

Representative Matthew H. Gwynn proposes the following substitute bill:

CRIMINAL CODE RECODIFICATION AND CROSS

REFERENCES

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matthew H. Gwynn

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies criminal provisions in Title 76, Utah Criminal Code, by redrafting offense statutes into a new structure and clarifying existing law.

Highlighted Provisions:

This bill:

▶ reorders language into a standardized format and clarifies existing law, including the offenses in Title 76, Chapter 8, Offenses Against the Administration of Government;

▶ for clarity, makes technical corrections to certain statutes resulting from the 2022 criminal code recodification:

• in Title 76, Chapter 1, General Provisions, to reflect separation of aggravated human trafficking and aggravated human smuggling into separate statutes; and

• in Title 76, Chapter 3, Punishments, to reflect mandatory imprisonment for sexual abuse of a child;

▶ makes technical corrections to certain statutes resulting from the 2023 criminal code recodification:

• in Title 76, Chapter 6, Offenses Against Property, regarding erroneous inclusion



26 of penalty provision in offense concerning unlawful dealing of property by a fiduciary; and
27 • in Title 77, Chapter 36, Cohabitant Abuse Procedures Act, to reflect separation
28 of criminal mischief statute into two separate offenses;
29 ▶ for clarity, creates new definition of "harm" for definitions section of Title 76,
30 Chapter 8, Offenses Against the Administration of Government, based upon
31 existing definitions in chapter and revises relevant offenses to reflect change;
32 ▶ reorganizes the following offenses to enact an embedded offense as a stand-alone
33 statute:
34 • offense concerning receiving bribe or bribery for endorsement of person as
35 public servant;
36 • offense of interference with public servant; and
37 • offense concerning obstruction of justice in a criminal investigation or
38 proceeding;
39 ▶ reorganizes and clarifies existing language in offense of escape and enacts
40 embedded offense of aggravated escape as stand-alone statute;
41 ▶ reorganizes existing statutes concerning secure areas, including enacting a number
42 of statutes to reflect separate stand-alone offenses;
43 ▶ reorganizes the offense of threatening an elected official;
44 ▶ reorganizes offenses concerning influencing, impeding, or retaliating against a judge
45 or a member of the Board of Pardons and Parole or a family member and enacts
46 several stand-alone statutes to reflect separate embedded offenses;
47 ▶ for clarity, revises offense concerning refusal to comply with an order to evacuate or
48 another order issued in a local or state emergency;
49 ▶ for clarity, reorganizes and revises offenses concerning aiding or concealing an
50 adjudicated minor and trespass of a secure care facility;
51 ▶ for clarity, revises statutes concerning misusing public money or public property;
52 ▶ reorganizes offenses concerning refusing to give tax assessor or tax or license
53 collector a list of, or denying access to, employees to enact embedded offense as a
54 stand-alone statute;
55 ▶ for clarity, revises language in offense concerning stealing, destroying, or mutilating
56 public records by a custodian;

- 57 ▶ reorganizes offenses concerning taking a toll or maintaining road, bridge, or ferry
- 58 without authority to enact an embedded offense as a stand-alone statute;
- 59 ▶ for clarity, revises statutes concerning false or inconsistent statements;
- 60 ▶ reorganizes offenses concerning tampering with a witness and receiving or
- 61 soliciting a bribe to enact embedded offense as a stand-alone statute;
- 62 ▶ reorganizes offenses concerning a wrongful attachment by a justice court to enact
- 63 embedded offense as a stand-alone statute;
- 64 ▶ for clarity, removes provisions from Title 76, Chapter 8, Part 7, Colleges and
- 65 Universities, and places them in Title 53B, State System of Higher Education;
- 66 ▶ for clarity, revises and reorganizes offenses:
 - 67 • concerning criminal trespass upon an institution of higher education and willful
 - 68 interference with lawful activities of students or faculty; and
 - 69 • contained in Title 76, Chapter 8, Part 8, Sabotage Prevention;
- 70 ▶ for clarity, repeals duplicative language concerning criminal offenses and penalties
- 71 relating to revenue and taxation;
- 72 ▶ for clarity, revises and reorganizes offenses in:
 - 73 • Title 76, Chapter 8, Part 12, Public Assistance Fraud; and
 - 74 • Title 76, Chapter 8, Part 13, Unemployment Insurance Fraud; and
- 75 ▶ makes technical and conforming changes.

76 **Money Appropriated in this Bill:**

77 None

78 **Other Special Clauses:**

79 None

80 **Utah Code Sections Affected:**

81 AMENDS:

- 82 17-22-5, as last amended by Laws of Utah 2004, Chapter 301
- 83 26B-6-205, as renumbered and amended by Laws of Utah 2023, Chapter 308
- 84 35A-3-603, as last amended by Laws of Utah 2023, Chapter 328
- 85 35A-3-604, as last amended by Laws of Utah 2015, Chapter 221
- 86 35A-4-304, as last amended by Laws of Utah 2012, Chapter 15
- 87 35A-4-305, as last amended by Laws of Utah 2012, Chapter 15

- 88 **35A-4-312**, as last amended by Laws of Utah 2016, Chapter 296
- 89 **53-10-403**, as last amended by Laws of Utah 2023, Chapters 328, 457
- 90 **53B-3-103**, as last amended by Laws of Utah 2021, First Special Session, Chapter 7
- 91 **59-1-401**, as last amended by Laws of Utah 2023, Chapter 471
- 92 **63G-12-402**, as last amended by Laws of Utah 2022, Chapters 328, 370
- 93 **64-13-14.5**, as last amended by Laws of Utah 2015, Chapter 412
- 94 **76-1-301**, as last amended by Laws of Utah 2022, Chapter 181
- 95 **76-3-203.1**, as last amended by Laws of Utah 2023, Chapter 111
- 96 **76-3-203.3**, as last amended by Laws of Utah 2023, Chapter 111
- 97 **76-3-203.5**, as last amended by Laws of Utah 2023, Chapter 111
- 98 **76-3-406**, as last amended by Laws of Utah 2023, Chapter 184
- 99 **76-5-203**, as last amended by Laws of Utah 2022, Chapter 181
- 100 **76-6-513**, as last amended by Laws of Utah 2023, Chapter 111
- 101 **76-8-101**, as last amended by Laws of Utah 2019, Chapter 211
- 102 **76-8-102**, as enacted by Laws of Utah 1973, Chapter 196
- 103 **76-8-103**, as last amended by Laws of Utah 1998, Chapter 92
- 104 **76-8-104**, as last amended by Laws of Utah 1991, Chapter 215
- 105 **76-8-105**, as repealed and reenacted by Laws of Utah 1998, Chapter 92
- 106 **76-8-106**, as enacted by Laws of Utah 1973, Chapter 196
- 107 **76-8-107**, as last amended by Laws of Utah 1974, Chapter 32
- 108 **76-8-108**, as last amended by Laws of Utah 1985, Chapter 21
- 109 **76-8-110**, as last amended by Laws of Utah 1992, Chapter 128
- 110 **76-8-201**, as enacted by Laws of Utah 1973, Chapter 196
- 111 **76-8-202**, as last amended by Laws of Utah 1991, Chapter 241
- 112 **76-8-203**, as last amended by Laws of Utah 2011, Chapter 336
- 113 **76-8-301**, as last amended by Laws of Utah 2020, Chapter 165
- 114 **76-8-301.5**, as last amended by Laws of Utah 2019, Chapter 411
- 115 **76-8-302**, as enacted by Laws of Utah 1973, Chapter 196
- 116 **76-8-303**, as enacted by Laws of Utah 1973, Chapter 196
- 117 **76-8-305**, as last amended by Laws of Utah 2017, Chapter 312
- 118 **76-8-305.5**, as last amended by Laws of Utah 2018, Chapter 133

