

**ANIMAL CRUELTY AMENDMENTS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Allen M. Christensen**

House Sponsor: Kerry W. Gibson

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**LONG TITLE**

**General Description:**

This bill amends provisions of the Utah Criminal Code relating to animal cruelty.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ removes conflicting animal cruelty provisions related to hazing;
- ▶ describes and provides penalties for the offenses of animal torture, cruelty to an animal, and animal neglect;
- ▶ makes it a felony of the third degree to torture an animal or livestock within five years after being previously convicted of animal torture;
- ▶ describes the scope and coverage of the offenses described in this bill; and
- ▶ makes technical changes.

**Monies Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

**76-5-107.5**, as last amended by Laws of Utah 1997, Chapters 240 and 289



28           **76-10-1602**, as last amended by Laws of Utah 2007, Chapter 129  
29           **77-23a-8**, as last amended by Laws of Utah 2004, Chapters 104 and 140

30 ENACTS:

31           **76-9-308**, Utah Code Annotated 1953  
32           **76-9-309**, Utah Code Annotated 1953

33 RENUMBERS AND AMENDS:

34           **76-9-310**, (Renumbered from 76-9-301, as last amended by Laws of Utah 1996, Second  
35 Special Session, Chapter 7)

36           **76-9-311**, (Renumbered from 76-9-301.1, as enacted by Laws of Utah 1987, Chapter  
37 22)

38           **76-9-312**, (Renumbered from 76-9-301.5, as last amended by Laws of Utah 1996,  
39 Second Special Session, Chapter 7)

40           **76-9-313**, (Renumbered from 76-9-301.6, as last amended by Laws of Utah 1998,  
41 Chapter 282)

42           **76-9-314**, (Renumbered from 76-9-301.7, as enacted by Laws of Utah 1996, Second  
43 Special Session, Chapter 7)

44           **76-9-315**, (Renumbered from 76-9-301.8, as last amended by Laws of Utah 1999,  
45 Chapter 302)

46           **76-9-316**, (Renumbered from 76-9-304, as last amended by Laws of Utah 1977,  
47 Chapter 87)

48           **76-9-317**, (Renumbered from 76-9-305, as last amended by Laws of Utah 1977,  
49 Chapter 87)

50           **76-9-318**, (Renumbered from 76-9-306, as last amended by Laws of Utah 2000,  
51 Chapter 192)

52           **76-9-319**, (Renumbered from 76-9-307, as last amended by Laws of Utah 2007,  
53 Chapter 22)



54  
55 *Be it enacted by the Legislature of the state of Utah:*

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

57           **76-3-203.3. Penalty for hate crimes.**

58           As used in this section:

- 59 (1) "Primary offense" means those offenses provided in Subsection (4).
- 60 (2) (a) A person who commits any primary offense with the intent to intimidate or  
61 terrorize another person or with reason to believe that his action would intimidate or terrorize  
62 that person is subject to Subsection (2)(b).
- 63 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and  
64 (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- 65 (3) "Intimidate or terrorize" means an act which causes the person to fear for his  
66 physical safety or damages the property of that person or another. The act must be  
67 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to  
68 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the  
69 Constitution or laws of the United States.
- 70 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
- 71 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,  
72 76-5-107, and 76-5-108;
- 73 (b) any misdemeanor property destruction offense under Sections 76-6-102 and  
74 76-6-104, and Subsection 76-6-106(2)(b);
- 75 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
- 76 (d) any misdemeanor theft offense under Section 76-6-412;
- 77 (e) any offense of obstructing government operations under Sections 76-8-301,  
78 76-8-302, 76-8-304, 76-8-305, 76-8-306, 76-8-307, 76-8-308, and 76-8-313;
- 79 (f) any offense of interfering or intending to interfere with activities of colleges and  
80 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
- 81 (g) any misdemeanor offense against public order and decency as defined in Title 76,  
82 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
- 83 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Telephone Abuse;
- 84 (i) any misdemeanor cruelty to [~~animals~~] an animal or animal torture offense under  
85 Section [~~76-9-304~~] 76-9-310; and
- 86 (j) any weapons offense under Section 76-10-506.
- 87 (5) This section does not affect or limit any individual's constitutional right to the  
88 lawful expression of free speech or other recognized rights secured by the Constitution or laws  
89 of the state or by the Constitution or laws of the United States.

90 Section 2. Section 76-5-107.5 is amended to read:

91 **76-5-107.5. Prohibition of "hazing" -- Definitions -- Penalties.**

92 (1) A person is guilty of hazing if that person intentionally, knowingly, or recklessly  
93 commits an act or causes another to commit an act that:

94 (a) (i) endangers the mental or physical health or safety of another; [~~or~~]

95 (ii) involves any brutality of a physical nature such as whipping, beating, branding,  
96 calisthenics, bruising, electric shocking, placing of a harmful substance on the body, or  
97 exposure to the elements; [~~or~~]

98 (iii) involves consumption of any food, liquor, drug, or other substance or any other  
99 physical activity that endangers the mental or physical health and safety of an individual; or

100 (iv) involves any activity that would subject the individual to extreme mental stress,  
101 such as sleep deprivation, extended isolation from social contact, or conduct that subjects  
102 another to extreme embarrassment, shame, or humiliation; [~~or~~] and

103 [~~(v) involves cruelty to any animal as provided in Section 76-9-301; and~~]

104 (b) (i) is for the purpose of initiation, admission into, affiliation with, holding office in,  
105 or as a condition for continued membership in any organization; or

106 (ii) if the actor knew that the victim is a member of or candidate for membership with a  
107 school team or school organization to which the actor belongs or did belong within the  
108 preceding two years.

109 (2) It is not a defense to prosecution of hazing that a person under 21, against whom  
110 the hazing was directed, consented to or acquiesced in the hazing activity.

