

**ANIMAL TORTURE OFFENSE**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Gene Davis**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies the Criminal Code regarding animal cruelty by providing that torture of an animal is a felony. This bill amends references to criminal intent and amends certain definitions.

**Highlighted Provisions:**

This bill:

- ▶ amends the definition of necessary food, care, and shelter to include water and shelter as appropriate to the animal and moves the definitions to the beginning of the section;
  - ▶ clarifies the general applicability of the exemption for acting under a legal privilege;
  - ▶ provides an exemption for animals kept and used for training hunting dogs and raptors and also for animals kept or owned by a zoological park, or temporarily in the state as part of a circus or traveling exhibition;
  - ▶ includes the offense of seriously injuring an animal;
  - ▶ provides that torturing an animal is a third degree felony and provides a definition of torture;
  - ▶ provides that after the first priority of placing the animal through adoption, the option of offering the animal for sale at auction precedes the option of euthanasia;
- and
- ▶ amends the definition of conviction to include pleas in abeyance or of nolo



28 contendere.

29 **Monies Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **76-3-203.3**, as last amended by Laws of Utah 2007, Chapter 229

36 **76-9-301**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 7

37 **76-9-301.5**, as last amended by Laws of Utah 1996, Second Special Session, Chapter 7

38 **76-9-301.6**, as last amended by Laws of Utah 1998, Chapter 282

39 **76-9-301.7**, as enacted by Laws of Utah 1996, Second Special Session, Chapter 7

40 **76-10-1602**, as last amended by Laws of Utah 2007, Chapter 129



42 *Be it enacted by the Legislature of the state of Utah:*

43 Section 1. Section **76-3-203.3** is amended to read:

44 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

45 As used in this section:

46 (1) "Primary offense" means those offenses provided in Subsection (4).

47 (2) (a) A person who commits any primary offense with the intent to intimidate or  
48 terrorize another person or with reason to believe that his action would intimidate or terrorize  
49 that person is subject to Subsection (2)(b).

50 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

51 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

52 (3) "Intimidate or terrorize" means an act which causes the person to fear for his  
53 physical safety or damages the property of that person or another. The act must be  
54 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to  
55 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the  
56 Constitution or laws of the United States.

57 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

58 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,

59 76-5-107, and 76-5-108;

60 (b) any misdemeanor property destruction offense under Sections 76-6-102 and  
61 76-6-104, and Subsection 76-6-106(2)(b);

62 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

63 (d) any misdemeanor theft offense under Section 76-6-412;

64 (e) any offense of obstructing government operations under Sections 76-8-301,  
65 76-8-302, 76-8-304, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;

66 (f) any offense of interfering or intending to interfere with activities of colleges and  
67 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

68 (g) any misdemeanor offense against public order and decency as defined in Title 76,  
69 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

70 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Telephone Abuse;

71 (i) any misdemeanor cruelty to animals offense under Section 76-9-301; and

72 (j) any weapons offense under Section 76-10-506.

73 (5) This section does not affect or limit any individual's constitutional right to the  
74 lawful expression of free speech or other recognized rights secured by the Constitution or laws  
75 of the state or by the Constitution or laws of the United States.

76 Section 2. Section **76-9-301** is amended to read:

77 **76-9-301. Cruelty to animals.**

78 (1) As used in this section:

79 (a) "Abandon" means to deposit, leave, or drop off any live animal:

80 (i) without providing for the care of that animal; or

81 (ii) in a situation where conditions present an immediate, direct, and serious threat to  
82 the life, safety, or health of the animal.

83 (b) (i) "Animal" means a live, nonhuman, vertebrate creature.

