

**CRIME PENALTY AMENDMENTS**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tyler Clancy**

Senate Sponsor: Stephanie Pitcher

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**LONG TITLE**

**General Description:**

This bill modifies offenses and penalties.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ amends the penalty for vandalism committed on public lands;
- ▶ modifies the definition of voyeurism; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**76-6-107.5**, as enacted by Laws of Utah 2019, Chapter 292

**76-9-702.7**, as last amended by Laws of Utah 2017, Chapter 364

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

Section 1. Section **76-6-107.5** is amended to read:

**76-6-107.5. Vandalism of public lands.**

(1) As used in this section:

29 (a) "Etching" means defacing, damaging, or destroying a hard surface by using a  
30 chemical, an abrasive object, a knife, or an engraving device.

31 (b) "Graffiti" means unauthorized printing, spraying, scratching, affixing, etching, or  
32 inscribing on property owned by the state regardless of the content or the nature of the material  
33 used in the commission of the act.

34 (c) "Public lands" means state or federally owned property that is held substantially in  
35 its natural state, including canyons, parks owned or managed by the state, national parks, land  
36 managed by the Bureau of Land Management, and other lands owned or maintained by a  
37 government entity for outdoor recreational use.

38 (2) An individual is guilty of public lands vandalism if the individual creates, or assists  
39 in creating, graffiti on any public lands or state-owned object permanently located on public  
40 lands.

41 (3) An individual convicted under Subsection (2) is guilty of:

42 (a) a class B misdemeanor; or

43 (b) if the individual was previously convicted of violating this section, a class A  
44 misdemeanor.

45 (4) If an individual is convicted of public lands vandalism, the court shall sentence the  
46 individual to a term of community service as follows:

47 (a) for a first conviction, the court shall sentence the individual to 100 hours of  
48 community service, to be completed within 90 days after the day on which the court issues the  
49 order;

50 (b) for a second conviction, the court shall sentence the individual to 200 hours of  
51 community service, to be completed within 180 days after the day on which the court issues the  
52 order; or

53 (c) for a third or subsequent conviction, the court shall sentence the individual to 300  
54 hours of community service, to be completed within 270 days after the day on which the court  
55 issues the order.

56 (5) If an individual is enrolled in school or maintains full or part-time employment, the  
57 ordered community service may not be scheduled at a time the individual is scheduled to be in  
58 school or performing the individual's employment duties.

59 (6) A sentence of community service described in Subjection (4) shall, to the greatest  
60 extent possible, be for the benefit of public lands.

61 (7) If an individual is convicted of public lands vandalism, the court may impose a fine  
62 up to the full amount of the estimated cost to restore the damaged land, caused by the  
63 individual, to the land's original state.

64 (8) An individual who voluntarily, at the individual's own expense, and with the  
65 consent of the property owner, removes graffiti for which the individual is responsible shall be  
66 credited for costs ordered by the court under Subsection (7).

67 Section 2. Section **76-9-702.7** is amended to read:

68 **76-9-702.7. Voyeurism offenses -- Penalties.**

69 (1) A person is guilty of voyeurism who intentionally uses any type of technology to  
70 secretly or surreptitiously record, ~~[video of a person]~~ by video, photograph, or other means, an  
71 individual:

72 (a) for the purpose of viewing any portion of the individual's body regarding which the  
73 individual has a reasonable expectation of privacy, whether or not that portion of the body is  
74 covered with clothing;

75 (b) without the knowledge or consent of the individual; and

76 (c) under circumstances in which the individual has a reasonable expectation of  
77 privacy.

78 (2) A violation of Subsection (1) is a class A misdemeanor, except that a violation of  
79 Subsection (1) committed against a child under 14 years of age is a third degree felony.

80 (3) Distribution or sale of any images, including in print, electronic, magnetic, or  
81 digital format, obtained under Subsection (1) by transmission, display, or dissemination is a  
82 third degree felony, except that if the violation of this Subsection (3) includes images of a child

83 under 14 years of age, the violation is a second degree felony.

84 (4) A person is guilty of voyeurism who, under circumstances not amounting to a  
85 violation of Subsection (1), views or attempts to view an individual, with or without the use of  
86 any instrumentality:

87 (a) with the intent of viewing any portion of the individual's body regarding which the  
88 individual has a reasonable expectation of privacy, whether or not that portion of the body is  
89 covered with clothing;

90 (b) without the knowledge or consent of the individual; and

91 (c) under circumstances in which the individual has a reasonable expectation of  
92 privacy.

93 (5) A violation of Subsection (4) is a class B misdemeanor, except that a violation of  
94 Subsection (4) committed against a child under 14 years of age is a class A misdemeanor.