111 (3) An actor who hazes another is guilty of a:

112 [~~(a) class C misdemeanor if the conduct violates Section 76-9-301;~~]

113 [~~(b)~~] (a) class B misdemeanor if there are no aggravating circumstances;

114 [~~(c)~~] (b) class A misdemeanor if the act involves the operation or other use of a motor  
115 vehicle;

116 [~~(d)~~] (c) third degree felony if the act involves the use of a dangerous weapon as  
117 defined in Section 76-1-601;

118 [~~(e)~~] (d) third degree felony if the hazing results in serious bodily injury to a person; or

119 [~~(f)~~] (e) second degree felony if hazing under Subsection (3)[~~(e)~~] (d) involves the use  
120 of a dangerous weapon as defined in Section 76-1-601.

121 (4) A person who in good faith reports or participates in reporting of an alleged hazing  
122 is not subject to any civil or criminal liability regarding the reporting.

123 (5) (a) This section does not apply to military training or other official military  
124 activities.

125 (b) Military conduct is governed by Title 39, Chapter 6, Utah Code of Military Justice.

126 (6) (a) A prosecution under this section does not bar a prosecution of the actor for:

127 (i) any other offense for which the actor may be liable as a party for conduct committed  
128 by the person hazed; or

129 (ii) any offense, caused in the course of the hazing, that the actor commits against the  
130 person who is hazed.

131 (b) Under Subsection (6)(a)(i) a person may be separately punished, both for the hazing  
132 offense and the conduct committed by the person hazed.

133 (c) Under Subsection (6)(a)(ii) a person may not be punished both for hazing and for  
134 the other offense, but shall be punished for the offense carrying the greater maximum penalty.

135 Section 3. Section **76-9-308** is enacted to read:

136 **Part 3. Offenses Against or Involving Animals**

137 **76-9-308. Title.**

138 This part is known as "Offenses Against or Involving Animals."

139 Section 4. Section **76-9-309** is enacted to read:

140 **76-9-309. Definitions.**

141 As used in this part:

142 (1) (a) "Abandon" means to intentionally leave a live animal:

143 (i) without providing for the care of the animal in accordance with accepted animal  
144 husbandry practices; or

145 (ii) in a condition that:

146 (A) poses a serious threat to the life, safety, or health of the animal; and

147 (B) is not in accordance with accepted animal husbandry practices.

148 (b) "Abandon" does not include returning wildlife to its natural habitat.

149 (2) (a) "Animal" means, except as provided in Subsection (2)(b), a live, nonhuman,  
150 vertebrate creature.

151 (b) "Animal" does not include:

- 152 (i) a live, nonhuman, vertebrate creature that is:
- 153 (A) cared for in accordance with accepted animal husbandry practices; and
- 154 (B) (I) owned or kept by a zoological park that is accredited by, or a member of, the
- 155 American Zoo and Aquarium Association;
- 156 (II) kept, owned, or used for the purpose of training hunting dogs or raptors; or
- 157 (III) temporarily in the state as part of a circus or traveling exhibitor licensed by the
- 158 United States Department of Agriculture under 7 U.S.C. 2133;
- 159 (ii) a live, nonhuman, vertebrate creature that is owned, kept, or used for rodeo
- 160 purposes, if the creature is cared for in accordance with accepted rodeo practices;
- 161 (iii) livestock; or
- 162 (iv) wildlife, as defined in Section 23-13-2, including protected and unprotected
- 163 wildlife.
- 164 (3) "Custody" means ownership, possession, or control over an animal.
- 165 (4) "Legal privilege" means an act that:
- 166 (a) is authorized by state law, including Division of Wildlife Resources rules; and
- 167 (b) is not in violation of a local ordinance.
- 168 (5) "Livestock" means:
- 169 (a) domesticated:
- 170 (i) cattle;
- 171 (ii) sheep;
- 172 (iii) goats;
- 173 (iv) turkeys;
- 174 (v) swine;
- 175 (vi) equines;
- 176 (vii) camelidae;
- 177 (viii) ratites; or
- 178 (ix) bison;
- 179 (b) domesticated elk, as defined in Section 4-39-102; or
- 180 (c) any domesticated nonhuman vertebrate creature, domestic furbearer, or domestic
- 181 poultry, raised, kept, or used for agricultural purposes.
- 182 (6) "Serious injury" means bodily injury that:

- 183 (a) creates or causes serious permanent disfigurement;
- 184 (b) creates or causes protracted loss or impairment of the function of bodily member or
- 185 organ;
- 186 (c) creates a substantial risk of death; or
- 187 (d) causes death.

188 Section 5. Section **76-9-310**, which is renumbered from Section 76-9-301 is  
 189 renumbered and amended to read:

190 ~~[76-9-301].~~ **76-9-310. Animal torture -- Cruelty to an animal -- Animal neglect.**

191 (1) (a) A person is guilty of animal torture if the person, without having a legal  
 192 privilege to do so, intentionally, knowingly, and with depraved or sadistic intent, inflicts, or  
 193 causes to be inflicted upon an animal or livestock, severe physical pain or prolonged suffering,  
 194 regardless of whether the animal or livestock dies.

195 (b) Except as provided in Subsection (1)(c), animal torture is a class A misdemeanor.

196 (c) Animal torture is a third degree felony if, within five years after the day on which a  
 197 person is convicted under Subsection (1)(a), the person again commits a violation of  
 198 Subsection (1)(a).