84 (ii) "Animal" does not include:

85 (A) animals owned, kept, managed, or used for agricultural purposes and cared for in  
86 accordance with accepted husbandry practices, including animals kept or owned for  
87 agricultural purposes as part of a small farm or activity that is operated without expectation of  
88 it being a primary source of income;

89 (B) animals used for rodeo purposes and cared for in accordance with accepted

90 husbandry practices;

91 (C) animals kept or owned by a zoological park that is:

92 (I) accredited by the American Zoo and Aquarium Association and cared for in  
93 accordance with accepted husbandry practices; or

94 (II) owned or operated by a member of the American Zoo and Aquarium Association  
95 and cared for in accordance with accepted husbandry practices;

96 (D) wildlife, as defined in Section 23-13-2, including protected and unprotected  
97 wildlife;

98 (E) animals kept or owned for the purpose of training hunting dogs or raptors and cared  
99 for in accordance with accepted husbandry practices; or

100 (F) animals that are:

101 (I) temporarily in the state as part of a circus or traveling exhibitor licensed by the  
102 United States Department of Agriculture under 7 U.S.C. 2133; and

103 (II) cared for in accordance with accepted husbandry practices.

104 (c) "Custody" means ownership, possession, or control over an animal.

105 (d) "Legal privilege" means an act:

106 (i) authorized by state law, including Division of Wildlife Resources statutes and rules;

107 and

108 (ii) conducted in compliance with local ordinances.

109 (e) "Necessary food, water, care, and shelter" means the following, taking into account  
110 the species, age, and physical condition of the animal:

111 (i) appropriate and essential food and water;

112 (ii) veterinary care; and

113 (iii) adequate protection, including appropriate shelter, against extreme weather  
114 conditions.

115 (f) "Torture" means a person:

116 (i) intentionally or knowingly inflicts on an animal or subjects an animal to extreme  
117 physical pain or serious bodily injury as defined in Section 76-1-601; and

118 (ii) acts under circumstances evidencing extreme cruelty or depravity.

119 [(+) (2) A person is guilty of cruelty to animals if the person, without having legal  
120 privilege to do so, intentionally, knowingly, recklessly, or with criminal negligence:

- 121 (a) fails to provide necessary food, water, care, or shelter for an animal in his custody;  
 122 (b) abandons an animal in the person's custody;  
 123 (c) transports or confines an animal in a cruel manner;  
 124 (d) injures an animal;  
 125 (e) causes any animal, not including a dog, to fight with another animal of like kind for  
 126 amusement or gain; or  
 127 (f) causes any animal, including a dog, to fight with a different kind of animal or  
 128 creature for amusement or gain.

129 ~~[(2)]~~ (3) A violation of Subsection ~~[(1)]~~ (2) is:

- 130 (a) a class B misdemeanor if committed intentionally or knowingly; and  
 131 (b) a class C misdemeanor if committed recklessly or with criminal negligence.

132 ~~[(3)]~~ (4) A person is guilty of aggravated cruelty to an animal if ~~[the person]~~, without  
 133 having legal privilege to do so, and under circumstances not constituting felony animal cruelty,  
 134 the person:

135 ~~[(a) tortures an animal;]~~

136 ~~[(b)]~~ (a) (i) administers or causes to be administered poison or poisonous substances to  
 137 an animal ~~[without having a legal privilege to do so]~~; or

138 (ii) knowingly or intentionally places or causes to be placed in a location accessible to  
 139 an animal, a poison or poisonous substance that is attractive to one or more species of animals,  
 140 with the intent of attracting an animal to the poison or poisonous substance;

141 (b) causes to an animal serious bodily injury as defined in Section 76-1-601; or

142 (c) kills an animal or causes an animal to be killed ~~[an animal without having a legal~~  
 143 ~~privilege to do so]~~, except that causing an animal's death by torture is a third degree felony  
 144 under Subsection (6).

145 ~~[(4)]~~ (5) A violation of Subsection ~~[(3)]~~ (4) is:

- 146 (a) a class A misdemeanor if committed intentionally or knowingly;  
 147 (b) a class B misdemeanor if committed recklessly; and  
 148 (c) a class C misdemeanor if committed with criminal negligence.

149 (6) (a) A person is guilty of felony animal cruelty if a person tortures an animal,  
 150 including if the person causes the animal's death by torture.

151 (b) A violation of Subsection (6)(a) is a third degree felony.

