

## SB0020S01 compared with SB0020

~~{deleted text}~~ shows text that was in SB0020 but was deleted in SB0020S01.

Inserted text shows text that was not in SB0020 but was inserted into SB0020S01.

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Senator Daniel W. Thatcher proposes the following substitute bill:

### MISDEMEANOR AMENDMENTS

2018 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel W. Thatcher**

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

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#### LONG TITLE

~~{Committee Note:~~

~~—The Political Subdivisions Interim Committee recommended this bill.~~

~~}General Description:~~

This bill modifies penalties in county and municipal ordinances and the Utah Code.

#### Highlighted Provisions:

This bill:

- ▶ ~~{reduces to an infraction certain}~~ designates offenses currently designated as misdemeanors for which a punishment or classification is not specified in the Utah Code as class B misdemeanors;
- ▶ reduces to an infraction the default penalty for offenses designated as misdemeanors for which a punishment or classification is not specified in the Utah Code and, as of a certain date, in a county or municipal ordinance; and

## SB0020S01 compared with SB0020

- ▶ makes technical changes.

### Money Appropriated in this Bill:

None

### Other Special Clauses:

~~{ This bill provides a special effective date. }~~ None

### Utah Code Sections Affected:

#### AMENDS:

9-7-214, as renumbered and amended by Laws of Utah 1992, Chapter 241

9-9-211, as renumbered and amended by Laws of Utah 1992, Chapter 241

10-3-908, as enacted by Laws of Utah 1977, Chapter 48

11-1-6, Utah Code Annotated 1953

11-6-3, Utah Code Annotated 1953

13-10-6, as last amended by Laws of Utah 1995, Chapter 325

17-30-22, as last amended by Laws of Utah 2011, Chapter 297

17-43-308, as renumbered and amended by Laws of Utah 2003, Chapter 22

23-15-4, as enacted by Laws of Utah 1971, Chapter 46

23-20-27, as enacted by Laws of Utah 1973, Chapter 33

30-1-11, Utah Code Annotated 1953

30-1-39, as enacted by Laws of Utah 1971, Chapter 64

34-19-12, as enacted by Laws of Utah 1969, Chapter 85

34-28-4, as enacted by Laws of Utah 1969, Chapter 85

34-28-12, as enacted by Laws of Utah 1969, Chapter 85

34-29-1, as last amended by Laws of Utah 2011, Chapter 297

34-29-6, as last amended by Laws of Utah 1988, Chapter 133

34-29-20, as enacted by Laws of Utah 1969, Chapter 85

34-30-9, as enacted by Laws of Utah 1969, Chapter 85

34-32-3, as enacted by Laws of Utah 1969, Chapter 85

34-33-2, as enacted by Laws of Utah 1969, Chapter 85

34-34-17, as enacted by Laws of Utah 1969, Chapter 85

34A-2-108, as renumbered and amended by Laws of Utah 1997, Chapter 375

34A-2-803, as renumbered and amended by Laws of Utah 1997, Chapter 375

## SB0020S01 compared with SB0020

39-1-53, as last amended by Laws of Utah 1963, Chapter 61

39-7-113, as last amended by Laws of Utah 2008, Chapter 122

39-7-114, as enacted by Laws of Utah 1997, Chapter 306

39-7-115, as enacted by Laws of Utah 1997, Chapter 306

39-7-117, as enacted by Laws of Utah 1997, Chapter 306

42-3-5, Utah Code Annotated 1953

52-3-3, as last amended by Laws of Utah 1953, Chapter 79

~~{ 53A-14-106, as last amended by Laws of Utah 2001, Chapter 84~~

{ 53B-3-108, as enacted by Laws of Utah 1987, Chapter 167

53B-17-304, as enacted by Laws of Utah 1987, Chapter 167

53E-4-407, as last amended by Laws of Utah 2001, Chapter 84

54-3-21, Utah Code Annotated 1953

54-5-4, Utah Code Annotated 1953

56-1-12, Utah Code Annotated 1953

56-1-14, as last amended by Laws of Utah 1975, First Special Session, Chapter 9

56-1-16, Utah Code Annotated 1953

56-1-29, as enacted by Laws of Utah 1961, Chapter 131

63A-5-502, as renumbered and amended by Laws of Utah 2008, Chapter 382

71-10-3, as last amended by Laws of Utah 1993, Chapter 133

72-10-412, as renumbered and amended by Laws of Utah 1998, Chapter 270

76-3-104, as enacted by Laws of Utah 1973, Chapter 196

78A-2-411, as renumbered and amended by Laws of Utah 2008, Chapter 3

78A-6-111, as last amended by Laws of Utah 2017, Chapter 330

78B-1-126, as renumbered and amended by Laws of Utah 2008, Chapter 3

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

Section 1. Section **9-7-214** is amended to read:

**9-7-214. Intentionally defacing, injuring, destroying, or refusing to return property -- Infraction.**

Whoever intentionally defaces, injures, or refuses to return on demand, or destroys any property belonging to the state library or loaned through its coordinating agencies or facilities,

## SB0020S01 compared with SB0020

[~~shall be~~] is guilty of ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~.

