the state agency administering the public assistance to the actor of a change of a material fact required to be disclosed under Subsection 76-8-1203(1) within 10 days after the day on which the change occurred;
 - (b)
 - (i) is receiving public assistance from the Department of Workforce Services or the Department of Health and Human Services; and
 - (ii) at the time of a review or recertification, whichever comes first, intentionally, knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed under Subsection 76-8-1203(1);
 - (c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses, transfers, acquires, traffics in, falsifies, or possesses:
 - (i) SNAP benefits;
 - (ii) a SNAP benefit identification card;
 - (iii) a certificate of eligibility for medical services;
 - (iv) a Medicaid identification card;
 - (v) a fund transfer instrument;

- (vi) a payment instrument; or
- (vii) a public assistance warrant;
- (d)
 - (i) is receiving public assistance;
 - (ii) acquires income or resources in excess of the amount the actor previously reported to the state agency administering the public assistance to the actor; and
 - (iii) fails to notify the state agency to which the actor previously reported within 10 days after the day on which the actor acquired the excess income or resources;
- (e)
 - (i) fails to disclose a material fact required to be disclosed under Subsection 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and
 - (ii)
 - (A) intends to obtain or help another individual obtain an overpayment; or
 - (B) obtains an overpayment, unauthorized payment, or benefit; or
 - (f) receives an unauthorized payment or benefit as a result of unlawful acts described in this section, Section 76-8-1203.3, Section 76-8-1203.5, or Section 76-8-1203.7.
- (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
 - (a) a second degree felony if the value is or exceeds \$5,000;
 - (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
 - (d) a class B misdemeanor if the value is less than \$500.
- (4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
- (5)
 - (a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
 - (b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
- (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.
- (7) Incidents of trafficking in SNAP benefits that occur within a six-month period, committed by an individual or coconspirators, are deemed to be a related series of facts and circumstances regardless of whether the transactions are conducted with a variety of unrelated parties.

Enacted by Chapter 96, 2024 General Session

76-8-1203.5 Public assistance fraud by a provider.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
- (2) An actor commits public assistance fraud by a provider if the actor:
 - (a) is a provider; and
 - (b) intentionally, knowingly, or recklessly:
 - (i) receives a payment after failing to comply with the requirements in Subsection 76-8-1203(1) or 76-8-1203(2);
 - (ii) files a claim for payment under a state or federally funded public assistance program for goods or services not provided to or for a client under that program;

- (iii) files or falsifies a claim, report, or document required by a state or federal law, a rule, or a provider agreement for goods or services not authorized under the state or federally funded public assistance program for which the goods or services were provided;
 - (iv) fails to credit the state for payments received from other sources;
 - (v) bills a client, or the client's family, for:
 - (A) goods or services not provided; or
 - (B) an amount greater than that allowed by law or rule; or
 - (vi) fails to comply with the notification requirements under Subsection 76-8-1203(2).
- (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
- (a) a second degree felony if the value is or exceeds \$5,000;
 - (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
 - (d) a class B misdemeanor if the value is less than \$500.
- (4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
- (5)
- (a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
 - (b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
- (6) This section does not apply to offenses by providers under the state's Medicaid program that are actionable under Title 26B, Chapter 3, Part 11, Utah False Claims Act.
- (7) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1203.7 Fraudulently misappropriating public assistance funds.

- (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this section.
- (2) An actor commits fraudulently misappropriating public assistance funds if the actor:
- (a)
 - (i) is an administrator of a state or federally funded public assistance program; and
 - (ii) while performing the actor's duties as an administrator, intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for:
 - (A) SNAP benefits;
 - (B) an identification card;
 - (C) a certificate of eligibility for medical services;
 - (D) a Medicaid identification card; or
 - (E) other public assistance the actor has been entrusted with or that has come into the actor's possession as a result of the actor's duties; or
 - (b)
 - (i) is an individual entrusted with:
 - (A) SNAP benefits;
 - (B) an identification card;
 - (C) a certificate of eligibility for medical services;
 - (D) a Medicaid identification card; or

