

1 **THREAT OF TERRORISM PENALTY AMENDMENTS**

2 2013 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Eric K. Hutchings**

5 Senate Sponsor: Stephen H. Urquhart

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Criminal Code regarding a threat to commit terrorism.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ provides that threatening to commit an act of terrorism with the intent to cause
13 action by an official or volunteer of any emergency agency is a class B
14 misdemeanor;

15 ▶ does not modify the felony penalties for acts that include intimidating the public,
16 affecting government conduct, or affecting the use of any building or public carrier;

17 and

18 ▶ modifies the elements of the offense of engaging in conduct that causes action by an
19 emergency response agency.

20 **Money Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 None

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **76-5-107.3**, as enacted by Laws of Utah 2010, Chapter 334

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

29 Section 1. Section **76-5-107.3** is amended to read:

30 **76-5-107.3. Threat of terrorism -- Penalty.**

31 (1) A person commits a threat of terrorism if the person threatens to commit any
32 offense involving bodily injury, death, or substantial property damage, and:

33 (a) (i) threatens the use of a weapon of mass destruction, as defined in Section
34 76-10-401; or

35 (ii) threatens the use of a hoax weapon of mass destruction, as defined in Section
36 76-10-401; or

37 (b) acts with intent to:

38 (i) intimidate or coerce a civilian population or to influence or affect the conduct of a
39 government or a unit of government;

40 (ii) prevent or interrupt the occupation of a building or a portion of the building, a
41 place to which the public has access, or a facility or vehicle of public transportation operated by
42 a common carrier; or

43 (iii) cause ~~[action of any nature by]~~ an official or volunteer agency organized to deal
44 with emergencies to take action due to the person's conduct posing a serious and substantial
45 risk to the general public.

46 (2) (a) A violation of Subsection (1)(a) or (1)(b)(i) is a second degree felony.

47 (b) A violation of Subsection (1)(b)(ii) is a third degree felony.

48 (c) A violation of Subsection (1)(b)(iii) is a class B misdemeanor.

49 (3) It is not a defense under this section that the person did not attempt to carry out or
50 was incapable of carrying out the threat.

51 (4) A threat under this section may be express or implied.

52 (5) A person who commits an offense under this section is subject to punishment for
53 that offense, in addition to any other offense committed, including the carrying out of the
54 threatened act.

55 (6) In addition to any other penalty authorized by law, a court shall order any person
56 convicted of any violation of this section to reimburse any federal, state, or local unit of
57 government, or any private business, organization, individual, or entity for all expenses and

58 losses incurred in responding to the violation, unless the court states on the record the reasons
59 why the reimbursement would be inappropriate.