199 ~~[(1)]~~ (2) (a) A person is guilty of cruelty to ~~[animals if]~~ an animal if, under  
 200 circumstances not constituting animal torture, and without having a legal privilege to do so, the  
 201 person intentionally, knowingly, or recklessly~~[-, or with criminal negligence]:~~

202 ~~[(a) fails to provide necessary food, care, or shelter for an animal in his custody;]~~

203 ~~[(b) abandons an animal in the person's custody;]~~

204 ~~[(c) transports or confines an animal in a cruel manner;]~~

205 ~~[(d) injures an animal;]~~

206 (i) administers, or causes to be administered, poison or a poisonous substance to an  
 207 animal;

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

211 (iii) causes serious injury to an animal;

212 ~~[(e)]~~ (iv) causes any livestock or animal, not including a dog, to fight with another  
 213 livestock or animal of like kind for;

214 (A) amusement [~~or gain; or~~];

215 (B) gambling; or

216 (C) profit; or

217 [~~(f)~~] (v) causes any livestock or animal, including a dog, to fight with a different kind

218 of animal, livestock, or creature for:

219 (A) amusement [~~or gain~~];

220 (B) gambling; or

221 (C) profit.

222 [~~(2)~~] (b) A violation of Subsection [~~(1)~~] (2)(a) is:

223 [~~(a)~~] (i) a class [~~B~~] A misdemeanor if committed intentionally or knowingly; [~~and~~] or

224 [~~(b)~~] (ii) a class [~~C~~] B misdemeanor if committed recklessly [~~or with criminal~~

225 negligence].

226 [~~(3) A person is guilty of aggravated cruelty to an animal if the person:]~~

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

228 [~~(b) administers poison or poisonous substances to an animal without having a legal~~

229 privilege to do so;]

230 [~~(c) kills or causes to be killed an animal without having a legal privilege to do so.]~~

231 (3) (a) A person is guilty of animal neglect, if, under circumstances not constituting

232 animal torture or cruelty to an animal, and without having a legal privilege to do so, the person,

233 in a manner not in keeping with accepted animal husbandry practices, intentionally, knowingly,

234 recklessly, or with criminal neglect:

235 (i) fails to provide an animal in the person's custody with the necessary food, water, or

236 shelter appropriate for the species, age, and physical condition of the animal; or

237 (ii) abandons an animal that is in the person's custody.

238 [~~(4)~~] (b) A violation of Subsection (3)(a) is:

239 [~~(a)~~] (i) a class [~~A~~] B misdemeanor if committed intentionally or knowingly; or

240 [~~(b)~~] (ii) a class [~~B~~] C misdemeanor if committed recklessly[~~; and (c) a class C~~

241 misdemeanor if committed] or with criminal negligence.

242 [~~(5)~~] (4) It is a defense to prosecution under this section that the conduct of the actor

243 towards the animal or livestock was:

244 (a) by a licensed veterinarian using accepted veterinary practice;



245 (b) directly related to bona fide experimentation for scientific research, provided that if  
246 the animal or livestock is to be destroyed, the manner employed will not be unnecessarily cruel  
247 unless directly necessary to the veterinary purpose or scientific research involved;

248 (c) permitted under Section 18-1-3;

249 (d) by a person who destroys livestock, or humanely destroys any animal, found  
250 suffering past recovery for any useful purpose; ~~[or]~~

251 (e) by a person who humanely destroys any apparently abandoned animal found on the  
252 person's property~~[-];~~ or

253 (f) by a person who reasonably believed, at the time of the conduct, that the conduct  
254 was necessary to:

255 (i) prevent injury to the person or another person; or

256 (ii) protect the property of the person from destruction or substantial damage.

257 ~~[(6)]~~ (5) For purposes of Subsection ~~[(5)]~~ (4)(d), before destroying the suffering animal  
258 or livestock, the person who is not the owner of the animal or livestock shall obtain:

259 (a) the judgment of a veterinarian of the animal's or livestock's nonrecoverable  
260 condition;

261 (b) the judgment of two other persons called by the person to view the unrecoverable  
262 condition of the animal or livestock in the person's presence;

263 (c) the consent from the owner of the animal or livestock to the destruction of the  
264 animal or livestock; or

265 (d) a reasonable conclusion that the animal's or livestock's suffering is beyond  
266 recovery, through the person's own observation, if the person is in a location or circumstance  
267 where the person is unable to contact another person.

268 ~~[(7)]~~ (6) This section does not affect or prohibit the training, instruction, ~~[and]~~  
269 handling, discipline, or grooming of animals~~[-, so long as the methods used are]~~ or livestock in  
270 accordance with accepted animal husbandry practices or customary farming practices.

271 ~~[(8)]~~ (7) (a) This section does not affect or prohibit the use of an electronic locating or  
272 training collar by the owner of an animal or livestock for the purpose of lawful animal or  
273 livestock training, lawful hunting practices, or protecting against loss of that animal or  
274 livestock.

275 (b) County and municipal governments may not prohibit the use of an electronic

276 locating or training collar.

277 ~~[(9)]~~ (8) Upon conviction under this section, the court may in its discretion, in addition  
278 to other penalties:

279 (a) order the defendant to be evaluated to determine the need for psychiatric or  
280 psychological counseling, to receive counseling as the court determines to be appropriate, and  
281 to pay the costs of the evaluation and counseling;

282 (b) require the defendant to forfeit any rights the defendant has to the animal or  
283 livestock subjected to a violation of this section and to repay the reasonable costs incurred by  
284 any person or agency in caring for each animal or livestock subjected to violation of this  
285 section;

286 (c) order the defendant to no longer possess or retain custody of any animal or  
287 livestock, as specified by the court, during the period of the defendant’s probation or parole or  
288 other period as designated by the court; and

289 (d) order the animal or livestock to be placed for the purpose of adoption or care in the  
290 custody of a county and municipal animal control agency, an animal welfare agency registered  
291 with the state, sold at public auction, or humanely destroyed.

