

THREAT OF VIOLENCE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Gricius

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill amends the threat of violence offense.

Highlighted Provisions:

This bill:

- ▶ adds threatening to commit certain sexual offenses to the conduct that qualifies as the threat of violence offense;
- ▶ repeals a provision regarding reimbursement and restitution; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

76-5-107, as last amended by Laws of Utah 2022, Chapter 181

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

Section 1. Section **76-5-107** is amended to read:

76-5-107. Threat of violence -- Penalty.

(1) Terms defined in Section **76-1-101.5** apply to this section.



28 (2) ~~(a)~~ An actor commits a threat of violence if the actor:
 29 ~~(i)~~ (a) ~~(A)~~ (i) threatens to commit an offense;
 30 (A) under Title 76, Chapter 5, Part 4, Sexual Offenses; or
 31 (B) involving bodily injury, death, or substantial property damage; and
 32 ~~(B)~~ (ii) acts with intent to place an individual in ~~H→~~ **[imminent]** ~~←H~~ fear ~~[of imminent]~~;
 33 (A) that the actor will ~~H→~~ **imminently** ~~←H~~ commit an offense under Title 76, Chapter 5,

33a Part 4, Sexual

34 Offenses, against the individual; or

35 (B) of ~~H→~~ **imminent** ~~←H~~ serious bodily injury, substantial bodily injury, or death; or
 36 ~~(ii)~~ (b) makes a threat, accompanied by a show of immediate force or violence, to do
 37 bodily injury to an individual.

38 ~~[(b) A threat under this section may be express or implied.]~~

39 (3) (a) A violation of Subsection (2) is a class B misdemeanor.

40 (b) An actor who commits an offense under this section is subject to punishment for
 41 that offense, in addition to any other offense committed, including the carrying out of the
 42 threatened act.

43 ~~[(c) In addition to any other penalty authorized by law, a court shall order an actor~~
 44 ~~convicted of a violation of this section to reimburse any federal, state, or local unit of~~
 45 ~~government, or any private business, organization, individual, or entity for all expenses and~~
 46 ~~losses incurred in responding to the violation, unless the court states on the record the reasons~~
 47 ~~why the reimbursement would be inappropriate.]~~

48 (4) It is not a defense under this section that the actor did not attempt to or was
 49 incapable of carrying out the threat.

50 (5) A threat under Subsection (2) may be express or implied.

51 Section 2. **Effective date.**

52 This bill takes effect on May 1, 2024.