- (E) other public assistance with which the individual has been entrusted; and
 - (ii) intentionally, knowingly, or recklessly fraudulently misappropriates funds exchanged for a benefit described in Subsection (2)(b)(i) with which the individual has been entrusted.
- (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of payments, assistance, or other benefits received, misappropriated, claimed, or applied:
- (a) a second degree felony if the value is or exceeds \$5,000;
 - (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
 - (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
 - (d) a class B misdemeanor if the value is less than \$500.
- (4) It is not a defense to prosecution under this section that the actor repaid the funds or benefits obtained in violation of this section.
- (5)
- (a) In determining the value of payments, assistance, or other benefits received to determine the penalty level of an actor's conduct under Subsection (3), the value is calculated by aggregating the values of each instance of public assistance fraud committed by the actor as part of the same facts and circumstances or a related series of facts and circumstances.
 - (b) The value of a benefit received by an individual is the ordinary or usual charge for similar benefits in the private sector.
- (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this section.

Enacted by Chapter 96, 2024 General Session

76-8-1207 Evidence in criminal actions for public assistance fraud.

In a criminal action under this part:

- (1) a paid state warrant made to the order of an individual or a payment made through an electronic benefit card issued to an individual constitutes prima facie evidence that the individual received financial assistance from the state; and
- (2) all of the records in the custody of the state agency administering public assistance relating to the application for, verification of, issuance of, receipt of, and use of public assistance constitute records of regularly conducted activity within the meaning of the exceptions to the hearsay rule of evidence.

Amended by Chapter 96, 2024 General Session

Part 13
Unemployment Insurance Fraud

76-8-1301 False statement to obtain or increase unemployment compensation.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
 - (2) An actor commits false statement to obtain or increase unemployment compensation if the actor, to obtain or increase a benefit or other payment under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any state or of the federal government:
 - (a) makes a false statement or representation, knowing the representation is false; or
 - (b) knowingly fails to disclose a material fact.
- (3)

- (a) A violation of Subsection (2) is:
 - (i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than \$500;
 - (ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;
 - (iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
 - (iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds \$5,000.
- (b) The determination of the degree of an offense under Subsection (3)(a) is measured by the total value of all money obtained or sought to be obtained by the unlawful conduct.

Amended by Chapter 96, 2024 General Session

76-8-1302 False statement to prevent or reduce unemployment compensation or liability.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits false statement to prevent or reduce unemployment compensation or liability if the actor, to prevent or reduce the payment of unemployment compensation benefits to an individual entitled to those benefits, or to avoid becoming or remaining a subject employer, or to avoid or reduce a contribution or other payment required from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of a state or of the federal government:
 - (a) makes a false statement or representation, knowing the representation is false; or
 - (b) knowingly fails to disclose a material fact.
- (3) A violation of Subsection (2) is:
 - (a) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than \$500;
 - (b) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;
 - (c) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
 - (d) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds \$5,000.
- (4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1303 Unlawful failure to comply with Employment Security Act requirement.

- (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits unlawful failure to comply with Employment Security Act requirements if the actor willfully:
 - (a) fails or refuses:
 - (i) to make a contribution or other payment required under Title 35A, Chapter 4, Employment Security Act;
 - (ii) to furnish a report required under Title 35A, Chapter 4, Employment Security Act; or
 - (iii) to produce or permit the inspection or copying of records required under Title 35A, Chapter 4, Employment Security Act; or

- (b) violates a provision of Title 35A, Chapter 4, Employment Security Act, or an order made under that chapter, for which the violation:
 - (i) is made unlawful or the observance of which is required under the terms of Title 35A, Chapter 4, Employment Security Act;
 - (ii) does not have a prescribed penalty in Title 35A, Chapter 4, Employment Security Act, or another applicable statute; and
 - (iii) is for conduct not described in Subsection (2)(a).
- (3)
 - (a) A violation of Subsection (2)(a) is:
 - (i) a class B misdemeanor if the value of the money obtained or sought to be obtained is less than \$500;
 - (ii) a class A misdemeanor if the value of the money obtained or sought to be obtained is or exceeds \$500 but is less than \$1,500;
 - (iii) a third degree felony if the value of the money obtained or sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
 - (iv) a second degree felony if the value of the money obtained or sought to be obtained is or exceeds \$5,000.
 - (b) A violation of Subsection (2)(b) is a class A misdemeanor.
- (4) An actor under this section may include an officer or agent of an employing unit as defined under Section 35A-4-202.