- 119 [76-8-306](#), as last amended by Laws of Utah 2021, Chapter 262
- 120 [76-8-306.5](#), as enacted by Laws of Utah 2007, Chapter 155
- 121 [76-8-307](#), as enacted by Laws of Utah 1973, Chapter 196
- 122 [76-8-308](#), as last amended by Laws of Utah 1991, Chapter 241
- 123 [76-8-309](#), as last amended by Laws of Utah 2022, Chapter 181
- 124 [76-8-311.1](#), as last amended by Laws of Utah 2023, Chapter 330
- 125 [76-8-311.3](#), as last amended by Laws of Utah 2023, Chapter 330
- 126 [76-8-312](#), as last amended by Laws of Utah 1974, Chapter 32
- 127 [76-8-313](#), as last amended by Laws of Utah 1996, Chapter 45
- 128 [76-8-316](#), as last amended by Laws of Utah 2022, Chapter 181
- 129 [76-8-317](#), as last amended by Laws of Utah 2013, Chapter 295
- 130 [76-8-318](#), as last amended by Laws of Utah 2022, Chapters 181, 335
- 131 [76-8-402](#), as last amended by Laws of Utah 2020, Chapter 61
- 132 [76-8-403](#), as last amended by Laws of Utah 2020, Chapter 61
- 133 [76-8-405](#), as enacted by Laws of Utah 1973, Chapter 196
- 134 [76-8-406](#), as enacted by Laws of Utah 1973, Chapter 196
- 135 [76-8-407](#), as enacted by Laws of Utah 1973, Chapter 196
- 136 [76-8-408](#), as enacted by Laws of Utah 1973, Chapter 196
- 137 [76-8-409](#), as last amended by Laws of Utah 1991, Chapter 5
- 138 [76-8-410](#), as enacted by Laws of Utah 1973, Chapter 196
- 139 [76-8-411](#), as enacted by Laws of Utah 1973, Chapter 196
- 140 [76-8-412](#), as enacted by Laws of Utah 1973, Chapter 196
- 141 [76-8-413](#), as enacted by Laws of Utah 1973, Chapter 196
- 142 [76-8-414](#), as enacted by Laws of Utah 1973, Chapter 196
- 143 [76-8-415](#), as enacted by Laws of Utah 1973, Chapter 196
- 144 [76-8-416](#), as enacted by Laws of Utah 1973, Chapter 196
- 145 [76-8-417](#), as enacted by Laws of Utah 1973, Chapter 196
- 146 [76-8-418](#), as last amended by Laws of Utah 2022, Chapter 335
- 147 [76-8-419](#), as last amended by Laws of Utah 2002, Chapter 166
- 148 [76-8-420](#), as last amended by Laws of Utah 2007, Chapter 229
- 149 [76-8-501](#), as last amended by Laws of Utah 2018, Chapter 298

- 150 [76-8-502](#), as last amended by Laws of Utah 1997, Chapter 324
- 151 [76-8-503](#), as last amended by Laws of Utah 2014, Chapter 167
- 152 [76-8-504](#), as last amended by Laws of Utah 2022, Chapter 328
- 153 [76-8-504.5](#), as enacted by Laws of Utah 1999, Chapter 215
- 154 [76-8-504.6](#), as last amended by Laws of Utah 2015, Chapter 131
- 155 [76-8-506](#), as last amended by Laws of Utah 2005, Chapter 92
- 156 [76-8-507](#), as last amended by Laws of Utah 2002, Chapter 42
- 157 [76-8-508](#), as last amended by Laws of Utah 2004, Chapter 140
- 158 [76-8-508.3](#), as enacted by Laws of Utah 2004, Chapter 140
- 159 [76-8-508.5](#), as last amended by Laws of Utah 1992, Chapter 219
- 160 [76-8-509](#), as enacted by Laws of Utah 1973, Chapter 196
- 161 [76-8-510.5](#), as last amended by Laws of Utah 2014, Chapter 167
- 162 [76-8-511](#), as last amended by Laws of Utah 2003, Chapter 238
- 163 [76-8-512](#), as last amended by Laws of Utah 2013, First Special Session, Chapter 4
- 164 [76-8-513](#), as enacted by Laws of Utah 1973, Chapter 196
- 165 [76-8-515](#), as enacted by Laws of Utah 2023, Chapter 179
- 166 [76-8-601](#), as last amended by Laws of Utah 2008, Chapter 3
- 167 [76-8-602](#), as last amended by Laws of Utah 1990, Chapter 59
- 168 [76-8-603](#), as last amended by Laws of Utah 1990, Chapter 59
- 169 [76-8-703](#), as repealed and reenacted by Laws of Utah 2013, Chapter 257
- 170 [76-8-705](#), as last amended by Laws of Utah 2013, Chapter 257
- 171 [76-8-802](#), as enacted by Laws of Utah 1973, Chapter 196
- 172 [76-8-803](#), as enacted by Laws of Utah 1973, Chapter 196
- 173 [76-8-804](#), as enacted by Laws of Utah 1973, Chapter 196
- 174 [76-8-805](#), as enacted by Laws of Utah 1973, Chapter 196
- 175 [76-8-807](#), as enacted by Laws of Utah 1973, Chapter 196
- 176 [76-8-809](#), as last amended by Laws of Utah 2023, Chapter 435
- 177 [76-8-810](#), as enacted by Laws of Utah 1973, Chapter 196
- 178 [76-8-811](#), as last amended by Laws of Utah 1995, Chapter 20
- 179 [76-8-901](#), as enacted by Laws of Utah 1973, Chapter 196
- 180 [76-8-902](#), as enacted by Laws of Utah 1973, Chapter 196

- 181 [76-8-903](#), as enacted by Laws of Utah 1973, Chapter 196
- 182 [76-8-904](#), as enacted by Laws of Utah 1973, Chapter 196
- 183 [76-8-1201](#), as last amended by Laws of Utah 2015, Chapter 221
- 184 [76-8-1203](#), as last amended by Laws of Utah 2010, Chapter 94
- 185 [76-8-1207](#), as last amended by Laws of Utah 2000, Chapter 48
- 186 [76-8-1301](#), as last amended by Laws of Utah 2010, Chapter 193
- 187 [76-8-1402](#), as enacted by Laws of Utah 2004, Chapter 107
- 188 [76-8-1403](#), as last amended by Laws of Utah 2018, Chapter 133
- 189 [76-9-802](#), as last amended by Laws of Utah 2021, Chapter 64
- 190 [76-9-902](#), as last amended by Laws of Utah 2020, Chapter 394
- 191 [76-9-1008](#), as last amended by Laws of Utah 2013, Chapter 278
- 192 [76-10-1602](#), as last amended by Laws of Utah 2023, Chapters 34, 111, 139, and 330
- 193 [77-23a-8](#), as last amended by Laws of Utah 2023, Chapter 111
- 194 [77-36-1](#), as last amended by Laws of Utah 2022, Chapters 185, 430
- 195 [77-36-1.1](#), as last amended by Laws of Utah 2023, Chapters 111, 184
- 196 [77-37-3](#), as last amended by Laws of Utah 2023, Chapter 448

197 ENACTS:

- 198 [53B-20-107](#), Utah Code Annotated 1953
- 199 [76-8-106.1](#), Utah Code Annotated 1953
- 200 [76-8-301.2](#), Utah Code Annotated 1953
- 201 [76-8-309.1](#), Utah Code Annotated 1953
- 202 [76-8-309.2](#), Utah Code Annotated 1953
- 203 [76-8-311.2](#), Utah Code Annotated 1953
- 204 [76-8-311.4](#), Utah Code Annotated 1953
- 205 [76-8-311.6](#), Utah Code Annotated 1953
- 206 [76-8-311.7](#), Utah Code Annotated 1953
- 207 [76-8-311.8](#), Utah Code Annotated 1953
- 208 [76-8-311.9](#), Utah Code Annotated 1953
- 209 [76-8-311.10](#), Utah Code Annotated 1953
- 210 [76-8-316.2](#), Utah Code Annotated 1953
- 211 [76-8-316.4](#), Utah Code Annotated 1953