292 ~~[(10)]~~ (9) This section does not prohibit the use of animals or livestock in lawful  
293 training.

294 ~~[(11) As used in this section:]~~

295 ~~[(a) "Abandons" means to intentionally deposit, leave, or drop off any live animal:]~~

296 ~~[(i) without providing for the care of that animal; or]~~

297 ~~[(ii) in a situation where conditions present an immediate, direct, and serious threat to~~  
298 ~~the life, safety, or health of the animal.]~~

299 ~~[(b) (i) "Animal" means a live, nonhuman vertebrate creature.]~~

300 ~~[(ii) "Animal" does not include animals kept or owned for agricultural purposes and~~  
301 ~~cared for in accordance with accepted husbandry practices, animals used for rodeo purposes,~~  
302 ~~and does not include protected and unprotected wildlife as defined in Section 23-13-2.]~~

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

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

306 ~~[(e) "Necessary food, care, and shelter" means appropriate and essential food and other~~

307 needs of the animal, including veterinary care, and adequate protection against extreme weather  
308 conditions.]

309 (10) This section does not prohibit:

310 (a) the lawful slaughter of livestock;

311 (b) any of the following, when conducted upon livestock in a manner that is in keeping  
312 with accepted animal husbandry practices or customary farming practices:

313 (i) destruction, culling, or euthanasia;

314 (ii) vivisection;

315 (iii) castration, gelding, neutering, or spaying;

316 (iv) declawing, defanging, dehorning, ear cropping, tail docking, polling, or other  
317 alteration;

318 (v) branding;

319 (vi) shoeing; or

320 (vii) grooming; or

321 (c) any other treatment of livestock that is in keeping with accepted husbandry  
322 practices or customary farming practices.

323 Section 6. Section **76-9-311**, which is renumbered from Section 76-9-301.1 is  
324 renumbered and amended to read:

325 **[76-9-301.1].            76-9-311. Dog fighting -- Training dogs for fighting -- Dog**  
326 **fighting exhibitions.**

327 (1) It is unlawful for any person to:

328 (a) own, possess, keep, or train a dog with the intent to engage it in an exhibition of  
329 fighting with another dog;

330 (b) cause a dog to fight with another dog or cause a dog to injure another dog for  
331 amusement or gain;

332 (c) tie, attach, or fasten any live animal to a machine or device propelled by any power,  
333 for the purpose of causing the animal to be pursued by a dog; or

334 (d) permit or allow any act which violates Subsection (1)(a), (b), or (c) on any premises  
335 under his charge; or to control, aid, or abet any such act.

336 (2) Possession of any breaking stick, treadmill, wheel, hot walker, cat mill, cat walker,  
337 jenni, or other paraphernalia together with evidence that the paraphernalia is being used or is

338 intended for use in the unlawful training of a dog to fight with another dog, together with the  
339 possession of any such dog, is prima facie evidence of violation of Subsections (1) (b) and (1)  
340 (c).

341 (3) A person who violates Subsection (1) is guilty of a third degree felony, and any fine  
342 imposed may not exceed \$25,000.

343 (4) (a) It is unlawful for a person to knowingly and intentionally:

344 (i) be present as a spectator at any place, building, or tenement where preparations are  
345 being made for an exhibition of dog fighting~~[-, or to knowingly and intentionally];~~ or

346 (ii) be present at a dog fighting exhibition or any other occurrence of fighting or injury  
347 described in this section.

348 (b) A person who violates ~~[this]~~ Subsection (4)(a) is guilty of a class B misdemeanor.

349 (5) Nothing in this section prohibits any of the following:

350 (a) the use of dogs for management of livestock by the owner, ~~[his]~~ the owner's  
351 employees or agents, or any other person in the lawful custody of livestock;

352 (b) the use of dogs for hunting; or

353 (c) the training of dogs or the possession or use of equipment in the training of dogs for  
354 any purpose not prohibited by law.

355 Section 7. Section **76-9-312**, which is renumbered from Section 76-9-301.5 is  
356 renumbered and amended to read:

357 ~~[76-9-301.5].~~ **76-9-312. Spectator at organized animal fighting exhibitions.**

358 (1) It is unlawful for a person to knowingly be present as a spectator at any place,  
359 building, or tenement where preparations are being made for an exhibition of the fighting of  
360 animals, as prohibited by ~~[Subsection 76-9-301(1)(e) and (f)]~~ Subsection 76-9-310(2)(a)(iv) or  
361 (v), or to be present at such exhibition, regardless of whether any entrance fee has been  
362 charged.

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

364 Section 8. Section **76-9-313**, which is renumbered from Section 76-9-301.6 is  
365 renumbered and amended to read:

366 ~~[76-9-301.6].~~ **76-9-313. Dog fighting exhibition -- Authority to arrest and**  
367 **take possession of dogs and property.**

368 (1) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications,

369 may enter any place, building, or tenement where an exhibition of dog fighting is occurring, or  
370 where preparations are being made for [~~such~~] an exhibition and, without a warrant, arrest all  
371 persons present.

372 (2) (a) Notwithstanding the provisions of Section [~~76-9-305~~] 76-9-317, any authorized  
373 officer who makes an arrest under Subsection (1) may lawfully take possession of all dogs,  
374 paraphernalia, implements, or other property or things used or employed, or to be employed, in  
375 an exhibition of dog fighting prohibited by Subsection [~~76-9-301(1)(f)~~] 76-9-310(2)(a)(v) or  
376 Section [~~76-9-301.1~~] 76-9-311.

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

380 (3) (a) After taking possession of dogs, paraphernalia, implements, or other property or  
381 things under Subsection (2), the officer shall file an affidavit with the judge or magistrate  
382 before whom a complaint has been made against any person arrested under this section.