Section 2. Section **9-9-211** is amended to read:

### **9-9-211. Hunting, trapping, or fishing on reservation an infraction.**

Any person who, without lawful authority or permission from constituted tribal authorities, willfully and knowingly goes upon any real property within an Indian reservation belonging to any Indian, or any Indian tribe, band, or community, that is held in trust by the United States or is subject to a restriction against alienation imposed by the United States, for the purpose of hunting, trapping, or fishing thereon, or for the removal of game, peltries, or fish therefrom, is guilty of ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~, and all game, fish, and peltries in [~~his~~] the person's possession shall be forfeited to the tribe.

Section 3. Section **10-3-908** is amended to read:

### **10-3-908. Noncompliance an infraction.**

Any city engineer who fails to comply with Sections 10-3-903 through 10-3-907 is guilty of ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~.

Section 4. Section **11-1-6** is amended to read:

### **11-1-6. Violation of act an infraction.**

Anyone violating the provisions of this act [~~shall be~~] is guilty of ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~.

Section 5. Section **11-6-3** is amended to read:

### **11-6-3. Violation an infraction.**

A violation of any of the provisions of this chapter is ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~.

Section 6. Section **13-10-6** is amended to read:

### **13-10-6. Violation an infraction.**

Each violation of Section 13-10-4 is ~~{{}}a class B misdemeanor~~{}~~~~~~{}~~~~}an infraction~~}~~~~.

Section 7. Section **17-30-22** is amended to read:

### **17-30-22. Prohibitions against political activities -- Penalties.**

(1) Any employee of a governmental unit or member of a governing body, or appointing authority, or peace officer who shall appoint, promote, transfer, demote, suspend, discharge or change the amount of compensation of any merit system officer or seek, aid or abet the appointment, promotion, transfer, demotion, suspension, discharge or change in the

## SB0020S01 compared with SB0020

amount of compensation of any merit system officer, or promise or threaten to do so, for giving, withholding, or neglecting to make any contributions or any service for any political purpose, or who solicits, directly or indirectly, any such contribution or service, from a merit system officer, ~~shall be~~ is guilty of ~~{} a~~ class B misdemeanor ~~{}~~ an infraction. This section does not apply to political speeches or use of mass communications media for political purposes by persons not merit system officers even though merit system officers may be present or within the reach of such media unless the purpose and intent is to violate this section with direct respect to those officers.

(2) No merit system officer may engage in any political activity during the hours of employment, nor shall any person solicit political contributions from merit system officers during hours of employment for political purposes; but nothing in this section shall preclude voluntary contributions by a merit system officer to the party or candidate of the officer's choice.

Section 8. Section 17-43-308 is amended to read:

### **17-43-308. Specified treatments prohibited -- Criminal penalties.**

(1) It is a class B misdemeanor to give shock treatment, lobotomy, or surgery to anyone without the written consent of the person's next of kin or legal guardian. Services provided under this part are governed by Title 58, Chapter 67, Utah Medical Practice Act.

(2) It is a felony to give psychiatric treatment, nonvocational mental health counseling, case-finding testing, psychoanalysis, drugs, shock treatment, lobotomy, or surgery to any individual for the purpose of changing his concept of, belief about, or faith in God.

Section ~~{8}~~9. Section **23-15-4** is amended to read:

### **23-15-4. Screens or other devices required -- Failure to install after notice an infraction.**

It is unlawful for any person, company or corporation to take any water from the state streams, lakes or reservoirs for power purposes, or for waterworks, without first furnishing and maintaining suitable screens or other devices to prevent fish from entering such power plants, millraces or waterworks system; said screen or other devices to be built and maintained under the direction of the board and at the expense of said owner or operators. The failure of any person, firm or corporation to install a screen or device within 30 days after notice in writing so to do has been given by the board ~~shall constitute a~~ is a class B misdemeanor ~~{}~~ is an

## SB0020S01 compared with SB0020

infraction.

Section ~~{9}~~10. Section 23-20-27 is amended to read:

### **23-20-27. Alteration of license, permit, tag or certificate an infraction.**

Any person who at any time alters or changes in any manner, with intent to defraud, any license, permit, tag or certificate of registration issued under provisions of this code or action of the Wildlife Board is guilty of ~~{f}~~a class B misdemeanor ~~{f}~~an infraction.