- 212 [76-8-316.6](#), Utah Code Annotated 1953
- 213 [76-8-320](#), Utah Code Annotated 1953
- 214 [76-8-409.2](#), Utah Code Annotated 1953
- 215 [76-8-416.2](#), Utah Code Annotated 1953
- 216 [76-8-508.7](#), Utah Code Annotated 1953
- 217 [76-8-604](#), Utah Code Annotated 1953
- 218 [76-8-1203.1](#), Utah Code Annotated 1953
- 219 [76-8-1203.3](#), Utah Code Annotated 1953
- 220 [76-8-1203.5](#), Utah Code Annotated 1953
- 221 [76-8-1203.7](#), Utah Code Annotated 1953
- 222 [76-8-1302](#), Utah Code Annotated 1953
- 223 [76-8-1303](#), Utah Code Annotated 1953
- 224 [76-8-1304](#), Utah Code Annotated 1953
- 225 RENUMBERS AND AMENDS:
- 226 [76-8-319](#), (Renumbered from 76-8-311.5, as renumbered and amended by Laws of
- 227 Utah 2021, Chapter 261)
- 228 REPEALS:
- 229 [76-8-314](#), as last amended by Laws of Utah 1996, Chapter 45
- 230 [76-8-315](#), as enacted by Laws of Utah 1983, Chapter 330
- 231 [76-8-404](#), as last amended by Laws of Utah 2020, Chapter 61
- 232 [76-8-505](#), as last amended by Laws of Utah 1997, Chapter 324
- 233 [76-8-701](#), as last amended by Laws of Utah 2013, Chapters 10, 257
- 234 [76-8-702](#), as last amended by Laws of Utah 2013, Chapter 257
- 235 [76-8-707](#), as last amended by Laws of Utah 1993, Chapter 234
- 236 [76-8-709](#), as last amended by Laws of Utah 2013, Chapter 257
- 237 [76-8-716](#), as enacted by Laws of Utah 1973, Chapter 196
- 238 [76-8-717](#), as last amended by Laws of Utah 2013, Chapter 257
- 239 [76-8-801](#), as enacted by Laws of Utah 1973, Chapter 196
- 240 [76-8-806](#), as last amended by Laws of Utah 1997, Chapter 296
- 241 [76-8-808](#), as enacted by Laws of Utah 1973, Chapter 196
- 242 [76-8-1101](#), as last amended by Laws of Utah 2014, Chapter 52

- 243 [76-8-1202](#), as last amended by Laws of Utah 2023, Chapter 330
- 244 [76-8-1204](#), as last amended by Laws of Utah 2000, Chapter 48
- 245 [76-8-1205](#), as last amended by Laws of Utah 2015, Chapter 221
- 246 [76-8-1206](#), as last amended by Laws of Utah 2012, Chapter 41
- 247 [76-8-1401](#), as enacted by Laws of Utah 2004, Chapter 107

248

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

250 Section 1. Section **17-22-5** is amended to read:

251 **17-22-5. Sheriff's classification of jail inmates -- Classification criteria --**

252 **Alternative incarceration programs -- Limitation.**

253 (1) Except as provided in Subsection (4), the sheriff shall adopt and implement written
254 policies for admission of prisoners to the county jail and the classification of persons
255 incarcerated in the jail which shall provide for the separation of prisoners by gender and by
256 such other factors as may reasonably provide for the safety and well-being of inmates and the
257 community. To the extent authorized by law, any written admission policies shall be applied
258 equally to all entities using the county correctional facilities.

259 (2) Except as provided in Subsection (4), each county sheriff shall assign prisoners to a
260 facility or section of a facility based on classification criteria that the sheriff develops and
261 maintains.

262 (3) (a) Except as provided in Subsection (4), a county sheriff may develop and
263 implement alternative incarceration programs that may or may not involve housing a prisoner
264 in a jail facility.

265 (b) A prisoner housed under an alternative incarceration program under Subsection
266 (3)(a) shall be considered to be in the full custody and control of the sheriff for purposes of
267 ~~[Section]~~ Sections 76-8-309 and 76-8-309.1.

268 (c) A prisoner may not be placed in an alternative incarceration program under
269 Subsection (3)(a) unless:

270 (i) the jail facility is at maximum operating capacity, as established under Subsection
271 [17-22-5.5\(2\)](#); or

272 (ii) ordered by the court.

273 (4) This section may not be construed to authorize a sheriff to modify provisions of a

274 contract with the Department of Corrections to house in a county jail persons sentenced to the
275 Department of Corrections.

276 Section 2. Section **26B-6-205** is amended to read:

277 **26B-6-205. Reporting requirements -- Investigation -- Exceptions -- Immunity --**
278 **Penalties -- Nonmedical healing.**

279 (1) Except as provided in Subsection (4), if an individual has reason to believe that a
280 vulnerable adult is, or has been, the subject of abuse, neglect, or exploitation, the individual
281 shall immediately report the suspected abuse, neglect, or exploitation to Adult Protective
282 Services or to the nearest peace officer or law enforcement agency.

283 (2) (a) If a peace officer or a law enforcement agency receives a report under
284 Subsection (1), the peace officer or the law enforcement agency shall immediately notify Adult
285 Protective Services.

286 (b) Adult Protective Services and the peace officer or the law enforcement agency shall
287 coordinate, as appropriate, efforts to investigate the report under Subsection (1) and to provide
288 protection to the vulnerable adult.

289 (3) When a report under Subsection (1), or a subsequent investigation by Adult
290 Protective Services, indicates that a criminal offense may have occurred against a vulnerable
291 adult:

292 (a) Adult Protective Services shall notify the nearest local law enforcement agency
293 regarding the potential offense; and

294 (b) the law enforcement agency shall initiate an investigation in cooperation with Adult
295 Protective Services.

296 (4) Subject to Subsection (5), the reporting requirement described in Subsection (1)
297 does not apply to:

298 (a) a member of the clergy, with regard to any confession made to the member of the
299 clergy while functioning in the ministerial capacity of the member of the clergy and without the
300 consent of the individual making the confession, if:

301 (i) the perpetrator made the confession directly to the member of the clergy; and

302 (ii) the member of the clergy is, under canon law or church doctrine or practice, bound
303 to maintain the confidentiality of that confession; or

304 (b) an attorney, or an individual employed by the attorney, if knowledge of the

305 suspected abuse, neglect, or exploitation of a vulnerable adult arises from the representation of
306 a client, unless the attorney is permitted to reveal the suspected abuse, neglect, or exploitation
307 of the vulnerable adult to prevent reasonably certain death or substantial bodily harm in
308 accordance with Utah Rules of Professional Conduct, Rule 1.6.

309 (5) (a) When a member of the clergy receives information about abuse, neglect, or
310 exploitation of a vulnerable adult from any source other than confession of the perpetrator, the
311 member of the clergy is required to report that information even though the member of the
312 clergy may have also received information about abuse, neglect, or exploitation from the
313 confession of the perpetrator.

314 (b) Exemption of the reporting requirement for an individual described in Subsection
315 (4) does not exempt the individual from any other efforts required by law to prevent further
316 abuse, neglect, or exploitation of a vulnerable adult by the perpetrator.

317 (6) (a) As used in this Subsection (6), "physician" means an individual licensed to
318 practice as a physician or osteopath in this state under Title 58, Chapter 67, Utah Medical
319 Practice Act, or Title 58, Chapter 68, Utah Osteopathic Medical Practice Act.

320 (b) The physician-patient privilege does not:

321 (i) excuse a physician from reporting suspected abuse, neglect, or exploitation of a
322 vulnerable adult under Subsection (1); or

323 (ii) constitute grounds for excluding evidence regarding a vulnerable adult's injuries, or
324 the cause of the vulnerable adult's injuries, in any judicial or administrative proceeding
325 resulting from a report under Subsection (1).

326 (7) (a) An individual who in good faith makes a report under Subsection (1), or who
327 otherwise notifies Adult Protective Services or a peace officer or law enforcement agency, is
328 immune from civil and criminal liability in connection with the report or notification.

329 (b) A covered provider or covered contractor, as defined in Section [26B-2-238](#), that
330 knowingly fails to report suspected abuse, neglect, or exploitation of a vulnerable adult to
331 Adult Protective Services, or to the nearest peace officer or law enforcement agency, under
332 Subsection (1), is subject to a private right of action and liability for the abuse, neglect, or
333 exploitation of a vulnerable adult that is committed by the individual who was not reported to
334 Adult Protective Services or to the nearest peace officer or law enforcement agency.

335 (c) This Subsection (7) does not provide immunity with respect to acts or omissions of

336 a governmental employee except as provided in Title 63G, Chapter 7, Governmental Immunity
337 Act of Utah.