152            ~~[(5)]~~ (7) It is a defense to prosecution under this section that the conduct of the actor  
153 towards the animal was:

- 154            (a) by a licensed veterinarian using accepted veterinary practice;
- 155            (b) directly related to bona fide experimentation for scientific research, provided that if  
156 the animal is to be destroyed, the manner employed will not be unnecessarily cruel unless  
157 directly necessary to the veterinary purpose or scientific research involved;
- 158            (c) permitted under Section 18-1-3;
- 159            (d) by a person who humanely destroys any animal found suffering past recovery for  
160 any useful purpose; or
- 161            (e) by a person who humanely destroys any apparently abandoned animal found on the  
162 person's property.

163            ~~[(6)]~~ (8) For purposes of Subsection ~~[(5)]~~ (7)(d), before destroying the suffering  
164 animal, the person who is not the owner of the animal shall obtain:

- 165            (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
- 166            (b) the judgment of two other persons called by the person to view the unrecoverable  
167 condition of the animal in the person's presence;
- 168            (c) the consent from the owner of the animal to the destruction of the animal; or
- 169            (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the  
170 person's own observation, if the person is in a location or circumstance where the person is  
171 unable to contact another person.

172            ~~[(7)]~~ (9) This section does not affect or prohibit the training, instruction, and grooming  
173 of animals, so long as the methods used are in accordance with accepted husbandry practices.

174            ~~[(8)]~~ (10) (a) This section does not affect or prohibit the use of an electronic locating or  
175 training collar by the owner of an animal for the purpose of lawful animal training, lawful  
176 hunting practices, or protecting against loss of that animal.

177            (b) County and municipal governments may not prohibit the use of an electronic  
178 locating or training collar.

179            ~~[(9)]~~ (11) (a) Upon conviction under this section, the court ~~[may in its discretion, in~~  
180 ~~addition to other penalties]~~ may:

181            ~~[(a)]~~ (i) order that the defendant ~~[to be evaluated to determine the need for psychiatric~~  
182 ~~or psychological counseling, to receive counseling as the court determines to be appropriate,]~~

183 comply with the requirements in Subsections (11)(b) and (c); and  
 184 (ii) impose any additional penalties as the court finds appropriate to the case before it.  
 185 (b) The court may order the defendant:  
 186 (i) to undergo a psychological evaluation and receive treatment addressing the issues  
 187 involved in animal abuse and to pay the costs of the evaluation and [counseling] treatment to  
 188 the extent the court finds the defendant is able to do so;  
 189 ~~[(b) require the defendant]~~ (ii) to forfeit any rights the defendant has to the animal  
 190 subjected to a violation of this section [and];  
 191 (iii) to repay the reasonable costs incurred by any person or agency in caring for each  
 192 animal subjected to violation of this section; and  
 193 ~~[(c) order the defendant]~~ (iv) to no longer possess or retain custody of any animal, as  
 194 specified by the court, during the period of the defendant's probation or parole or other period  
 195 as designated by the court[; and].  
 196 ~~[(d) order the animal to be placed]~~  
 197 (c) The court may enter an order disposing of an animal subjected to a violation of this  
 198 section.  
 199 (d) An order disposing of an animal under Subsection (11)(c) shall provide for  
 200 disposition in the following order of priority, with Subsection (11)(d)(i) being the first priority:  
 201 (i) place the animal for the purpose of adoption or care in the custody of a county and  
 202 municipal animal control agency[;] or an animal welfare agency registered with the state[;  
 203 sold];  
 204 (ii) sell the animal at public auction[; or humanely destroyed]; or  
 205 (iii) euthanize the animal humanely.  
 206 ~~[(10)]~~ (12) This section does not prohibit the use of animals in lawful training.  
 207 ~~[(11) As used in this section:]~~  
 208 ~~[(a) "Abandons" means to intentionally deposit, leave, or drop off any live animal:]~~  
 209 ~~[(i) without providing for the care of that animal; or]~~  
 210 ~~[(ii) in a situation where conditions present an immediate, direct, and serious threat to~~  
 211 ~~the life, safety, or health of the animal.]~~  
 212 ~~[(b) (i) "Animal" means a live, nonhuman vertebrate creature.]~~  
 213 ~~[(ii) "Animal" does not include animals kept or owned for agricultural purposes and~~

214 cared for in accordance with accepted husbandry practices, animals used for rodeo purposes,  
215 and does not include protected and unprotected wildlife as defined in Section 23-13-2.]

216 [(c) "Custody" means ownership, possession, or control over an animal.]