Section ~~{10}~~11. Section 30-1-11 is amended to read:

### **30-1-11. Return of license after ceremony -- Failure -- Penalty.**

(1) The ~~[person]~~ individual solemnizing the marriage shall within 30 days thereafter return the license to the clerk of the county whence it issued, with a certificate of the marriage over ~~[his]~~ the individual's signature, giving the date and place of celebration and the names of two or more witnesses present at the marriage. ~~[For failure]~~

(2) An individual described in Subsection (1) who fails to make ~~[such]~~ the return ~~[he shall be]~~ is guilty of ~~{f}~~a class B misdemeanor ~~{f}~~an infraction.

Section ~~{11}~~12. Section 30-1-39 is amended to read:

### **30-1-39. Violation of counseling provisions -- Infraction.**

~~[Any person]~~ An individual coming within the provisions of this act who falsely represents that ~~[he]~~ the individual has complied with the requirements of a master plan for premarital counseling or who, for the purpose of evading the provisions of this act, applies for a marriage license in a county within the state of Utah which does not require premarital counseling, is guilty of ~~{f}~~a class B misdemeanor ~~{f}~~an infraction.

Section ~~{12}~~13. Section 34-19-12 is amended to read:

### **34-19-12. Deputizing of employees prohibited.**

(1) No employee of any employer whose employees are on strike or lockout for any reason shall be deputized for any purpose arising from or in connection with such strike by any sheriff, chief of police, town marshal, officer of the highway patrol, or any other peace officer during the time such strike or lockout exists.

(2) Any person who violates the provisions of this section ~~[shall be]~~ is guilty of ~~{f}~~a class B misdemeanor ~~{f}~~an infraction.

Section ~~{13}~~14. Section 34-28-4 is amended to read:

### **34-28-4. Notice of paydays -- Failure to notify an infraction.**

## SB0020S01 compared with SB0020

(1) It shall be the duty of every employer to notify [~~his~~] the employer's employees at the time of hiring of the day and place of payment, of the rate of pay, and of any change with respect to any of these items prior to the time of the change. Alternatively, however, every employer shall have the option of giving such notification by posting these facts and keeping them posted conspicuously at or near the place of work where such posted notice can be seen by each employee as [~~he~~] the employee comes or goes to [~~his~~] the employee's place of work.

(2) Failure to post and to keep posted any notice or failure to give notice as prescribed in this section [~~shall be deemed a~~] is a class B misdemeanor [~~and punishable as such~~] ~~{is an infraction}~~.

Section ~~{14}~~ 15. Section **34-28-12** is amended to read:

### **34-28-12. Violations -- Infraction.**

(1) Any employer who [~~shall violate, or fail~~] violates or fails to comply with any of the provisions of this chapter [~~shall be~~] is guilty of ~~{a~~ class B misdemeanor ~~{an infraction}~~.

(2) Any employer who shall refuse to pay the wages due and payable when demanded as in this chapter provided, or who shall falsely deny the amount thereof, or that the same is due, with intent to secure for [~~himself~~] the employer or any other person any discount upon such indebtedness or with intent to annoy, harass, oppress, hinder, delay or defraud the person to whom such indebtedness is due, or who hires additional employees without advising each of them of every wage claim due and unpaid and of every judgment that the employer has failed to satisfy, [~~shall be~~] is guilty of ~~{a~~ class B misdemeanor ~~{an infraction}~~.

Section ~~{15}~~ 16. Section **34-29-1** is amended to read:

### **34-29-1. License required -- Agencies for teachers excepted.**

It [~~shall be~~] is unlawful for any person to open and establish in any city or town, or elsewhere within the limits of this state, any intelligence or employment office for the purpose of procuring or obtaining for money or other valuable consideration, either directly or indirectly, any work or employment for persons seeking the same, or to otherwise engage in such business, or in any way to act as a broker or go-between between employers and persons seeking work, without first having obtained a license so to do from the city, town, or, if not within any city or town, from the county where such intelligence or employment office is to be opened or such business is to be carried on. Any person performing any of these services shall be deemed to be an employment agent within the meaning of this chapter, but the provisions of

## SB0020S01 compared with SB0020

Section 34-29-10 do not apply to any person operating agencies for schoolteachers; but it [~~shall be a~~] is a class B misdemeanor ~~{ } is an infraction~~ for any schoolteachers' employment agency to receive as commission for information or assistance such as is described herein any consideration in value in excess of 5% of the amount of the first year's salary of the person to whom such information is furnished.