338 (8) If Adult Protective Services has substantial grounds to believe that an individual
339 has knowingly failed to report suspected abuse, neglect, or exploitation of a vulnerable adult in
340 accordance with this section, Adult Protective Services shall file a complaint with:

341 (a) the Division of Professional Licensing if the individual is a health care provider, as
342 defined in Section 80-2-603, or a mental health therapist, as defined in Section 58-60-102;

343 (b) the appropriate law enforcement agency if the individual is a law enforcement
344 officer, as defined in Section 53-13-103; and

345 (c) the State Board of Education if the individual is an educator, as defined in Section
346 53E-6-102.

347 (9) (a) An individual is guilty of a class B misdemeanor if the individual willfully fails
348 to report suspected abuse, neglect, or exploitation of a vulnerable adult to Adult Protective
349 Services, or to the nearest peace officer or law enforcement agency under Subsection (1).

350 (b) If an individual is convicted under Subsection (9)(a), the court may order the
351 individual, in addition to any other sentence the court imposes, to:

352 (i) complete community service hours; or

353 (ii) complete a program on preventing abuse, neglect, and exploitation of vulnerable
354 adults.

355 (c) In determining whether it would be appropriate to charge an individual with a
356 violation of Subsection (9)(a), the prosecuting attorney shall take into account whether a
357 reasonable individual would not have reported suspected abuse, neglect, or exploitation of a
358 vulnerable adult because reporting would have placed the individual in immediate danger of
359 death or serious bodily injury.

360 (d) Notwithstanding any contrary provision of law, a prosecuting attorney may not use
361 an individual's violation of Subsection (9)(a) as the basis for charging the individual with
362 another offense.

363 (e) A prosecution for failure to report under Subsection (9)(a) shall be commenced
364 within two years after the day on which the individual had knowledge of the suspected abuse,
365 neglect, or exploitation and willfully failed to report.

366 (10) Under circumstances not amounting to a violation of Section 76-8-508 or

367 [76-8-508.7](#), an individual is guilty of a class B misdemeanor if the individual threatens,
368 intimidates, or attempts to intimidate a vulnerable adult who is the subject of a report under
369 Subsection (1), the individual who made the report under Subsection (1), a witness, or any
370 other person cooperating with an investigation conducted in accordance with this chapter.

371 (11) An adult is not considered abused, neglected, or a vulnerable adult for the reason
372 that the adult has chosen to rely solely upon religious, nonmedical forms of healing in lieu of
373 medical care.

374 Section 3. Section **35A-3-603** is amended to read:

375 **35A-3-603. Civil liability for overpayment.**

376 (1) A provider, recipient, or other person who receives an overpayment shall,
377 regardless of fault, return the overpayment or repay its value to the department immediately:

378 (a) upon receiving written notice of the overpayment from the department; or

379 (b) upon discovering the overpayment, if that occurs before receiving notice.

380 (2) (a) Except as provided under Subsection (2)(b), interest on the unreturned balance
381 of the overpayment shall accrue at the rate of 1% a month.

382 (b) If the overpayment was not the fault of the person receiving it, that person is not
383 liable for interest on the unreturned balance.

384 (c) In accordance with federal law and rules made by the department in accordance
385 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, an overpayment may be
386 recovered through deductions from cash assistance, General Assistance, SNAP benefits, other
387 cash-related assistance provided to a recipient under this chapter, or other means provided by
388 federal law.

389 (3) A person who knowingly assists a recipient, provider, or other person in obtaining
390 an overpayment is jointly and severally liable for the overpayment.

391 (4) (a) In proving civil liability for overpayment under this section, or Section
392 [35A-3-605](#), when fault is alleged, the department shall prove by clear and convincing evidence
393 that the overpayment was obtained intentionally, knowingly, recklessly as "intentionally,
394 knowingly, and recklessly" are defined in Section [76-2-103](#), by false statement,
395 misrepresentation, impersonation, or other fraudulent means, including committing any of the
396 acts or omissions described in Sections [~~[76-8-1203](#), [76-8-1204](#), or [76-8-1205](#)~~] [76-8-1203.1](#),
397 [76-8-1203.3](#), [76-8-1203.5](#), or [76-8-1203.7](#).

398 (b) If fault is established under Subsection (4)(a), Section 35A-3-605, or Title 76,
399 Chapter 8, Part 12, Public Assistance Fraud, a person who obtained or helped another obtain an
400 overpayment is subject to:

401 (i) a civil penalty of 10% of the amount of the overpayment, except for overpayments
402 related to assistance for child care services;

403 (ii) a civil penalty of 50% of the amount of the overpayment for overpayments related
404 to assistance for child care services;

405 (iii) disqualification from receiving cash assistance from the Family Employment
406 Program created in Section 35A-3-302 and the General Assistance program under Section
407 35A-3-401, if the overpayment was obtained from either of those programs, for the period
408 described in Subsection (4)(c); and

409 (iv) disqualification from SNAP, if the overpayment was received from SNAP, for the
410 period described in Subsection (4)(c).

411 (c) Unless otherwise provided by federal law, the period of a disqualification under
412 Subsections (4)(b)(iii) and (iv) is for:

413 (i) 12 months for a first offense;

414 (ii) 24 months for a second offense; and

415 (iii) permanently for a third offense.

416 (5) (a) Except as provided under Subsection (5)(b), if an action is filed, the department
417 may recover, in addition to the principal sum plus interest, reasonable attorney fees and costs.

418 (b) If the repayment obligation arose from an administrative error by the department,
419 the department may not recover attorney fees and costs.

420 (6) If a court finds that funds or benefits were secured, in whole or part, by fraud by the
421 person from whom repayment is sought, the court shall assess an additional sum as considered
422 appropriate as punitive damages up to the amount of repayment being sought.

423 (7) A criminal action for public assistance fraud is governed by Title 76, Chapter 8,
424 Part 12, Public Assistance Fraud.

425 (8) Jurisdiction over benefits is continuous.

426 (9) This chapter does not preclude the Department of Health and Human Services from
427 carrying out its responsibilities under Title 26B, Chapter 3, Part 10, Medical Benefits
428 Recovery, and Title 26B, Chapter 3, Part 11, Utah False Claims Act.

429 Section 4. Section 35A-3-604 is amended to read:

430 **35A-3-604. Obligor presumed to have notice of department's rights -- Authority**
431 **to administer oaths, issue subpoenas, and compel witnesses and production of documents**
432 **-- Recovery of attorney fees, costs, and interest -- Rulemaking authority -- Administrative**
433 **procedures.**

434 (1) An obligor is presumed to have received notice of the rights of the department
435 under this part upon engaging in this state in any of the acts described in Subsections
436 [35A-3-603\(3\)](#) and (4) or Section [~~76-8-1203, 76-8-1204, or 76-8-1205~~] [76-8-1203.1](#),
437 [76-8-1203.3](#), [76-8-1203.5](#), or [76-8-1203.7](#).

438 (2) For the purposes of this part, the department may administer oaths and certify
439 official acts, issue subpoenas, and compel witnesses and the production of business records,
440 documents, and evidence.

441 (3) (a) Except when an overpayment results from administrative error, the department
442 may recover from the obligor:

443 (i) reasonable [~~attorneys'~~] attorney fees;
444 (ii) costs incurred in pursuing administrative remedies under this part; and
445 (iii) interest at the rate of 1% a month accruing from the date an administrative or
446 judicial order is issued determining the amount due under this part.

447 (b) The department may recover interest, attorney fees, and costs, if notice of the
448 assessment has been included in a notice of agency action issued in compliance with Title 63G,
449 Chapter 4, Administrative Procedures Act.

450 (4) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
451 department may make, amend, and enforce rules to carry out the provisions of this part.

452 (5) Service of all notices and orders under this part shall comply with:

453 (a) Title 63G, Chapter 4, Administrative Procedures Act;
454 (b) Utah Rules of Civil Procedure; or
455 (c) rules made by the department under this part in accordance with Title 63G, Chapter
456 3, Utah Administrative Rulemaking Act, that meet standards required by due process.

457 Section 5. Section 35A-4-304 is amended to read:

458 **35A-4-304. Special provisions regarding transfers of unemployment experience**
459 **and assignment rates.**

460 (1) As used in this section:

461 (a) "Knowingly" means having actual knowledge of or acting with deliberate ignorance
462 or reckless disregard for the prohibition involved.

463 (b) "Person" has the meaning given that term by Section 7701(a)(1) of the Internal
464 Revenue Code of 1986.

465 (c) "Trade or business" includes the employer's workforce.

