

HB0339S01 compared with HB0339

~~text~~ shows text that was in HB0339 but was deleted in HB0339S01.

inserted text shows text that was not in HB0339 but was inserted into HB0339S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Tyler Clancy proposes the following substitute bill:

CRIME PENALTY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler ~~Clancy~~

Senate Sponsor: ~~Stephanie Pitcher~~ Stephanie Pitcher

LONG TITLE

General Description:

This bill amends the penalty for vandalism committed on public lands. ~~text~~

Highlighted Provisions:

This bill:

- ▶ defines terms; and
- ▶ amends the penalty for vandalism committed on public lands.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

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

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:

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

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

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

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

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

(a) a class ~~B~~ ~~A~~ misdemeanor; or

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

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

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

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

(c) for a third or subsequent conviction, the court shall sentence the individual to 300

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hours of community service, to be completed within 270 days after the day on which the court issues the order.

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

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

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

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