

Effective 5/10/2016

77-23a-8 Court order to authorize or approve interception -- Procedure.

- (1) The attorney general of the state, any assistant attorney general specially designated by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy district attorney specially designated by the county attorney or by the district attorney, may authorize an application to a judge of competent jurisdiction for an order for an interception of wire, electronic, or oral communications by any law enforcement agency of the state, the federal government or of any political subdivision of the state that is responsible for investigating the type of offense for which the application is made.
- (2) The judge may grant the order in conformity with the required procedures when the interception sought may provide or has provided evidence of the commission of:
 - (a) any act:
 - (i) prohibited by the criminal provisions of:
 - (A) Title 58, Chapter 37, Utah Controlled Substances Act;
 - (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
 - (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
 - (ii) punishable by a term of imprisonment of more than one year;
 - (b) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform Securities Act, and punishable by a term of imprisonment of more than one year;
 - (c) an offense:
 - (i) of:
 - (A) attempt, Section 76-4-101;
 - (B) conspiracy, Section 76-4-201;
 - (C) solicitation, Section 76-4-203; and
 - (ii) punishable by a term of imprisonment of more than one year;
 - (d) a threat of terrorism offense punishable by a maximum term of imprisonment of more than one year, Section 76-5-107.3;
 - (e)
 - (i) aggravated murder, Section 76-5-202;
 - (ii) murder, Section 76-5-203; or
 - (iii) manslaughter, Section 76-5-205;
 - (f)
 - (i) kidnapping, Section 76-5-301;
 - (ii) child kidnapping, Section 76-5-301.1;
 - (iii) aggravated kidnapping, Section 76-5-302;
 - (iv) human trafficking or human smuggling, Section 76-5-308; or
 - (v) aggravated human trafficking or aggravated human smuggling, Section 76-5-310;
 - (g)
 - (i) arson, Section 76-6-102; or
 - (ii) aggravated arson, Section 76-6-103;
 - (h)
 - (i) burglary, Section 76-6-202; or
 - (ii) aggravated burglary, Section 76-6-203;
 - (i)
 - (i) robbery, Section 76-6-301; or
 - (ii) aggravated robbery, Section 76-6-302;
 - (j) an offense:
 - (i) of:

- (A) theft, Section 76-6-404;
- (B) theft by deception, Section 76-6-405; or
- (C) theft by extortion, Section 76-6-406; and
- (ii) punishable by a maximum term of imprisonment of more than one year;
- (k) an offense of receiving stolen property that is punishable by a maximum term of imprisonment of more than one year, Section 76-6-408;
- (l) a financial card transaction offense punishable by a maximum term of imprisonment of more than one year, Section 76-6-506.2, 76-6-506.3, 76-6-506.5, or 76-6-506.6;
- (m) bribery of a labor official, Section 76-6-509;
- (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
- (o) a criminal simulation offense punishable by a maximum term of imprisonment of more than one year, Section 76-6-518;
- (p) criminal usury, Section 76-6-520;
- (q) a fraudulent insurance act offense punishable by a maximum term of imprisonment of more than one year, Section 76-6-521;
- (r) a violation of Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable by a maximum term of imprisonment of more than one year, Section 76-6-703;
- (s) bribery to influence official or political actions, Section 76-8-103;
- (t) misusing public money, Section 76-8-402;
- (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
- (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- (y) obstruction of justice, Section 76-8-306;
- (z) destruction of property to interfere with preparation for defense or war, Section 76-8-802;
- (aa) an attempt to commit crimes of sabotage, Section 76-8-804;
- (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- (ee) riot punishable by a maximum term of imprisonment of more than one year, Section 76-9-101;
- (ff) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a maximum term of imprisonment of more than one year, Section 76-9-301.1;
- (gg) possession, use, or removal of an explosive, chemical, or incendiary device and parts, Section 76-10-306;
- (hh) delivery to a common carrier or mailing of an explosive, chemical, or incendiary device, Section 76-10-307;
- (ii) exploiting prostitution, Section 76-10-1305;
- (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- (kk) bus hijacking or assault with intent to commit hijacking, Section 76-10-1504;
- (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- (mm) violations of Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act, and the offenses listed under the definition of unlawful activity in the act, including the offenses not punishable by a maximum term of imprisonment of more than one year when those offenses are investigated as predicates for the offenses prohibited by the act, Section 76-10-1602;
- (nn) communications fraud, Section 76-10-1801;
- (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or

(pp) reporting by a person engaged in a trade or business when the offense is punishable by a maximum term of imprisonment of more than one year, Section 76-10-1906.

Amended by Chapter 399, 2016 General Session