383 (b) The affidavit shall include:

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

385 (ii) a description of all property taken;

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

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

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

389 (vi) a statement that the officer has reason to believe and believes that the property  
390 taken was used or employed, or was to be used or employed, in violation of Section [~~76-9-301~~  
391 ~~or 76-9-301.1~~] 76-9-310 or 76-9-311, and the grounds for the belief.

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

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

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

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

402 Section 9. Section **76-9-314**, which is renumbered from Section 76-9-301.7 is  
403 renumbered and amended to read:

404 ~~[76-9-301.7].~~ **76-9-314. Cruelty to animals -- Enhanced penalties.**

405 (1) "Conviction" means:

406 (a) a conviction by plea ~~[or by verdict.]~~ of guilty, nolo contendere, guilty and mentally  
407 ill, or no contest;

408 (b) a plea that is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, even  
409 if the charge was subsequently reduced or dismissed in accordance with the plea in abeyance  
410 agreement; or

411 (c) a verdict of guilty.

412 (2) ~~[A]~~ (a) Except as provided in Subsection (2)(b), a person who commits any  
413 violation of Section ~~[76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4)]~~ 76-9-310,  
414 Section 76-9-312, or Subsection 76-9-311(1) or (4) within the state and on at least one previous  
415 occasion has been convicted of violating Section ~~[76-9-301, Section 76-9-301.5, or Subsection~~  
416 ~~76-9-301.1(4) shall be]~~ 76-9-310, Section 76-9-312, or Subsection 76-9-311(1) or (4) or has  
417 been convicted in another jurisdiction of an offense that is substantially similar to any of these  
418 offenses is subject to an enhanced penalty ~~[as provided in]~~ under Subsection (3).

419 (b) The enhancements described in this section do not apply to a conviction for animal  
420 torture under Subsection 76-9-310(1).

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

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

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

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

428 (b) If the notice is not included initially, the court may subsequently allow the  
429 prosecutor to amend the charging document to include the notice if the court finds:

430 (i) that the amended charging documents, including any statement of probable cause,

431 provide notice that the defendant is subject to an enhanced penalty provided under this section;  
432 and

433 (ii) that the defendant has not otherwise been substantially prejudiced by the  
434 amendment.

435 Section 10. Section **76-9-315**, which is renumbered from Section 76-9-301.8 is  
436 renumbered and amended to read:

437 ~~[76-9-301.8].~~ **76-9-315. Bestiality -- Definitions -- Penalty.**

438 (1) A person commits the crime of bestiality if the actor engages in any sexual activity  
439 with an animal with the intent of sexual gratification of the actor.

440 (2) For purposes of this section only:

441 (a) "Animal" means any live, nonhuman vertebrate creature, including fowl.

442 (b) "Sexual activity" means physical sexual contact:

443 (i) between the actor and the animal involving the genitals of the actor and the genitals  
444 of the animal;

445 (ii) the genitals of the actor or the animal and the mouth or anus of the actor or the  
446 animal; or

447 (iii) through the actor's use of an object in contact with the genitals or anus of the  
448 animal.

449 (3) A crime of bestiality is a class B misdemeanor.

450 Section 11. Section **76-9-316**, which is renumbered from Section 76-9-304 is  
451 renumbered and amended to read:

452 ~~[76-9-304].~~ **76-9-316. Allowing vicious animal to go at large.**

453 ~~[Any]~~ (1) An owner of a vicious animal~~[, knowing its propensities, who]~~ is guilty of  
454 allowing a vicious animal to go at large if:

455 (a) the owner:

456 (i) knows the animal's propensities; and

457 (ii) (A) willfully allows [it] the animal to go at large; or [who]

458 (B) keeps [it] the animal without ordinary care~~[, and any animal,]; and~~

459 (b) while the animal is at large~~[,]; or [while]~~ not kept with ordinary care, the animal  
460 causes injury to:

461 (i) another animal; or [to]

462           (ii) any human being who has taken reasonable precaution which the circumstances  
463 permitted[;].

464           (2) A person who violates Subsection (1) is guilty of a class B misdemeanor unless the  
465 animal causes the death of a human being, whereupon the owner is guilty of a felony of the  
466 third degree.

467           Section 12. Section **76-9-317**, which is renumbered from Section 76-9-305 is  
468 renumbered and amended to read:

469           ~~[76-9-305].~~   **76-9-317. Officer's authority to take possession of animals -- Lien**  
470 **for care.**

471           (1) (a) Any law enforcement officer may take possession of [~~any animals being treated~~  
472 ~~cruelly and;~~] an animal that is being subjected to a violation of this part.

473           (b) A law enforcement officer who takes possession of an animal under Subsection  
474 (1)(a) may:

475           (i) after reasonable efforts to notify the owner, [~~may~~] provide shelter and care for  
476 [~~them~~] the animal; or

477           (ii) upon permission from the owner [~~may~~], destroy [~~them~~] the animal.

478           (2) (a) [~~Officers caring for animals~~] An officer who provides care for, or destroys, an  
479 animal pursuant to this section shall have a lien for the reasonable value of the care [~~and/or~~]  
480 and destruction. [~~Any court upon proof that the owner has been notified of the lien and amount~~  
481 due, at least five days prior, shall order the animal sold at public auction or destroyed.]

482           (b) A court shall order that an animal taken into possession under Subsection (1) be  
483 sold at public auction or destroyed, if the officer:

484           (i) requests the order; and

485           (ii) provides proof to the court that, at least five days before the day on which the  
486 request for an order is made, the owner was notified of the lien and the amount due.

487           (3) (a) Any law enforcement officer may humanely destroy any animal found suffering  
488 past recovery for any useful purpose.