466 (d) "Violate or attempt to violate" includes intent to evade, misrepresentation, or
467 willful nondisclosure.

468 (2) Notwithstanding any other provision of this chapter, Subsections (3) and (4) shall
469 apply regarding assignment of rates and transfers of unemployment experience.

470 (3) (a) If an employer transfers its trade or business, or a portion of its trade or
471 business, to another employer and, at the time of the transfer, there is common ownership,
472 management, or control of the employers, then the unemployment experience attributable to
473 each employer shall be combined into a common experience rate calculation.

474 (b) The contribution rates of the employers shall be recalculated and made effective
475 upon the date of the transfer of trade or business as determined by division rule in accordance
476 with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

477 (c) (i) If one or more of the employers is a qualified employer at the time of the
478 transfer, then all employing units that are party to a transfer described in Subsection (3)(a) of
479 this section shall be assigned an overall contribution rate under Subsection 35A-4-303(4),
480 using combined unemployment experience rating factors, for the rate year during which the
481 transfer occurred and for the subsequent three rate years.

482 (ii) If none of the employing units is a qualified employer at the time of the transfer,
483 then all employing units that are party to the transfer described in Subsection (3)(a) shall be
484 assigned the highest overall contribution rate applicable at the time of the transfer to any
485 employer who is party to the acquisition for the rate year during which the transfer occurred
486 and for subsequent rate years until the time when one or more of the employing units is a
487 qualified employer.

488 (iii) Once one or more employing units described in Subsection (3)(c)(ii) is a qualified
489 employer, all the employing units shall be assigned an overall rate under Subsection
490 35A-4-303(4), using combined unemployment experience rating factors for subsequent rate

491 years, not to exceed three years following the year of the transfer.

492 (d) The transfer of some or all of an employer's workforce to another employer shall be
493 considered a transfer of its trade or business when, as the result of the transfer, the transferring
494 employer no longer performs trade or business with respect to the transferred workforce, and
495 the trade or business is now performed by the employer to whom the workforce is transferred.

496 (4) (a) Whenever a person is not an employer under this chapter at the time it acquires
497 the trade or business of an employer, the unemployment experience of the acquired business
498 may not be transferred to that person if the division finds that the person acquired the business
499 solely or primarily for the purpose of obtaining a lower rate of contributions.

500 (b) The person shall be assigned the applicable new employer rate under Subsection
501 [35A-4-303\(5\)](#).

502 (c) In determining whether the business was acquired solely or primarily for the
503 purpose of obtaining a lower rate of contributions, the division shall use objective factors
504 which may include:

505 (i) the cost of acquiring the business;

506 (ii) whether the person continued the business enterprise of the acquired business;

507 (iii) how long the business enterprise was continued; or

508 (iv) whether a substantial number of new employees were hired for performance of
509 duties unrelated to the business activity conducted prior to acquisition.

510 (5) (a) If a person knowingly violates or attempts to violate Subsection (3) or (4) or any
511 other provision of this chapter related to determining the assignment of a contribution rate, or if
512 a person knowingly advises another person in a way that results in a violation of any of those
513 subsections or provisions, the person is subject to the following penalties:

514 (i) (A) If the person is an employer, then the employer shall be assigned an overall
515 contribution rate of 5.4% for the rate year during which the violation or attempted violation
516 occurred and for the subsequent rate year.

517 (B) If the person's business is already at 5.4% for any year, or if the amount of increase
518 in the person's rate would be less than 2% for that year, then a penalty surcharge of
519 contributions of 2% of taxable wages shall be imposed for the rate year during which the
520 violation or attempted violation occurred and for the subsequent rate year.

521 (ii) (A) If the person is not an employer, the person shall be subject to a civil penalty of

522 not more than \$5,000.

523 (B) The fine shall be deposited in the penalty and interest account established under
524 Section [35A-4-506](#).

525 (b) (i) In addition to the penalty imposed by Subsection (5)(a), a violation of this
526 section may be prosecuted as unemployment insurance fraud.

527 (ii) The determination of the degree of an offense shall be measured by the total value
528 of all contributions avoided or reduced or contributions sought to be avoided or reduced by the
529 unlawful conduct as applied to the degrees listed under [~~Subsection 76-8-1301(2)(a)~~] Section
530 [76-8-1302](#) or [76-8-1303](#).

531 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
532 division shall make rules to identify the transfer or acquisition of a business for purposes of this
533 section.

534 (7) This section shall be interpreted and applied in a manner that meets the minimum
535 requirements contained in any guidance or regulations issued by the United States Department
536 of Labor.

537 Section 6. Section **35A-4-305** is amended to read:

538 **35A-4-305. Collection of contributions -- Unpaid contributions to bear interest --**
539 **Offer to compromise.**

540 (1) (a) Contributions unpaid on the date on which they are due and payable, as
541 prescribed by the division, shall bear interest at the rate of 1% per month from and after that
542 date until payment plus accrued interest is received by the division.

543 (b) (i) Contribution reports not made and filed by the date on which they are due as
544 prescribed by the division are subject to a penalty to be assessed and collected in the same
545 manner as contributions due under this section equal to 5% of the contribution due if the failure
546 to file on time was not more than 15 days, with an additional 5% for each additional 15 days or
547 fraction thereof during which the failure continued, but not to exceed 25% in the aggregate and
548 not less than \$25 with respect to each reporting period.

549 (ii) If a report is filed after the required time and it is shown to the satisfaction of the
550 division or its authorized representative that the failure to file was due to a reasonable cause
551 and not to willful neglect, no addition shall be made to the contribution.

552 (c) (i) If contributions are unpaid after 10 days from the date of the mailing or personal

553 delivery by the division or its authorized representative, of a written demand for payment, there
554 shall attach to the contribution, to be assessed and collected in the same manner as
555 contributions due under this section, a penalty equal to 5% of the contribution due.

556 (ii) A penalty may not attach if within 10 days after the mailing or personal delivery,
557 arrangements for payment have been made with the division, or its authorized representative,
558 and payment is made in accordance with those arrangements.

559 (d) The division shall assess as a penalty a service charge, in addition to any other
560 penalties that may apply, in an amount not to exceed the service charge imposed by Section
561 7-15-1 for dishonored instruments if:

562 (i) any amount due the division for contributions, interest, other penalties or benefit
563 overpayments is paid by check, draft, order, or other instrument; and

564 (ii) the instrument is dishonored or not paid by the institution against which it is drawn.

565 (e) Except for benefit overpayments under Subsection 35A-4-405(5), benefit
566 overpayments, contributions, interest, penalties, and assessed costs, uncollected three years
567 after they become due, may be charged as uncollectible and removed from the records of the
568 division if:

569 (i) no assets belonging to the liable person and subject to attachment can be found; and

570 (ii) in the opinion of the division there is no likelihood of collection at a future date.

571 (f) Interest and penalties collected in accordance with this section shall be paid into the
572 Special Administrative Expense Account created by Section 35A-4-506.

573 (g) Action required for the collection of sums due under this chapter is subject to the
574 applicable limitations of actions under Title 78B, Chapter 2, Statutes of Limitations.

575 (2) (a) If an employer fails to file a report when prescribed by the division for the
576 purpose of determining the amount of the employer's contribution due under this chapter, or if
577 the report when filed is incorrect or insufficient or is not satisfactory to the division, the
578 division may determine the amount of wages paid for employment during the period or periods
579 with respect to which the reports were or should have been made and the amount of
580 contribution due from the employer on the basis of any information it may be able to obtain.

581 (b) The division shall give written notice of the determination to the employer.

582 (c) The determination is considered correct unless:

583 (i) the employer, within 10 days after mailing or personal delivery of notice of the

584 determination, applies to the division for a review of the determination as provided in Section
585 35A-4-508; or

586 (ii) unless the division or its authorized representative of its own motion reviews the
587 determination.

588 (d) The amount of contribution determined under Subsection (2)(a) is subject to
589 penalties and interest as provided in Subsection (1).

590 (3) (a) If, after due notice, an employer defaults in the payment of contributions,
591 interest, or penalties on the contributions, or a claimant defaults in a repayment of benefit
592 overpayments and penalties on the overpayments, the amount due shall be collectible by civil
593 action in the name of the division, and the employer adjudged in default shall pay the costs of
594 the action.