217 [(d) "Legal privilege" means an act authorized by state law, including Division of  
218 Wildlife Resources statutes and rules, and conducted in conformance with local ordinances.]

219 [(e) "Necessary food, care, and shelter" means appropriate and essential food and other  
220 needs of the animal, including veterinary care, and adequate protection against extreme weather  
221 conditions.]

222 Section 3. Section 76-9-301.5 is amended to read:

223 **76-9-301.5. Spectator at organized animal fighting exhibitions -- Penalty.**

224 (1) It is unlawful for a person to knowingly be present as a spectator at any place,  
225 building, or tenement where preparations are being made for an exhibition of the fighting of  
226 animals, as prohibited by [Subsection] Subsections 76-9-301[(+)](2)(e) and (f), or to be present  
227 at [such] an exhibition, regardless of whether any entrance fee has been charged.

228 (2) A person who violates [this subsection] Subsection (1) is guilty of a class B  
229 misdemeanor.

230 Section 4. Section 76-9-301.6 is amended to read:

231 **76-9-301.6. Dog fighting exhibition -- Authority to arrest and take possession of**  
232 **dogs and property.**

233 (1) A peace officer, as defined in Title 53, Chapter 13, Peace Officer Classifications,  
234 may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or  
235 where preparations are being made for [such] an exhibition and, without a warrant, arrest all  
236 persons present.

237 (2) (a) Notwithstanding the provisions of Section 76-9-305, any authorized officer who  
238 makes an arrest under Subsection (1) may lawfully take possession of all dogs, paraphernalia,  
239 implements, or other property or things used or employed, or to be employed, in an exhibition  
240 of dog fighting prohibited by Subsection 76-9-301[(+)](2)(f) or Section 76-9-301.1.

241 (b) The officer, at the time of the taking of property pursuant to Subsection (2)(a), shall  
242 state his name and provide other identifying information to the person in charge of the dogs or  
243 property taken.

244 (3) (a) After taking possession of dogs, paraphernalia, implements, or other property or



245 things under Subsection (2), the officer shall file an affidavit with the judge or magistrate  
246 before whom a complaint has been made against any person arrested under this section.

247 (b) The affidavit shall include:

248 (i) the name of the person charged in the complaint;

249 (ii) a description of all property taken;

250 (iii) the time and place of the taking of the property;

251 (iv) the name of the person from whom the property was taken;

252 (v) the name of the person who claims to own the property, if known; and

253 (vi) a statement that the officer has reason to believe and believes that the property  
254 taken was used or employed, or was to be used or employed, in violation of Section 76-9-301  
255 or 76-9-301.1, and the grounds for the belief.

256 (4) (a) The officer shall deliver the confiscated property to the judge or magistrate who  
257 shall, by order, place the property in the custody of the officer or any other person designated in  
258 the order, and that person shall keep the property until conviction or final discharge of the  
259 person against whom the complaint was made.

260 (b) The person designated in Subsection (4)(a) shall assume immediate custody of the  
261 property, and retain the property until further order of the court.

262 (c) Upon conviction of the person charged, all confiscated property shall be forfeited  
263 and destroyed or otherwise disposed of, as the court may order.

264 (d) If the person charged is acquitted or discharged without conviction, the court shall,  
265 on demand, order the property to be returned to its owner.

266 Section 5. Section **76-9-301.7** is amended to read:

267 **76-9-301.7. Cruelty to animals -- Enhanced penalties.**

268 (1) "Conviction":

269 (a) means a conviction by plea [~~or by~~] of guilty, nolo contendere, guilty and mentally  
270 ill, or no contest, or a verdict[-] of guilty; and

271 (b) includes a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in  
272 Abeyance, even if the charge has been subsequently reduced or dismissed in accordance with  
273 the plea in abeyance agreement.

274 (2) A person who commits any violation of Section 76-9-301, Section 76-9-301.5, or  
275 Subsection 76-9-301.1(1) or (4) within the state and on at least one previous occasion has been

276 convicted of violating Section 76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(1) or  
277 (4) ~~[shall be]~~ or has been convicted in another jurisdiction of an offense that is substantially  
278 similar to any of these offenses is subject to an enhanced penalty ~~[as provided in]~~ under  
279 Subsection (3).