Section ~~{16}~~ 17. Section **34-29-6** is amended to read:

### **34-29-6. Referring employment to unlawful places -- Penalty.**

Any employment agent who knowingly refers employment to any place of bad repute, house of ill fame, assignation house, or to any house or place of amusement kept for immoral purposes, is guilty of ~~{ } a~~ class B misdemeanor ~~{ } an infraction~~. In addition to any other penalty, the agent's license shall be revoked.

Section ~~{17}~~ 18. Section **34-29-20** is amended to read:

### **34-29-20. False orders for employees -- Infraction.**

Any person who gives to an employment agent any false or unauthorized order for employees, or who causes to be published in any newspaper or otherwise any false or unauthorized notice or statement that employees are wanted by any person, is guilty of ~~{ } a~~ class B misdemeanor ~~{ } an infraction~~.

Section ~~{18}~~ 19. Section **34-30-9** is amended to read:

### **34-30-9. Violation of chapter -- Failure to keep or produce records -- Infraction.**

Any officer, agent or representative of the state, or of any political subdivision, district or municipality of it who shall violate, or omit to comply with any of the provisions of this chapter, and any contractor or subcontractor, or agent or representative thereof, doing such public work, who shall neglect to keep, or cause to be kept, an accurate record of the names, occupation and actual wages paid to each laborer, workman and mechanic employed by him or her, in connection with this public work or who shall refuse to allow access to same at any reasonable hour to any person authorized to inspect same under this chapter [~~shall be~~] is guilty of ~~{ } a~~ class B misdemeanor ~~{ } an infraction~~.

Section ~~{19}~~ 20. Section **34-32-3** is amended to read:

### **34-32-3. Failure to comply -- Penalty.**

Any employer, dealer or processor who willfully fails to comply with the duties imposed by this chapter [~~shall be~~] is guilty of ~~{ } a~~ class B misdemeanor ~~{ } an infraction~~.

## SB0020S01 compared with SB0020

Section ~~{20}~~21. Section 34-33-2 is amended to read:

### **34-33-2. Violation an infraction.**

Any person, firm, corporation or partnership violating the provisions of this chapter ~~[shall be]~~ is guilty of ~~{}~~a class B misdemeanor~~{}~~ ~~an infraction~~.

Section ~~{21}~~22. Section 34-34-17 is amended to read:

### **34-34-17. Violation of act an infraction.**

A violation of this act ~~[shall constitute a]~~ is a class B misdemeanor~~{}~~ ~~is an infraction~~, and each day such unlawful conduct, as defined in this chapter, is in effect or continued ~~[shall be deemed]~~ is a separate offense and ~~[shall be]~~ is punishable as such, as provided in this chapter.

Section ~~{22}~~23. Section 34A-2-108 is amended to read:

### **34A-2-108. Void agreements between employers and employees.**

(1) Except as provided in Section 34A-2-420, an agreement by an employee to waive the employee's rights to compensation under this chapter or Chapter 3, Utah Occupational Disease Act, is not valid.

(2) An agreement by an employee to pay any portion of the premium paid by ~~[his]~~ the employee's employer is not valid.

(3) Any employer who deducts any portion of the premium from the wages or salary of any employee entitled to the benefits of this chapter or Chapter 3, Utah Occupational Disease Act:

- (a) is guilty of ~~{}~~a class B misdemeanor~~{}~~ ~~an infraction~~; and
- (b) shall be fined not more than \$100 for each such offense.

Section ~~{23}~~24. Section 34A-2-803 is amended to read:

### **34A-2-803. Violation of judgments, orders, decrees, or provisions of chapter -- Grade of offense.**

(1) An employer, employee, or other person is guilty of ~~{}~~a class B misdemeanor~~{}~~ ~~an infraction~~ if that employer, employee, or other person violates this chapter or Chapter 3, Utah Occupational Disease Act, including:

- (a) doing any act prohibited by this chapter or Chapter 3, Utah Occupational Disease Act;
- (b) failing or refusing to perform any duty lawfully imposed under this chapter or

## SB0020S01 compared with SB0020

Chapter 3, Utah Occupational Disease Act; or

(c) failing, neglecting, or refusing to obey any lawful order given or made by the commission, or any judgment or decree made by any court in connection with the provisions of this chapter or Chapter 3, Utah Occupational Disease Act.

(2) Every day during which any person fails to observe and comply with any order of the commission, or to perform any duty imposed by this chapter or Chapter 3, Utah Occupational Disease Act, [~~shall constitute~~] is a separate and distinct offense.