595 (b) Civil actions brought under this section to collect contributions, interest, or
596 penalties from an employer, or benefit overpayments and penalties from a claimant shall be:

597 (i) heard by the court at the earliest possible date; and

598 (ii) entitled to preference upon the calendar of the court over all other civil actions
599 except:

600 (A) petitions for judicial review under this chapter; and

601 (B) cases arising under the workers' compensation law of this state.

602 (c) (i) (A) To collect contributions, interest, or penalties, or benefit overpayments and
603 penalties due from employers or claimants located outside Utah, the division may employ
604 private collectors providing debt collection services outside Utah.

605 (B) Accounts may be placed with private collectors only after the employer or claimant
606 has been given a final notice that the division intends to place the account with a private
607 collector for further collection action.

608 (C) The notice shall advise the employer or claimant of the employer's or claimant's
609 rights under this chapter and the applicable rules of the department.

610 (ii) (A) A private collector may receive as compensation up to 25% of the lesser of the
611 amount collected or the amount due, plus the costs and fees of any civil action or postjudgment
612 remedy instituted by the private collector with the approval of the division.

613 (B) The employer or claimant shall be liable to pay the compensation of the collector,
614 costs, and fees in addition to the original amount due.

615 (iii) A private collector is subject to the federal Fair Debt Collection Practices Act, 15
616 U.S.C. Sec. 1692 et seq.

617 (iv) (A) A civil action may not be maintained by a private collector without specific
618 prior written approval of the division.

619 (B) When division approval is given for civil action against an employer or claimant,
620 the division may cooperate with the private collector to the extent necessary to effect the civil
621 action.

622 (d) (i) Notwithstanding Section 35A-4-312, the division may disclose the contribution,
623 interest, penalties or benefit overpayments and penalties, costs due, the name of the employer
624 or claimant, and the employer's or claimant's address and telephone number when any
625 collection matter is referred to a private collector under Subsection (3)(c).

626 (ii) A private collector is subject to the confidentiality requirements and penalty
627 provisions provided in [Section] Sections 35A-4-312 and [~~Subsection 76-8-1301(4)~~]
628 76-8-1304, except to the extent disclosure is necessary in a civil action to enforce collection of
629 the amounts due.

630 (e) An action taken by the division under this section may not be construed to be an
631 election to forego other collection procedures by the division.

632 (4) (a) In the event of a distribution of an employer's assets under an order of a court
633 under the laws of Utah, including a receivership, assignment for benefits of creditors,
634 adjudicated insolvency, composition, or similar proceedings, contributions then or thereafter
635 due shall be paid in full prior to all other claims except taxes and claims for wages of not more
636 than \$400 to each claimant, earned within five months of the commencement of the
637 proceeding.

638 (b) If an employer commences a proceeding in the Federal Bankruptcy Court under a
639 chapter of 11 U.S.C. 101 et seq., as amended by the Bankruptcy Abuse Prevention and
640 Consumer Protection Act of 2005, contributions, interest, and penalties then or thereafter due
641 shall be entitled to the priority provided for taxes, interest, and penalties in the Bankruptcy
642 Abuse Prevention and Consumer Protection Act of 2005.

643 (5) (a) In addition and as an alternative to any other remedy provided by this chapter
644 and provided that no appeal or other proceeding for review provided by this chapter is then
645 pending and the time for taking it has expired, the division may issue a warrant in duplicate,

646 under its official seal, directed to the sheriff of any county of the state, commanding the sheriff
647 to levy upon and sell the real and personal property of a delinquent employer or claimant found
648 within the sheriff's county for the payment of the contributions due, with the added penalties,
649 interest, or benefit overpayment and penalties, and costs, and to return the warrant to the
650 division and pay into the fund the money collected by virtue of the warrant by a time to be
651 specified in the warrant, not more than 60 days from the date of the warrant.

652 (b) (i) Immediately upon receipt of the warrant in duplicate, the sheriff shall file the
653 duplicate with the clerk of the district court in the sheriff's county.

654 (ii) The clerk shall enter in the judgment docket, in the column for judgment debtors,
655 the name of the delinquent employer or claimant mentioned in the warrant, and in appropriate
656 columns the amount of the contribution, penalties, interest, or benefit overpayment and
657 penalties, and costs, for which the warrant is issued and the date when the duplicate is filed.

658 (c) The amount of the docketed warrant shall:

659 (i) have the force and effect of an execution against all personal property of the
660 delinquent employer; and

661 (ii) become a lien upon the real property of the delinquent employer or claimant in the
662 same manner and to the same extent as a judgment duly rendered by a district court and
663 docketed in the office of the clerk.

664 (d) After docketing, the sheriff shall:

665 (i) proceed in the same manner as is prescribed by law with respect to execution issued
666 against property upon judgments of a court of record; and

667 (ii) be entitled to the same fees for the sheriff's services in executing the warrant, to be
668 collected in the same manner.

669 (6) (a) Contributions imposed by this chapter are a lien upon the property of an
670 employer liable for the contribution required to be collected under this section who shall sell
671 out the employer's business or stock of goods or shall quit business, if the employer fails to
672 make a final report and payment on the date subsequent to the date of selling or quitting
673 business on which they are due and payable as prescribed by rule.

674 (b) (i) An employer's successor, successors, or assigns, if any, are required to withhold
675 sufficient of the purchase money to cover the amount of the contributions and interest or
676 penalties due and payable until the former owner produces a receipt from the division showing

677 that they have been paid or a certificate stating that no amount is due.

678 (ii) If the purchaser of a business or stock of goods fails to withhold sufficient purchase
679 money, the purchaser is personally liable for the payment of the amount of the contributions
680 required to be paid by the former owner, interest and penalties accrued and unpaid by the
681 former owner, owners, or assignors.

682 (7) (a) If an employer is delinquent in the payment of a contribution, the division may
683 give notice of the amount of the delinquency by registered mail to all persons having in their
684 possession or under their control, any credits or other personal property belonging to the
685 employer, or owing any debts to the employer at the time of the receipt by them of the notice.

686 (b) A person notified under Subsection (7)(a) shall neither transfer nor make any other
687 disposition of the credits, other personal property, or debts until:

688 (i) the division has consented to a transfer or disposition; or

689 (ii) 20 days after the receipt of the notice.

690 (c) All persons notified under Subsection (7)(a) shall, within five days after receipt of
691 the notice, advise the division of credits, other personal property, or other debts in their
692 possession, under their control or owing by them, as the case may be.

693 (8) (a) (i) Each employer shall furnish the division necessary information for the proper
694 administration of this chapter and shall include wage information for each employee, for each
695 calendar quarter.

696 (ii) The information shall be furnished at a time, in the form, and to those individuals
697 as the department may by rule require.

698 (b) (i) Each employer shall furnish each individual worker who is separated that
699 information as the department may by rule require, and shall furnish within 48 hours of the
700 receipt of a request from the division a report of the earnings of any individual during the
701 individual's base-period.

702 (ii) The report shall be on a form prescribed by the division and contain all information
703 prescribed by the division.

704 (c) (i) For each failure by an employer to conform to this Subsection (8) the division
705 shall, unless good cause is shown, assess a \$50 penalty if the filing was not more than 15 days
706 late.

707 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty

708 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250
709 per filing.

710 (iii) The penalty is to be collected in the same manner as contributions due under this
711 chapter.

712 (d) (i) The division shall prescribe rules providing standards for determining which
713 contribution reports shall be filed on magnetic or electronic media or in other machine-readable
714 form.

715 (ii) In prescribing these rules, the division:

716 (A) may not require an employer to file contribution reports on magnetic or electronic
717 media unless the employer is required to file wage data on at least 250 employees during any
718 calendar quarter or is an authorized employer representative who files quarterly tax reports on
719 behalf of 100 or more employers during any calendar quarter;

720 (B) shall take into account, among other relevant factors, the ability of the employer to
721 comply at reasonable cost with the requirements of the rules; and

722 (C) may require an employer to post a bond for failure to comply with the rules
723 required by this Subsection (8)(d).

724 (9) (a) (i) An employer liable for payments in lieu of contributions shall file
725 Reimbursable Employment and Wage Reports.

726 (ii) The reports are due on the last day of the month that follows the end of each
727 calendar quarter unless the division, after giving notice, changes the due date.

728 (iii) A report postmarked on or before the due date is considered timely.