280 (3) The enhanced degree of offense for offenses committed under this section are:

281 (a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and

282 (b) if the offense is a class B misdemeanor, it is a class A misdemeanor.

283 ~~[(4)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall~~  
284 ~~provide written notice upon the information or indictment that the defendant is subject to an~~  
285 ~~enhanced degree of offense or penalty under Subsection (3). The notice shall be served upon~~  
286 ~~the defendant or his attorney not later than ten days prior to trial.]~~

287 ~~[(b) If the notice is not included initially, the court may subsequently allow the~~  
288 ~~prosecutor to amend the charging document to include the notice if the court finds:]~~

289 ~~[(i) that the amended charging documents, including any statement of probable cause,~~  
290 ~~provide notice that the defendant is subject to an enhanced penalty provided under this section;~~  
291 ~~and]~~

292 ~~[(ii) that the defendant has not otherwise been substantially prejudiced by the~~  
293 ~~amendment.]~~

294 Section 6. Section **76-10-1602** is amended to read:

295 **76-10-1602. Definitions.**

296 As used in this part:

297 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,  
298 business trust, association, or other legal entity, and any union or group of individuals  
299 associated in fact although not a legal entity, and includes illicit as well as licit entities.

300 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
301 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
302 have the same or similar purposes, results, participants, victims, or methods of commission, or  
303 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
304 demonstrate continuing unlawful conduct and be related either to each other or to the  
305 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
306 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful

307 activity as defined by this part shall have occurred within five years of the commission of the  
308 next preceding act alleged as part of the pattern.

309 (3) "Person" includes any individual or entity capable of holding a legal or beneficial  
310 interest in property, including state, county, and local governmental entities.

311 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,  
312 command, encourage, or intentionally aid another person to engage in conduct which would  
313 constitute any offense described by the following crimes or categories of crimes, or to attempt  
314 or conspire to engage in an act which would constitute any of those offenses, regardless of  
315 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor  
316 or a felony:

317 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized  
318 Recording Practices Act;

319 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality  
320 Code, Sections 19-1-101 through 19-7-109;

321 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary  
322 purpose of sale, trade, or other pecuniary gain, in violation of Title 23, [~~Chapter 13;~~] Wildlife  
323 Resources Code of Utah, or Section 23-20-4;

324 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Utah  
325 False Claims Act, Sections 26-20-1 through 26-20-12;

326 (e) any act prohibited by the criminal provisions of Title 32A, Chapter 12, Criminal  
327 Offenses;

328 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform  
329 Land Sales Practices Act;

330 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
331 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,  
332 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
333 Clandestine Drug Lab Act;

334 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform  
335 Securities Act;

336 (i) any act prohibited by the criminal provisions of Title 63, Chapter 56, Utah  
337 Procurement Code;

- 338 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
- 339 (k) a terroristic threat, Section 76-5-107;
- 340 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;
- 341 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 342 (n) sexual exploitation of a minor, Section 76-5a-3;
- 343 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 344 (p) causing a catastrophe, Section 76-6-105;
- 345 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 346 (r) burglary of a vehicle, Section 76-6-204;
- 347 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 348 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 349 (u) theft, Section 76-6-404;
- 350 (v) theft by deception, Section 76-6-405;
- 351 (w) theft by extortion, Section 76-6-406;
- 352 (x) receiving stolen property, Section 76-6-408;
- 353 (y) theft of services, Section 76-6-409;
- 354 (z) forgery, Section 76-6-501;
- 355 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
- 356 (bb) deceptive business practices, Section 76-6-507;
- 357 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or  
358 criticism of goods, Section 76-6-508;
- 359 (dd) bribery of a labor official, Section 76-6-509;
- 360 (ee) defrauding creditors, Section 76-6-511;
- 361 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 362 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
- 363 (hh) bribery or threat to influence contest, Section 76-6-514;
- 364 (ii) making a false credit report, Section 76-6-517;
- 365 (jj) criminal simulation, Section 76-6-518;
- 366 (kk) criminal usury, Section 76-6-520;
- 367 (ll) fraudulent insurance act, Section 76-6-521;
- 368 (mm) retail theft, Section 76-6-602;