Section ~~{24}~~25. Section **39-1-53** is amended to read:

### **39-1-53. Military units not to leave state.**

No military unit of the Army or Air National Guard, unless called into the service of the United States, shall leave the state with arms and equipment without the consent of the commander in chief, and any person causing any unit to so leave the state is guilty of ~~{ff}~~ a class B misdemeanor ~~{f} an infraction~~.

Section ~~{25}~~26. Section **39-7-113** is amended to read:

### **39-7-113. Eviction or distress of dependents.**

(1) A landlord may not evict or take and hold property of a service member or the service member's dependents for nonpayment of rent during the period of military service if the rent on the premises occupied by the service member or the service member's dependents is less than \$2,400 per month unless a court allows it after application to the court and an order granted in an action or proceeding affecting the right of possession.

(2) In any action affecting the right of possession, the court may, on its own motion, stay the proceedings for not longer than three months, or make any order the court determines to be reasonable and just under the circumstances, unless the court finds that the ability of the tenant to pay the agreed rent is not materially affected by reason of the service member's military service.

(3) When a stay is granted or other order is made by the court, the owner of the premises shall be entitled, upon application, to relief with respect to the premises similar to that granted service members in military service in Sections 39-7-114 through 39-7-116 to the extent and for any period as the court determines to be just and reasonable under the circumstances.

(4) Any person who knowingly takes part in any eviction or distress otherwise than as

## SB0020S01 compared with SB0020

provided in Subsection (1), or attempts to do so, is guilty of ~~{}a~~ class B misdemeanor ~~{an~~ infraction}.

(5) The governor is empowered to order an allotment of the pay of a service member in military service in reasonable proportion to discharge the rent of premises occupied for dwelling purposes by any dependents of the service member.

Section ~~{26}~~27. Section **39-7-114** is amended to read:

### **39-7-114. Installment contracts.**

(1) The creditor of a service member who, prior to entry into military service, has entered into an installment contract for the purchase of real or personal property may not terminate the contract or repossess the property for nonpayment or any breach occurring during military service without an order from a court of competent jurisdiction.

(2) The court, upon application to it under this section, may, unless the court finds on the record that the ability of the service member to comply with the terms of the contract is not materially affected by reason of ~~[his]~~ the service member's military service:

(a) order repayment of any prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

(b) order a stay of the proceedings on its own motion, or on motion by the service member or another person on ~~[his]~~ the service member's behalf; or

(c) make any other disposition of the case it considers to be equitable to conserve the interests of all parties.

(3) Any person who knowingly repossesses property which is the subject of this section other than as provided in Subsection (1) is guilty of ~~{}a~~ class B misdemeanor ~~{an~~ infraction}.

Section ~~{27}~~28. Section **39-7-115** is amended to read:

### **39-7-115. Mortgage foreclosures.**

(1) The creditor of a service member who, prior to entry into military service, has entered into a mortgage contract with the service member or ~~[his]~~ the service member's dependent for the purchase of real or personal property may not foreclose on the mortgage or repossess the property for nonpayment or any breach occurring during military service without an order from a court of competent jurisdiction.

(2) The court, upon application to it under this section, may, unless the court finds on the record that the ability of the service member to comply with the terms of the mortgage is

## SB0020S01 compared with SB0020

not materially affected by reason of [his] the service member's military service:

(a) order repayment of any prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

(b) order a stay of the proceedings on its own motion, or on motion by the service member or another person on [his] the service member's behalf; or

(c) make any other disposition of the case as it considers to be equitable to conserve the interests of all parties.

(3) In order to come within the provisions of this section, the service member or dependent shall establish the following:

(a) that relief is sought on an obligation secured by a mortgage, trust deed, or other security in the nature of a mortgage on either real or personal property;

(b) that the obligation originated prior to the service member's entry into military service;

(c) that the property was owned by the service member or [his] the service member's dependent prior to the commencement of military service; and

(d) that the property is still owned by the service member or [his] the service member's dependent at the time relief is sought.

(4) Any person who knowingly forecloses on property which is the subject of this section other than as provided in Subsection (1) is guilty of ~~{}a~~ class B misdemeanor ~~{an~~ infraction.

Section ~~{28}~~29. Section **39-7-117** is amended to read:

### **39-7-117. Storage liens.**

(1) A person may not exercise any right to foreclose or enforce any lien for storage of household goods, furniture, or personal effects of a service member in military service during the service member's period of military service and for 60 days after termination or discharge, except upon an order previously granted by a court upon application and a return to the court made and approved by the court. In the proceeding the court may, after hearing the matter, on its own motion, and shall, on application to it by the service member in military service or another person on [his] the service member's behalf, unless in the opinion of the court the ability of the service member to pay the storage charges due is not materially affected by reason of [his] the service member's military service:

## SB0020S01 compared with SB0020

- (a) stay the proceedings as provided in this chapter; or
- (b) make any other disposition the court considers to be equitable to conserve the interest of all the parties.