489           (b) Before destroying [~~the~~] an animal under Subsection (3)(a) the officer shall obtain:

490           (i) the [~~judgment to the effect~~] opinion of a veterinarian, or of two reputable citizens  
491 called by [~~him~~] the officer to view the animal in [~~his~~] the officer's presence, that the animal is  
492 suffering past recovery for any useful purpose; or [~~shall obtain~~]



493 (ii) consent to the destruction from the owner of the animal.

494 Section 13. Section **76-9-318**, which is renumbered from Section 76-9-306 is  
495 renumbered and amended to read:

496 ~~[76-9-306]~~. **76-9-318. Police service animals -- Causing injury or interfering**  
497 **with handler -- Penalties.**

498 (1) As used in this section:

499 (a) "Handler" means a law enforcement officer who is specially trained, and uses a  
500 police service animal during the course of the performance of his law enforcement duties.

501 (b) "Police service animal" means any dog or horse used by a law enforcement agency,  
502 which is specially trained for law enforcement work, or any animal contracted to assist a law  
503 enforcement agency in the performance of law enforcement duties.

504 (2) It is a third degree felony for a person to intentionally:

505 (a) cause bodily injury or death to a police service animal;

506 (b) engage in conduct likely to cause bodily injury or death to a police service animal;

507 (c) lay out, place, or administer any poison, trap, substance, or object which is likely to  
508 produce bodily injury or death to a police service animal; or

509 (d) offer or agree with one or more persons to engage in or cause the performance of an  
510 act which constitutes a violation of this section.

511 (3) It is a class A misdemeanor for a person to intentionally or knowingly:

512 (a) taunt, torment, strike, or otherwise assault a police service animal;

513 (b) throw any object or substance at, or in the path of, a police service animal;

514 (c) interfere with or obstruct a police service animal, or attempt to, or interfere with the  
515 handler of the animal in a manner that inhibits, restricts, or deprives the handler of his control  
516 of the animal;

517 (d) release a police service animal from its area of control, such as a vehicle, kennel, or  
518 pen, or trespass in that area; or

519 (e) place any food, object, or substance into a police service animal's area of control  
520 without the permission of the handler.

521 (4) A police service animal is exempt from quarantine or other animal control  
522 ordinances if it bites any person while under proper police supervision or routine veterinary  
523 care. The law enforcement agency and the animal's handler shall make the animal available for

524 examination at any reasonable time and shall notify the local health officer if the animal  
525 exhibits any abnormal behavior.

526 (5) In addition to any other penalty, a person convicted of a violation of this section is  
527 liable for restitution to the owning or employing law enforcement agency or individual owner  
528 of the police service animal for the replacement, training, and veterinary costs incurred as a  
529 result of the violation of this section.

530 Section 14. Section **76-9-319**, which is renumbered from Section 76-9-307 is  
531 renumbered and amended to read:

532 **[76-9-307]. 76-9-319. Injury to service animals -- Penalties.**

533 (1) As used in this section:

534 (a) "Disability" has the same meaning as defined in Section 62A-5b-102.

535 (b) "Search and rescue dog" means a dog:

536 (i) with documented training to locate persons who are:

537 (A) lost, missing, or injured; or

538 (B) trapped under debris as the result of a natural or man-made event; and

539 (ii) affiliated with an established search and rescue dog organization.

540 (c) "Service animal" means:

541 (i) a service animal as defined in Section 62A-5b-102;

542 (ii) a psychiatric therapy animal as defined in Section 62A-5b-102; or

543 (iii) a search and rescue dog.

544 (2) It is a class A misdemeanor for a person to knowingly, intentionally, or recklessly  
545 cause substantial bodily injury or death to a service animal.

546 (3) It is a class A misdemeanor for a person who owns, keeps, harbors, or exercises  
547 control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient  
548 control over the animal to prevent it from causing:

549 (a) any substantial bodily injury or the death of a service animal; or

550 (b) the service animal's subsequent inability to function as a service animal as a result  
551 of the animal's attacking, chasing, or harassing the service animal.

552 (4) It is a class B misdemeanor for a person to chase or harass a service animal.

553 (5) It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises  
554 control over an animal to knowingly, intentionally, or recklessly fail to exercise sufficient

555 control over the animal to prevent it from chasing or harassing a service animal while it is  
556 carrying out its functions as a service animal, to the extent that the animal temporarily  
557 interferes with the service animal's ability to carry out its functions.

558 (6) (a) A service animal is exempt from quarantine or other animal control ordinances  
559 if it bites any person while it is subject to an offense under Subsection (2), (3), (4), or (5).

560 (b) The owner of the service animal or the person with a disability whom the service  
561 animal serves shall make the animal available for examination at any reasonable time and shall  
562 notify the local health officer if the animal exhibits any abnormal behavior.

563 (7) In addition to any other penalty, a person convicted of any violation of this section  
564 is liable for restitution to the owner of the service animal or the person with a disability whom  
565 the service animal serves for the replacement, training, and veterinary costs incurred as a result  
566 of the violation of this section.

567 (8) If the act committed under this section amounts to an offense subject to a greater  
568 penalty under another provision of Title 76, Utah Criminal Code, than is provided under this  
569 section, this section does not prohibit prosecution and sentencing for the more serious offense.

570 Section 15. Section **76-10-1602** is amended to read:

571 **76-10-1602. Definitions.**

572 As used in this part:

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

576 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the  
577 commission of at least three episodes of unlawful activity, which episodes are not isolated, but  
578 have the same or similar purposes, results, participants, victims, or methods of commission, or  
579 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall  
580 demonstrate continuing unlawful conduct and be related either to each other or to the  
581 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have  
582 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful  
583 activity as defined by this part shall have occurred within five years of the commission of the  
584 next preceding act alleged as part of the pattern.