729 (b) (i) Unless the employer can show good cause, the division shall assess a \$50
730 penalty against an employer who does not file Reimbursable Employment and Wage Reports
731 within the time limits set out in Subsection (9)(a) if the filing was not more than 15 days late.

732 (ii) If the filing is more than 15 days late, the division shall assess an additional penalty
733 of \$50 for each 15 days, or a fraction of the 15 days that the filing is late, not to exceed \$250
734 per filing.

735 (iii) The division shall assess and collect the penalties referred to in this Subsection
736 (9)(b) in the same manner as prescribed in Sections [35A-4-309](#) and [35A-4-311](#).

737 (10) If a person liable to pay a contribution or benefit overpayment imposed by this
738 chapter neglects or refuses to pay it after demand, the amount, including any interest, additional

739 amount, addition to contributions, or assessable penalty, together with any additional accruable
740 costs, shall be a lien in favor of the division upon all property and rights to property, whether
741 real or personal belonging to the person.

742 (11) (a) The lien imposed by Subsection (10) arises at the time the assessment, as
743 defined in the department rules, is made and continues until the liability for the amount
744 assessed, or a judgment against the taxpayer arising out of the liability, is satisfied.

745 (b) (i) The lien imposed by Subsection (10) is not valid as against a purchaser, holder
746 of a security interest, mechanics' lien holder, or judgment lien creditor until the division files a
747 warrant with the clerk of the district court.

748 (ii) For the purposes of this Subsection (11)(b):

749 (A) "Judgment lien creditor" means a person who obtains a valid judgment of a court
750 of record for recovery of specific property or a sum certain of money, and who in the case of a
751 recovery of money, has a perfected lien under the judgment on the property involved. A
752 judgment lien does not include inchoate liens such as attachment or garnishment liens until
753 they ripen into a judgment. A judgment lien does not include the determination or assessment
754 of a quasi-judicial authority, such as a state or federal taxing authority.

755 (B) "Mechanics' lien holder" means any person who has a lien on real property, or on
756 the proceeds of a contract relating to real property, for services, labor, or materials furnished in
757 connection with the construction or improvement of the property. A person has a lien on the
758 earliest date the lien becomes valid against subsequent purchasers without actual notice, but not
759 before the person begins to furnish the services, labor, or materials.

760 (C) "Person" means:

761 (I) an individual;

762 (II) a trust;

763 (III) an estate;

764 (IV) a partnership;

765 (V) an association;

766 (VI) a company;

767 (VII) a limited liability company;

768 (VIII) a limited liability partnership; or

769 (IX) a corporation.

770 (D) "Purchaser" means a person who, for adequate and full consideration in money or
771 money's worth, acquires an interest, other than a lien or security interest, in property which is
772 valid under state law against subsequent purchasers without actual notice.

773 (E) "Security interest" means any interest in property acquired by contract for the
774 purpose of securing payment or performance of an obligation or indemnifying against loss or
775 liability. A security interest exists at any time:

776 (I) the property is in existence and the interest has become protected under the law
777 against a subsequent judgment lien arising out of an unsecured obligation; and

778 (II) to the extent that, at that time, the holder has parted with money or money's worth.

779 (12) (a) Except in cases involving a violation of unemployment compensation
780 provisions under Section [76-8-1301](#), [76-8-1302](#), [76-8-1303](#), [76-8-1304](#), Subsection
781 [35A-4-304\(5\)](#), or Subsection [35A-4-405\(5\)](#), and at the discretion of the division, the division
782 may accept an offer in compromise from an employer or claimant to reduce past due debt
783 arising from contributions or benefit overpayments imposed under this chapter.

784 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
785 division shall make rules for allowing an offer in compromise provided under Subsection
786 (12)(a).

787 Section 7. Section **35A-4-312** is amended to read:

788 **35A-4-312. Records.**

789 (1) (a) An employing unit shall keep true and accurate work records containing
790 information the department may prescribe by rule.

791 (b) A record shall be open to inspection and subject to being copied by the division or
792 its authorized representatives at a reasonable time and as often as necessary.

793 (c) An employing unit shall make a record available in the state for three years after the
794 calendar year in which the services are rendered.

795 (2) The division may require from an employing unit a sworn or unsworn report with
796 respect to a person employed by the employing unit that the division considers necessary for
797 the effective administration of this chapter.

798 (3) Except as provided in this section or in Sections [35A-4-103](#) and [35A-4-106](#),
799 information obtained under this chapter or obtained from an individual may not be published or
800 open to public inspection in a manner revealing the employing unit's or individual's identity.

801 (4) (a) The information obtained by the division under this section may not be used in
802 court or admitted into evidence in an action or proceeding, except:

803 (i) in an action or proceeding arising out of this chapter;

804 (ii) if the Labor Commission enters into a written agreement with the division under
805 Subsection (6)(b), in an action or proceeding by the Labor Commission to enforce:

806 (A) Title 34, Chapter 23, Employment of Minors;

807 (B) Title 34, Chapter 28, Payment of Wages;

808 (C) Title 34, Chapter 40, Utah Minimum Wage Act; or

809 (D) Title 34A, Utah Labor Code;

810 (iii) under the terms of a court order obtained under Subsection 63G-2-202(7) and
811 Section 63G-2-207; or

812 (iv) under the terms of a written agreement between the Office of State Debt Collection
813 and the division as provided in Subsection (5).

814 (b) The information obtained by the division under this section shall be disclosed to:

815 (i) a party to an unemployment insurance hearing before an administrative law judge of
816 the department or a review by the Workforce Appeals Board to the extent necessary for the
817 proper presentation of the party's case; or

818 (ii) an employer, upon request in writing for information concerning a claim for a
819 benefit with respect to a former employee of the employer.

820 (5) The information obtained by the division under this section may be disclosed to:

821 (a) an employee of the department in the performance of the employee's duties in
822 administering this chapter or other programs of the department;

823 (b) an employee of the Labor Commission for the purpose of carrying out the programs
824 administered by the Labor Commission;

825 (c) an employee of the Department of Commerce for the purpose of carrying out the
826 programs administered by the Department of Commerce;

827 (d) an employee of the governor's office or another state governmental agency
828 administratively responsible for statewide economic development, to the extent necessary for
829 economic development policy analysis and formulation;

830 (e) an employee of another governmental agency that is specifically identified and
831 authorized by federal or state law to receive the information for the purposes stated in the law

832 authorizing the employee of the agency to receive the information;

833 (f) an employee of a governmental agency or workers' compensation insurer to the
834 extent the information will aid in:

835 (i) the detection or avoidance of duplicate, inconsistent, or fraudulent claims against:

836 (A) a workers' compensation program; or

837 (B) public assistance funds; or

838 (ii) the recovery of overpayments of workers' compensation or public assistance funds;

839 (g) an employee of a law enforcement agency to the extent the disclosure is necessary

840 to avoid a significant risk to public safety or in aid of a felony criminal investigation;

841 (h) an employee of the State Tax Commission or the Internal Revenue Service for the
842 purposes of:

843 (i) audit verification or simplification;

844 (ii) state or federal tax compliance;

845 (iii) verification of a code or classification of the:

846 (A) 1987 Standard Industrial Classification Manual of the federal Executive Office of
847 the President, Office of Management and Budget; or

848 (B) 2002 North American Industry Classification System of the federal Executive
849 Office of the President, Office of Management and Budget; and

850 (iv) statistics;

851 (i) an employee or contractor of the department or an educational institution, or other
852 governmental entity engaged in workforce investment and development activities under the
853 Workforce Innovation and Opportunity Act, 29 U.S.C. Sec. 3101 et seq., for the purpose of:

854 (i) coordinating services with the department;

855 (ii) evaluating the effectiveness of those activities; and

856 (iii) measuring performance;

857 (j) an employee of the Governor's Office of Economic Opportunity, for the purpose of
858 periodically publishing in the Directory of Business and Industry, the name, address, telephone
859 number, number of employees by range, code or classification of an employer, and type of
860 ownership of Utah employers;

861 (k) the public for any purpose following a written waiver by all interested parties of
862 their rights to nondisclosure;

863 (l) an individual whose wage data is submitted to the department by an employer, if no
864 information other than the individual's wage data and the identity of the employer who
865 submitted the information is provided to the individual;

866 (m) an employee of the Insurance Department for the purpose of administering Title
867 31A, Chapter 40, Professional Employer Organization Licensing Act;

868 (n) an employee of the Office of State Debt Collection for the purpose of collecting
869 state accounts receivable as provided in Section [63A-3-502](#); or

870 (o) a creditor, under a court order, to collect on a judgment as provided in Section
871 [35A-4-314](#).