(2) The enactment of the provisions of this section may not be construed in any way as affecting or limiting the scope of Section 39-7-115.

(3) Any person who knowingly takes any action contrary to the provisions of this section, or attempts to do so, is guilty of ~~{}a~~ class B misdemeanor ~~{}~~ an infraction.

Section ~~{29}~~ 30. Section **42-3-5** is amended to read:

### **42-3-5. Use of name by another -- Penalty.**

It is ~~{}a~~ class B misdemeanor ~~{}~~ an infraction for any person other than the person in whose name a farm is registered to use such registered name for any other farm.

Section ~~{30}~~ 31. Section **52-3-3** is amended to read:

### **52-3-3. Penalty.**

Any person violating any of the provisions of this chapter is guilty of ~~{}a~~ misdemeanor ~~{}~~ an infraction.

~~Section 31. Section **53A-14-106** is amended to read:~~

~~**53A-14-106. Illegal acts -- Infraction.**~~

~~It is [a misdemeanor] an infraction for a member of the commission or the board to receive money or other remuneration as an inducement for the recommendation or introduction of instructional materials into the schools.~~

~~{}~~ class B misdemeanor.

Section 32. Section **53B-3-108** is amended to read:

### **53B-3-108. Violation of chapter an infraction.**

A violation of this chapter is ~~{}a~~ class B misdemeanor ~~{}~~ an infraction.

Section 33. Section **53B-17-304** is amended to read:

### **53B-17-304. Failure to comply with chapter is an infraction.**

A person who commits the following violations is guilty of ~~{}a~~ class B misdemeanor ~~{}~~ an infraction:

- (1) failure or neglect to give notice required under Subsection 53B-17-301(1); or
- (2) failure or neglect to forward a body upon request under Subsection 53B-17-301(3).

Section 34. Section **53E-4-407** is amended to read:

## SB0020S01 compared with SB0020

### 53E-4-407. Illegal acts -- ~~{Misdemeanor}~~Infraction.

It is a class B misdemeanor for a member of the commission or the board to receive money or other remuneration as an inducement for the recommendation or introduction of instructional materials into the schools.

Section ~~{34}~~35. Section 54-3-21 is amended to read:

### 54-3-21. Commission to be furnished information and copies of records -- Hearings before commission to be public -- Privilege.

(1) Every public utility shall furnish to the commission in such form and such detail as the commission shall prescribe all tabulations and computations and all other information required by it to carry into effect any of the provisions of this title, and shall make specific answers to all questions submitted by the commission.

(2) Every public utility receiving from the commission any blanks with directions to fill the same shall cause the same to be properly filled so as to answer fully and correctly each question propounded therein; in case it is unable to answer any question, it shall give a good and sufficient reason for such failure.

(3) Whenever required by the commission every public utility shall deliver to the commission copies of any or all maps, profiles, contracts, agreements, franchises, reports, books, accounts, papers and records in its possession or in any way relating to its property or affecting its business, and also a complete inventory of all its property in such form as the commission may direct.

(4) Hearings or proceedings of the commission or of any commissioner shall be open to the public, and all records of all hearings or proceedings or orders, rules or investigations by the commission or any commissioner shall be at all times open to the public; provided, that any information furnished the commission by a public utility or by any officer, agent or employee of any public utility may be withheld from the public whenever and during such time as the commission may determine that it is for the best interests of the public to withhold such information. Any officer or employee of the commission who in violation of the provisions of this subsection divulges any such information is guilty of ~~{}~~a class B misdemeanor~~{}~~ an infraction.

Section ~~{35}~~36. Section 54-5-4 is amended to read:

### 54-5-4. Penalties.

## SB0020S01 compared with SB0020

Any person or corporation which exercises or attempts to exercise any right or privilege as any such utility during the period for which the operating rights of any such utility are suspended as provided in Section 54-5-3 is guilty of ~~{}a~~ class B misdemeanor ~~{an~~ infraction}. Each day's violation shall constitute a separate offense. Jurisdiction of such offense shall be held to be in any county in which any part of such transaction of business occurred. Every contract made in violation of this section is unenforceable by such corporation or person.

