

26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 ENACTS:

30 76-6-113, Utah Code Annotated 1953

31 76-6-414, Utah Code Annotated 1953



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

34 Section 1. Section **76-6-113** is enacted to read:

35 **76-6-113. Property damage resulting in economic interruption -- Enhanced**
36 **penalties.**

37 (1) (a) As used in this section:

38 (i) "Business" means an enterprise carried on for the purpose of gain or economic
39 profit.

40 (ii) "Governmental entity" means the state, a county, a municipality, a special district, a
41 special service district, a school district, a state institution of higher education, or any other
42 political subdivision or administrative unit of the state.

43 (iii) "Economic interruption" means any disruption or cessation to the operations of a
44 business or governmental entity that results in:

45 (A) the business or governmental entity ceasing operations for at least one day; or

46 (B) the employees of the business or governmental entity being unable to perform labor
47 for the business or governmental entity for at least one day.

48 (b) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.

49 (2) An actor commits property damage resulting in economic interruption if:

50 (a) the actor ~~§~~ intentionally, knowingly, recklessly, or negligently ~~←§~~ damages,
50a defaces, or destroys a business's or governmental entity's

51 property; and

52 (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the
53 business or governmental entity.

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

55 (4) It is not a defense under this section that ~~§~~ [;] ~~←§~~

56 ~~§~~ [(a) the actor committing the offense did not intend to cause economic interruption to

57 ~~the business or governmental entity; or~~

58 ~~(b)]~~ ~~←§~~ the actor did not know that the victim is a business or governmental entity.

59 (5) If the trier of facts finds that the actor committed a violation of Subsection (2), the
60 actor is guilty of:

61 (a) a third degree felony if the actor has two prior convictions for a violation of
62 Subsection (2) within five years before the day on which the actor committed the most recent
63 violation of Subsection (2); and

64 (b) a second degree felony if the actor has at least three prior convictions for a violation
65 of Subsection (2) within five years before the day on which the actor committed the most
66 recent violation of Subsection (2).

67 (6) A prior conviction used for a penalty enhancement under Subsection (5) is a
68 conviction that is from a separate criminal episode than:

69 (a) the most recent violation of Subsection (2); and

70 (b) any other prior conviction that is used to enhance the penalty for the most recent
71 violation of Subsection (2).

72 (7) The prosecuting attorney, or the grand jury if an indictment is returned, shall
73 include notice in the information or indictment that the offense is subject to an enhancement
74 under Subsection (5).

75 Section 2. Section **76-6-414** is enacted to read:

76 **76-6-414. Theft resulting in economic interruption -- Enhanced penalties.**

77 (1) (a) As used in this section:

78 (i) "Business" means the same as that term is defined in Section 76-6-113.

79 (ii) "Governmental entity" means the same as that term is defined in Section 76-6-113.

80 (iii) "Economic interruption" means the same as that term is defined in Section
81 76-6-113.

82 (b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.

83 (2) An actor commits theft resulting in economic interruption if:

84 (a) the actor ~~§~~→ **intentionally, knowingly, recklessly, or negligently** ←~~§~~ obtains or
84a exercises unauthorized control over a business's or
85 governmental entity's property with the intent to deprive the business or governmental entity of
86 the property; and

87 (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the

88 business or governmental entity.

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

90 (4) It is not a defense under this section that ~~§~~ [:] ~~←~~§

91 ~~§~~ → [(a) the actor committing the offense did not intend for the business or governmental

92 entity to incur the cost of the economic interruption; or

93 — ~~(b)~~ ~~←~~§ the actor did not know that the victim is a business or governmental entity.

94 (5) If the trier of facts finds that the actor committed a violation of Subsection (2), the
95 actor is guilty of:

96 (a) a third degree felony if the actor has two prior convictions for a violation of
97 Subsection (2) within five years before the day on which the actor committed the most recent
98 violation of Subsection (2); and

99 (b) a second degree felony if the actor has at least three prior convictions for a violation
100 of Subsection (2) within five years before the day on which the actor committed the most
101 recent violation of Subsection (2).

102 (6) A prior conviction used for a penalty enhancement under Subsection (5) is a
103 conviction that is from a separate criminal episode than:

104 (a) the most recent violation of Subsection (2); and

105 (b) any other prior conviction that is used to enhance the penalty for the most recent
106 violation of Subsection (2).

107 (7) The prosecuting attorney, or the grand jury if an indictment is returned, shall
108 include notice in the information or indictment that the offense is subject to an enhancement
109 under Subsection (5).

110 **Section 3. Effective date.**

111 This bill takes effect on May 1, 2024.