369 (nn) computer crimes, Section 76-6-703;  
370 (oo) identity fraud, Section 76-6-1102;  
371 (pp) sale of a child, Section 76-7-203;  
372 (qq) bribery to influence official or political actions, Section 76-8-103;  
373 (rr) threats to influence official or political action, Section 76-8-104;  
374 (ss) receiving bribe or bribery by public servant, Section 76-8-105;  
375 (tt) receiving bribe or bribery for endorsement of person as public servant, Section  
376 76-8-106;  
377 (uu) official misconduct, Sections 76-8-201 and 76-8-202;  
378 (vv) obstruction of justice, Section 76-8-306;  
379 (ww) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;  
380 (xx) false or inconsistent material statements, Section 76-8-502;  
381 (yy) false or inconsistent statements, Section 76-8-503;  
382 (zz) written false statements, Section 76-8-504;  
383 (aaa) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;  
384 (bbb) retaliation against a witness, victim, or informant, Section 76-8-508.3;  
385 (ccc) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;  
386 (ddd) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or  
387 76-8-1205;  
388 (eee) unemployment insurance fraud, Section 76-8-1301;  
389 (fff) intentionally or knowingly causing one animal to fight with another, Subsection  
390 76-9-301[~~(1)~~](2)(e) or (f) or Section 76-9-301.1;  
391 (ggg) possession, use, or removal of explosives, chemical, or incendiary devices or  
392 parts, Section 76-10-306;  
393 (hhh) delivery to common carrier, mailing, or placement on premises of an incendiary  
394 device, Section 76-10-307;  
395 (iii) possession of a deadly weapon with intent to assault, Section 76-10-507;  
396 (jjj) unlawful marking of pistol or revolver, Section 76-10-521;  
397 (kkk) alteration of number or mark on pistol or revolver, Section 76-10-522;  
398 (lll) forging or counterfeiting trademarks, trade name, or trade device, Section  
399 76-10-1002;

400 (mmm) selling goods under counterfeited trademark, trade name, or trade devices,  
401 Section 76-10-1003;

402 (nnn) sales in containers bearing registered trademark of substituted articles, Section  
403 76-10-1004;

404 (ooo) selling or dealing with article bearing registered trademark or service mark with  
405 intent to defraud, Section 76-10-1006;

406 (ppp) gambling, Section 76-10-1102;

407 (qqq) gambling fraud, Section 76-10-1103;

408 (rrr) gambling promotion, Section 76-10-1104;

409 (sss) possessing a gambling device or record, Section 76-10-1105;

410 (ttt) confidence game, Section 76-10-1109;

411 (uuu) distributing pornographic material, Section 76-10-1204;

412 (vvv) inducing acceptance of pornographic material, Section 76-10-1205;

413 (www) dealing in harmful material to a minor, Section 76-10-1206;

414 (xxx) distribution of pornographic films, Section 76-10-1222;

415 (yyy) indecent public displays, Section 76-10-1228;

416 (zzz) prostitution, Section 76-10-1302;

417 (aaaa) aiding prostitution, Section 76-10-1304;

418 (bbbb) exploiting prostitution, Section 76-10-1305;

419 (cccc) aggravated exploitation of prostitution, Section 76-10-1306;

420 (dddd) communications fraud, Section 76-10-1801;

421 (eeee) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,  
422 Money Laundering and Currency Transaction Reporting Act;

423 (ffff) any act prohibited by the criminal provisions of the laws governing taxation in  
424 this state; and

425 (gggg) any act illegal under the laws of the United States and enumerated in Title 18,  
426 Section 1961 (1)(B), (C), and (D) of the United States Code.

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**Legislative Review Note**  
as of 12-14-07 3:40 PM

**Office of Legislative Research and General Counsel**

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**S.B. 102 - Animal Torture Offense**

**Fiscal Note**

2008 General Session  
State of Utah

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**State Impact**

Enactment of this bill will not require additional appropriations.

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**Individual, Business and/or Local Impact**

Enactment of this bill likely will not result in direct, measurable costs and/or benefits for individuals, businesses, or local governments.

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