

HB0339S02 compared with HB0339

~~text~~ shows text that was in HB0339 but was deleted in HB0339S02.

text shows text that was not in HB0339 but was inserted into HB0339S02.

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 Ryan D. Wilcox proposes the following substitute bill:

CRIME PENALTY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Tyler {}Clancy

Senate Sponsor: ~~_____~~ Stephanie Pitcher

LONG TITLE

General Description:

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

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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

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;

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(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 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).

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

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

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

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

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

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

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

(3) Distribution or sale of any images, including in print, electronic, magnetic, or

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digital format, obtained under Subsection (1) by transmission, display, or dissemination is a third degree felony, except that if the violation of this Subsection (3) includes images of a child under 14 years of age, the violation is a second degree felony.

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

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

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

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

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