Section ~~{36}~~37. Section **56-1-12** is amended to read:

### **56-1-12. Injury to livestock -- Notice.**

Every person operating a railroad within this state that injures or kills any livestock of any description by the running of any engine or engines, car or cars, over or against any such livestock shall within three days thereafter post at the first railroad station in each direction from the place of such injury or killing in some conspicuous place on the outside of such station a notice in writing of the number and kind of animals so injured or killed, with a full description of each, and the time and place as near as may be of such injury or killing. Such notice shall be dated and signed by some officer or agent of such railroad, and a duplicate thereof shall be filed with the county clerk of the county in which stock is so injured or killed. Every person willfully failing, neglecting or refusing to comply with the provisions of this section is guilty of ~~{}a~~ class B misdemeanor ~~{an~~ infraction} and shall be fined in any sum not exceeding \$50.

Section ~~{37}~~38. Section **56-1-14** is amended to read:

### **56-1-14. Procedures at grade crossings.**

Every locomotive shall be provided with a bell which shall be rung continuously from a point not less than 80 rods from any city or town street or public highway grade crossing until such city or town street or public highway grade crossing shall be crossed, but, except in towns and at terminal points, the sounding of the locomotive whistle or siren at least one-fourth of a mile before reaching any such grade crossing shall be deemed equivalent to ringing the bell as aforesaid; during the prevalence of fogs, snow and dust storms, the locomotive whistle shall be sounded before each street crossing while passing through cities and towns. All locomotives with or without trains before crossing the main track at grade of any other railroad must come to a full stop at a distance not exceeding 400 feet from the crossing, and must not proceed until the way is known to be clear; two blasts of the whistle or two sounds of the siren shall be

## SB0020S01 compared with SB0020

sounded at the moment of starting; provided, that whenever interlocking signal apparatus and derailing switches or any other crossing protective device approved by the Department of Transportation is adopted such stop shall not be required.

Provided, that local authorities in their respective jurisdiction may by ordinance approved by the Department of Transportation provide more restricted sounding of bells or whistles or sirens than is provided herein and may prescribe points different from those herein set forth at which such signals shall be given and may further restrict such ringing of bells or sounding of whistles or sirens so as to provide for either the ringing of a bell or the sounding of a whistle or of a siren or the elimination of the sounding of such bells or whistles or sirens or either of them, except in case of emergency.

The term locomotive as used herein shall mean every self-propelled steam engine, electrically propelled interurban car and so-called diesel operated locomotive.

Every person in charge of a locomotive violating the provisions of this section is guilty of ~~{}a~~ class B misdemeanor ~~{an infraction}~~, and the railroad company shall be liable for all damages which any person may sustain by reason of such violation.

Section ~~{38}~~39. Section **56-1-16** is amended to read:

### **56-1-16. Time schedules to be maintained -- Notice of delays.**

Every railroad company shall start and run its trains for the transportation of persons and property at such regular times as it shall fix by public notice, and the station agents thereof shall announce on a bulletin board, placed in a conspicuous and public place at each station not less than 15 minutes before the regular time of departure of each passenger train, the time of such departure, or if the train is delayed, the probable duration of such delay, and on failure to do so is guilty of ~~{}a~~ class B misdemeanor ~~{an infraction}~~. The railroad company shall be liable for all damages that may be sustained by any person by reason of the failure of any of its station agents to observe the requirements of this section.

Section ~~{39}~~40. Section **56-1-29** is amended to read:

### **56-1-29. Removal or use of first-aid kit except for proper purpose -- Infraction.**

Any person or any employee of the railroad company who shall remove, carry away from its proper place or use any emergency first-aid kit provided for in this act, except for the purpose of administering first-aid in the event of injury to any passenger, employee, or other person in any accident whereby said kit may be made available at once, [~~shall be deemed~~] is

## SB0020S01 compared with SB0020

guilty of ~~{}~~a class B misdemeanor~~{}~~ an infraction.

Section ~~{40}~~41. Section **63A-5-502** is amended to read:

### **63A-5-502. Violation -- Infraction.**

Any person who violates this act ~~[shall be]~~ is guilty of ~~{}~~a class B misdemeanor~~{}~~ an infraction.

Section ~~{41}~~42. Section **71-10-3** is amended to read:

### **71-10-3. Willful failure to give preference an infraction.**

Any officers, agents, or representatives of a government entity who is charged with employment of people and who willfully fails to give preference as provided in this chapter is guilty of ~~{}~~a class B misdemeanor~~{}~~ an infraction.

Section ~~{42}~~43. Section **72-10-412** is amended to read:

### **72-10-412. Violations of chapter or rulings -- Infraction -- Remedies of political subdivisions.**

(1) Each violation of this part or of any regulations, orders, or rulings ~~[promulgated or]~~ made pursuant to this part, ~~[shall constitute a]~~ is a class B misdemeanor~~{}~~ is an infraction.