585 (3) "Person" includes any individual or entity capable of holding a legal or beneficial

586 interest in property, including state, county, and local governmental entities.

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

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

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

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

600 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title  
601 26, Chapter 20, Utah False Claims Act, Sections 26-20-1 through 26-20-12;

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

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

606 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
607 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,  
608 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,  
609 Clandestine Drug Lab Act;

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

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

614 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;

615 (k) a terroristic threat, Section 76-5-107;

616 (l) criminal homicide, Sections 76-5-201, 76-5-202, and 76-5-203;

- 617 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 618 (n) sexual exploitation of a minor, Section 76-5a-3;
- 619 (o) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 620 (p) causing a catastrophe, Section 76-6-105;
- 621 (q) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 622 (r) burglary of a vehicle, Section 76-6-204;
- 623 (s) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 624 (t) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 625 (u) theft, Section 76-6-404;
- 626 (v) theft by deception, Section 76-6-405;
- 627 (w) theft by extortion, Section 76-6-406;
- 628 (x) receiving stolen property, Section 76-6-408;
- 629 (y) theft of services, Section 76-6-409;
- 630 (z) forgery, Section 76-6-501;
- 631 (aa) fraudulent use of a credit card, Sections 76-6-506.1, 76-6-506.2, and 76-6-506.4;
- 632 (bb) deceptive business practices, Section 76-6-507;
- 633 (cc) bribery or receiving bribe by person in the business of selection, appraisal, or  
634 criticism of goods, Section 76-6-508;
- 635 (dd) bribery of a labor official, Section 76-6-509;
- 636 (ee) defrauding creditors, Section 76-6-511;
- 637 (ff) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 638 (gg) unlawful dealing with property by fiduciary, Section 76-6-513;
- 639 (hh) bribery or threat to influence contest, Section 76-6-514;
- 640 (ii) making a false credit report, Section 76-6-517;
- 641 (jj) criminal simulation, Section 76-6-518;
- 642 (kk) criminal usury, Section 76-6-520;
- 643 (ll) fraudulent insurance act, Section 76-6-521;
- 644 (mm) retail theft, Section 76-6-602;
- 645 (nn) computer crimes, Section 76-6-703;
- 646 (oo) identity fraud, Section 76-6-1102;
- 647 (pp) sale of a child, Section 76-7-203;

- 648 (qq) bribery to influence official or political actions, Section 76-8-103;  
649 (rr) threats to influence official or political action, Section 76-8-104;  
650 (ss) receiving bribe or bribery by public servant, Section 76-8-105;  
651 (tt) receiving bribe or bribery for endorsement of person as public servant, Section  
652 76-8-106;  
653 (uu) official misconduct, Sections 76-8-201 and 76-8-202;  
654 (vv) obstruction of justice, Section 76-8-306;  
655 (ww) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;  
656 (xx) false or inconsistent material statements, Section 76-8-502;  
657 (yy) false or inconsistent statements, Section 76-8-503;  
658 (zz) written false statements, Section 76-8-504;  
659 (aaa) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;  
660 (bbb) retaliation against a witness, victim, or informant, Section 76-8-508.3;  
661 (ccc) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;  
662 (ddd) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or  
663 76-8-1205;  
664 (eee) unemployment insurance fraud, Section 76-8-1301;  
665 (fff) intentionally or knowingly causing one animal to fight with another, Subsection  
666 ~~[76-9-301(1)(f)]~~ 76-9-310(2)(a)(iv) or (v), or Section 76-9-311;  
667 (ggg) possession, use, or removal of explosives, chemical, or incendiary devices or  
668 parts, Section 76-10-306;  
669 (hhh) delivery to common carrier, mailing, or placement on premises of an incendiary  
670 device, Section 76-10-307;  
671 (iii) possession of a deadly weapon with intent to assault, Section 76-10-507;  
672 (jjj) unlawful marking of pistol or revolver, Section 76-10-521;  
673 (kkk) alteration of number or mark on pistol or revolver, Section 76-10-522;  
674 (lll) forging or counterfeiting trademarks, trade name, or trade device, Section  
675 76-10-1002;  
676 (mmm) selling goods under counterfeited trademark, trade name, or trade devices,  
677 Section 76-10-1003;  
678 (nnn) sales in containers bearing registered trademark of substituted articles, Section

679 76-10-1004;  
680 (ooo) selling or dealing with article bearing registered trademark or service mark with  
681 intent to defraud, Section 76-10-1006;  
682 (ppp) gambling, Section 76-10-1102;  
683 (qqq) gambling fraud, Section 76-10-1103;  
684 (rrr) gambling promotion, Section 76-10-1104;  
685 (sss) possessing a gambling device or record, Section 76-10-1105;  
686 (ttt) confidence game, Section 76-10-1109;  
687 (uuu) distributing pornographic material, Section 76-10-1204;  
688 (vvv) inducing acceptance of pornographic material, Section 76-10-1205;  
689 (www) dealing in harmful material to a minor, Section 76-10-1206;  
690 (xxx) distribution of pornographic films, Section 76-10-1222;  
691 (yyy) indecent public displays, Section 76-10-1228;  
692 (zzz) prostitution, Section 76-10-1302;  
693 (aaaa) aiding prostitution, Section 76-10-1304;  
694 (bbbb) exploiting prostitution, Section 76-10-1305;  
695 (cccc) aggravated exploitation of prostitution, Section 76-10-1306;  
696 (dddd) communications fraud, Section 76-10-1801;  
697 (eeee) any act prohibited by the criminal provisions of Title 76, Chapter 10, Part 19,  
698 Money Laundering and Currency Transaction Reporting Act;  
699 (ffff) any act prohibited by the criminal provisions of the laws governing taxation in  
700 this state; and  
701 (gggg) any act illegal under the laws of the United States and enumerated in Title 18,  
702 Section 1961 (1)(B), (C), and (D) of the United States Code.