Enacted by Chapter 96, 2024 General Session

76-8-1304 Unlawful use or disclosure of employment information.

- (1)
 - (a) As used in this section, "employing unit" means the same as that term is defined in Section 35A-4-202.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits unlawful use or disclosure of employment information if the actor:
 - (a)
 - (i) is an employee of the Department of Workforce Services; and
 - (ii) willfully violates Section 35A-4-312 by making a disclosure of information obtained from an employing unit or individual in the administration of Title 35A, Chapter 4, Employment Security Act; or
 - (b)
 - (i) obtains a list of applicants for work or of claimants or recipients of benefits under Title 35A, Chapter 4, Employment Security Act; and
 - (ii) uses or permits the use of the list described in Subsection (2)(b)(i) for a political purpose.
- (3) A violation of Subsection (2) is a class C misdemeanor.

Enacted by Chapter 96, 2024 General Session

Part 14
Disruption of School Activities

76-8-1402 Disruption of activity in or near school building.

- (1)
 - (a) As used in this section:
 - (i)
 - (A) "Chief administrator" means the principal of a school or the chief administrator of a school that does not have a principal.
 - (B) "Chief administrator" includes the chief administrator's designee or representative.
 - (ii) "School" means a public or private kindergarten, elementary, or secondary school through grade 12.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) In the absence of a local ordinance or other controlling law governing the conduct described in this Subsection (2), an actor commits disruption of activity in or near school building if the actor, while on a street, sidewalk, or public way adjacent to a school building or ground:
 - (a) materially disrupts the peaceful conduct of school activities by the actor's presence or act; and
 - (b) remains upon the place under Subsection (2)(a) after being asked to leave by the chief administrator of that school.
- (3)
 - (a) Except as provided under Subsection (4), a first or second violation of Subsection (2) is a class B misdemeanor.
 - (b) Except as provided under Subsection (4), a third or subsequent violation of Subsection (2) is a class A misdemeanor.
- (4) If an actor's conduct violates Subsection (2) and the actor's conduct also amounts to a violation of another offense with a greater penalty, the offense with the greater penalty applies.

Amended by Chapter 96, 2024 General Session

76-8-1403 Unlawful evasion of law enforcement by entering school property-- Restitution.

- (1)
 - (a) As used in this section:
 - (i) "School" means a public or private kindergarten, elementary, or secondary school through grade 12, including all buildings and property of the school.
 - (ii) "School property" means real property:
 - (A) that is owned or occupied by a public or private school; or
 - (B)
 - (I) that is temporarily occupied by students for a school-related activity or program; and
 - (II) regarding which, during the time the activity or program is being conducted, the main use of the real property is allocated to participants in the activity or program.
 - (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- (2) An actor commits unlawful evasion of law enforcement by entering school property if the actor enters onto school property when:
 - (a) students are attending the school or students are participating in any school-related activity or program on school property; and
 - (b) the actor is in the act of fleeing or evading, or attempting to flee or evade, pursuit or apprehension by a peace officer.
- (3) A violation of Subsection (2) is a class A misdemeanor.
- (4) It is not a defense to a violation of this section that the actor did not know that the actor had entered onto school property.

- (5) As a part of the sentence for violation of this section, the court shall order the actor to reimburse the school for costs incurred by the school in responding to the actor's presence on the school property.
- (6) The offense under this section is a separate offense from a violation of:
 - (a) failure to respond to officer's signal to stop under Section 41-6a-210; or
 - (b) failure to stop at the command of a peace officer under Section 76-8-305.5.

Amended by Chapter 96, 2024 General Session