(2) (a) A political subdivision or agency adopting zoning regulations under this part may institute in any court of competent jurisdiction, an action to prevent, restrain, correct, or abate any violation of this part, or of airport zoning regulations adopted under this part, or of any order or ruling made in connection with their administration or enforcement.

(b) The court shall adjudge to the plaintiff the relief, by way of injunction or otherwise, as may be proper under all the facts and circumstances of the case, in order fully to effectuate the purposes of this part and of the regulations adopted and orders and rulings made pursuant to them.

Section 44. Section 76-3-104 is amended to read:

### **76-3-104. Misdemeanors classified.**

(1) Misdemeanors are classified into three categories:

- (a) Class A misdemeanors;
- (b) Class B misdemeanors;
- (c) Class C misdemeanors.

(2) An offense designated as a misdemeanor~~[, either]~~ in this code ~~[or in another law,]~~ without specification as to punishment or category~~[, is a class B misdemeanor.]~~ is an infraction

## SB0020S01 compared with SB0020

punishable in accordance with Section 76-3-205.

(3) Except as provided in Subsection (4), an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is a class B misdemeanor.

(4) After June 30, 2019, an offense designated as a misdemeanor in a county or municipal ordinance without specification as to punishment or category is an infraction punishable in accordance with Section 76-3-205.

Section ~~{43}~~45. Section 78A-2-411 is amended to read:

### **78A-2-411. Crimes.**

Any violation of the provisions of this chapter, except Section 78A-2-404, is ~~{f}~~a class B misdemeanor ~~{f} an infraction~~.

Section ~~{44}~~46. Section 78A-6-111 is amended to read:

**78A-6-111. Appearances -- Parents, guardian, or legal custodian to appear with minor or child -- Failure to appear -- Contempt -- Warrant of arrest, when authorized -- Parent's employer to grant time off -- Appointment of guardian ad litem.**

(1) Any person required to appear who, without reasonable cause, fails to appear may be proceeded against for contempt of court, and the court may cause a bench warrant to be issued to produce the person in court.

(2) In a case when a minor is required to appear in court, the parents, guardian, or other person with legal custody of the minor shall appear with the minor unless excused by the judge.

(a) An employee may request permission to leave the workplace for the purpose of attending court if the employee has been notified by the juvenile court that the employee's minor is required to appear before the court.

(b) An employer must grant permission to leave the workplace with or without pay if the employee has requested permission at least seven days in advance or within 24 hours of the employee receiving notice of the hearing.

(3) If a parent or other person who signed a written promise to appear and bring the child to court under Section 78A-6-112 or 78A-6-113 fails to appear and bring the child to court on the date set in the promise, or, if the date was to be set, after notification by the court, a warrant may be issued for the apprehension of that person.

(4) Willful failure to perform the promise is ~~{f}~~a class B misdemeanor ~~{f} an infraction~~.

## SB0020S01 compared with SB0020

if, at the time of the execution of the promise, the promisor is given a copy of the promise which clearly states that failure to appear and have the child appear as promised is ~~{}~~ a class B misdemeanor ~~{}~~ an infraction. The juvenile court shall have jurisdiction to proceed against the promisor in adult proceedings pursuant to Part 10, Adult Offenses.

(5) The court shall endeavor, through use of the warrant of arrest if necessary, as provided in Subsection (6), or by other means, to ensure the presence at all hearings of one or both parents or of the guardian of a child. If neither a parent nor guardian is present at the court proceedings, the court may appoint a guardian ad litem to protect the interest of a minor. A guardian ad litem may also be appointed whenever necessary for the welfare of a minor, whether or not a parent or guardian is present.

(6) A warrant may be issued for a parent, a guardian, a custodian, or a minor if:

(a) a summons is issued but cannot be served;

(b) it is made to appear to the court that the person to be served will not obey the summons; or

(c) serving the summons will be ineffectual.

Section ~~{45}~~ 47. Section **78B-1-126** is amended to read:

### **78B-1-126. Jurors and witnesses -- Purchase of certificate forbidden -- Penalty.**

(1) No person connected officially with any of the district courts of this state, and no state, district, county or precinct officer, shall purchase or cause to be purchased any certificate issued to any juror or witness under the provisions of this title.

(2) Any person who violates the provisions of this section is guilty of ~~{}~~ a class B misdemeanor ~~{}~~ an infraction.

~~{~~ ~~Section 46. Effective date.~~

~~\_\_\_\_\_ This bill takes effect on July 1, 2019.~~

**Legislative Review Note**

**Office of Legislative Research and General Counsel**