703 Section 16. Section **77-23a-8** is amended to read:

704 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

705 (1) The attorney general of the state, any assistant attorney general specially designated  
706 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy  
707 district attorney specially designated by the county attorney or by the district attorney, may  
708 authorize an application to a judge of competent jurisdiction for an order for an interception of  
709 wire, electronic, or oral communications by any law enforcement agency of the state, the

710 federal government or of any political subdivision of the state that is responsible for  
711 investigating the type of offense for which the application is made.

712 (2) The judge may grant the order in conformity with the required procedures when the  
713 interception sought may provide or has provided evidence of the commission of:

714 (a) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah  
715 Controlled Substances Act; Title 58, Chapter 37c, Utah Controlled Substances Precursor Act;  
716 Title 58, Chapter 37d, Clandestine Drug Lab Act; punishable by a term of imprisonment of  
717 more than one year;

718 (b) any act prohibited by the criminal provisions of ~~[the]~~ Title 61, Chapter 1, Utah  
719 Uniform Securities Act and punishable by a term of imprisonment of more than one year~~[-Title~~  
720 ~~61, Chapter 1]~~;

721 (c) attempt, Section 76-4-101; conspiracy, Section 76-4-201; solicitation, Section  
722 76-4-203; to commit any of the offenses enumerated above so long as the attempt, conspiracy  
723 or solicitation offense is punishable by a term of imprisonment of more than one year;

724 (d) terroristic threat offense punishable by a maximum term of imprisonment of more  
725 than one year, Section 76-5-107;

726 (e) aggravated murder, Section 76-5-202; murder, Section 76-5-203; manslaughter,  
727 Section 76-5-205;

728 (f) kidnapping, Section 76-5-301; child kidnapping, Section 76-5-301.1; aggravated  
729 kidnapping, Section 76-5-302;

730 (g) arson, Section 76-6-102; aggravated arson, Section 76-6-103;

731 (h) burglary, Section 76-6-202; aggravated burglary, Section 76-6-203;

732 (i) robbery, Section 76-6-301; aggravated robbery, Section 76-6-302;

733 (j) theft, Section 76-6-404; theft by deception, Section 76-6-405; theft by extortion,  
734 Section 76-6-406; when the theft, theft by deception or theft by extortion, is punishable by a  
735 maximum term of imprisonment of more than one year;

736 (k) receiving stolen property offense punishable by a maximum term of imprisonment  
737 of more than one year, Section 76-6-408;

738 (l) financial card transaction offenses punishable by a maximum term of imprisonment  
739 of more than one year, Section 76-6-506.1, 76-6-506.2, 76-6-506.3, 76-6-506.4, 76-6-506.5, or  
740 76-6-506.6;



- 741 (m) bribery of a labor official, Section 76-6-509;
- 742 (n) bribery or threat to influence a publicly exhibited contest, Section 76-6-514;
- 743 (o) criminal simulation offenses punishable by a maximum term of imprisonment of  
744 more than one year, Section 76-6-518;
- 745 (p) criminal usury, Section 76-6-520;
- 746 (q) fraudulent insurance act offenses punishable by a maximum term of imprisonment  
747 of more than one year, Section 76-6-521;
- 748 (r) violations of the Computer Crimes Act punishable by a maximum term of  
749 imprisonment of more than one year, Section 76-6-703;
- 750 (s) bribery to influence official or political actions, Section 76-8-103;
- 751 (t) misusing public moneys, Section 76-8-402;
- 752 (u) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 753 (v) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 754 (w) tampering with a juror, retaliation against a juror, Section 76-8-508.5;
- 755 (x) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 756 (y) obstruction of justice, Section 76-8-306;
- 757 (z) destruction of property to interfere with preparation for defense or war, Section  
758 76-8-802;
- 759 (aa) attempts to commit crimes of sabotage, Section 76-8-804;
- 760 (bb) conspiracy to commit crimes of sabotage, Section 76-8-805;
- 761 (cc) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 762 (dd) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 763 (ee) riot punishable by a maximum term of imprisonment of more than one year,  
764 Section 76-9-101;
- 765 (ff) dog fighting, training dogs for fighting, dog fighting exhibitions punishable by a  
766 maximum term of imprisonment of more than one year, Section ~~[76-9-301.1]~~ 76-9-311;
- 767 (gg) explosive, chemical, or incendiary device and parts, possession, use, or removal,  
768 Section 76-10-306;
- 769 (hh) explosive, chemical, or incendiary device, delivery to a common carrier or  
770 mailing, Section 76-10-307;
- 771 (ii) exploiting prostitution, Section 76-10-1305;

- 772 (jj) aggravated exploitation of prostitution, Section 76-10-1306;
- 773 (kk) bus hijacking, assault with intent to commit hijacking, dangerous weapon or
- 774 firearm, Section 76-10-1504;
- 775 (ll) discharging firearms and hurling missiles, Section 76-10-1505;
- 776 (mm) violations of the Pattern of Unlawful Activity Act and the offenses listed under
- 777 the definition of unlawful activity in the act, including the offenses not punishable by a
- 778 maximum term of imprisonment of more than one year when those offenses are investigated as
- 779 predicates for the offenses prohibited by the act, Section 76-10-1602;
- 780 (nn) communications fraud, Section 76-10-1801;
- 781 (oo) money laundering, Sections 76-10-1903 and 76-10-1904; or
- 782 (pp) reporting by financial institutions when the offense is punishable by a maximum
- 783 term of imprisonment of more than one year, Section 76-10-1906.

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**Legislative Review Note**  
**as of 12-20-07 9:28 AM**

**Office of Legislative Research and General Counsel**