872 (6) Disclosure of private information under Subsection (4)(a)(ii) or Subsection (5),
873 with the exception of Subsections (5)(a), (g), and (o), may be made if:

874 (a) the division determines that the disclosure will not have a negative effect on:

875 (i) the willingness of employers to report wage and employment information; or

876 (ii) the willingness of individuals to file claims for unemployment benefits; and

877 (b) the agency enters into a written agreement with the division in accordance with
878 rules made by the department.

879 (7) (a) The employees of a division of the department other than the Workforce
880 Research and Analysis Division and the Unemployment Insurance Division or an agency
881 receiving private information from the division under this chapter are subject to the same
882 requirements of privacy and confidentiality and to the same penalties for misuse or improper
883 disclosure of the information as employees of the division.

884 (b) Use of private information obtained from the department by a person or for a
885 purpose other than one authorized in Subsection (4) or (5) violates [~~Subsection 76-8-1301(4)~~]
886 Section 76-8-1304.

887 Section 8. Section **53-10-403** is amended to read:

888 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

889 (1) Sections [53-10-403.6](#), [53-10-404](#), [53-10-404.5](#), [53-10-405](#), and [53-10-406](#) apply to
890 any person who:

891 (a) has pled guilty to or has been convicted of any of the offenses under Subsection
892 (2)(a) or (b) on or after July 1, 2002;

893 (b) has pled guilty to or has been convicted by any other state or by the United States

894 government of an offense which if committed in this state would be punishable as one or more
895 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

896 (c) has been booked on or after January 1, 2011, through December 31, 2014, for any
897 offense under Subsection (2)(c);

898 (d) has been booked:

899 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13,
900 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any felony offense; or

901 (ii) on or after January 1, 2015, for any felony offense; or

902 (e) is a minor under Subsection (3).

903 (2) Offenses referred to in Subsection (1) are:

904 (a) any felony or class A misdemeanor under the Utah Code;

905 (b) any offense under Subsection (2)(a):

906 (i) for which the court enters a judgment for conviction to a lower degree of offense
907 under Section 76-3-402; or

908 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
909 defined in Section 77-2a-1; or

910 (c) (i) any violent felony as defined in Section 53-10-403.5;

911 (ii) sale or use of body parts, Section 26B-8-315;

912 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;

913 (iv) operating a motor vehicle with any amount of a controlled substance in an
914 individual's body and causing serious bodily injury or death, as codified before May 4, 2022,
915 Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8(2)(g);

916 (v) a felony violation of enticing a minor, Section 76-4-401;

917 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);

918 (vii) a felony violation of propelling a substance or object at a correctional officer, a
919 peace officer, or an employee or a volunteer, including health care providers, Section
920 76-5-102.6;

921 (viii) negligently operating a vehicle resulting in death, Subsection 76-5-207(2)(b);

922 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
923 smuggling, Section 76-5-310.1;

924 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;

- 925 (xi) a felony violation of sexual abuse of a minor, Section [76-5-401.1](#);
- 926 (xii) unlawful sexual contact with a 16 or 17-year old, Section [76-5-401.2](#);
- 927 (xiii) sale of a child, Section [76-7-203](#);
- 928 (xiv) aggravated escape, [~~Subsection 76-8-309(2)~~] [Section 76-8-309.1](#);
- 929 (xv) a felony violation of [~~assault on an elected official~~] threatened or attempted assault
 930 on an elected official, Section [~~76-8-315~~] [76-8-313](#);
- 931 (xvi) [~~influencing, impeding, or retaliating against a judge or member of the Board of~~
 932 ~~Pardons and Parole~~] threat with intent to impede, intimidate, interfere, or retaliate against a
 933 judge or a member of the Board of Pardons and Parole or acting against a family member of a
 934 judge or a member of the Board of Pardons and Parole, Section [76-8-316](#);
- 935 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or
 936 a member of the Board of Pardons and Parole or acting against a family member of a judge or a
 937 member of the Board of Pardons and Parole, Section [76-8-316.2](#);
- 938 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
 939 against a judge or a member of the Board of Pardons and Parole or acting against a family
 940 member of a judge or a member of the Board of Pardons and Parole, Section [76-8-316.4](#);
- 941 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate against
 942 a judge or a member of the Board of Pardons and Parole or acting against a family member of a
 943 judge or a member of the Board of Pardons and Parole, Section [76-8-316.6](#);
- 944 [~~(xvii)~~] (xx) advocating criminal syndicalism or sabotage, Section [76-8-902](#);
- 945 [~~(xviii)~~] (xxi) [~~assembly~~] assembling for advocating criminal syndicalism or sabotage,
 946 Section [76-8-903](#);
- 947 [~~(xix)~~] (xxii) a felony violation of sexual battery, Section [76-9-702.1](#);
- 948 [~~(xx)~~] (xxiii) a felony violation of lewdness involving a child, Section [76-9-702.5](#);
- 949 [~~(xxi)~~] (xxiv) a felony violation of abuse or desecration of a dead human body, Section
 950 [76-9-704](#);
- 951 [~~(xxii)~~] (xxv) manufacture, possession, sale, or use of a weapon of mass destruction,
 952 Section [76-10-402](#);
- 953 [~~(xxiii)~~] (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass
 954 destruction, Section [76-10-403](#);
- 955 [~~(xxiv)~~] (xxvii) possession of a concealed firearm in the commission of a violent

956 felony, Subsection 76-10-504(4);
957 [~~xxxv~~] (xxviii) assault with the intent to commit bus hijacking with a dangerous
958 weapon, Subsection 76-10-1504(3);
959 [~~xxvi~~] (xxix) commercial obstruction, Subsection 76-10-2402(2);
960 [~~xxvii~~] (xxx) a felony violation of failure to register as a sex or kidnap offender,
961 Section 77-41-107;
962 [~~xxviii~~] (xxxii) repeat violation of a protective order, Subsection 77-36-1.1(4); or
963 [~~xxix~~] (xxxii) violation of condition for release after arrest under Section 78B-7-802.
964 (3) A minor under Subsection (1) is a minor 14 years old or older who is adjudicated
965 by the juvenile court due to the commission of any offense described in Subsection (2), and
966 who:
967 (a) committed an offense under Subsection (2) within the jurisdiction of the juvenile
968 court on or after July 1, 2002; or
969 (b) is in the legal custody of the Division of Juvenile Justice and Youth Services on or
970 after July 1, 2002, for an offense under Subsection (2).
971 Section 9. Section 53B-3-103 is amended to read:
972 **53B-3-103. Power of board to adopt rules and enact regulations.**
973 (1) The board may enact regulations governing the conduct of university and college
974 students, faculty, and employees.
975 (2) (a) The board may:
976 (i) enact and authorize higher education institutions to enact traffic, parking, and
977 related regulations governing all individuals on campuses and other facilities owned or
978 controlled by the institutions or the board; and
979 (ii) acknowledging that the Legislature has the authority to regulate, by law, firearms at
980 higher education institutions:
981 (A) authorize higher education institutions to establish no more than one secure area at
982 each institution as a hearing room as prescribed in Section 76-8-311.1, but not otherwise
983 restrict the lawful possession or carrying of firearms; and
984 (B) authorize a higher education institution to make a rule that allows a resident of a
985 dormitory located at the institution to request only roommates who are not licensed to carry a
986 concealed firearm under Section 53-5-704 or 53-5-705.

987 (b) In addition to the requirements and penalty prescribed in [~~Subsections~~
988 ~~76-8-311.1(3), (4), (5), and (6)~~] Sections 76-8-311.1 and 76-8-311.2, the board shall make rules
989 to ensure that:

990 (i) reasonable means such as mechanical, electronic, x-ray, or similar devices are used
991 to detect firearms, ammunition, or dangerous weapons contained in the personal property of or
992 on the person of any individual attempting to enter a secure area hearing room;

993 (ii) an individual required or requested to attend a hearing in a secure area hearing
994 room is notified in writing of the requirements related to entering a secured area hearing room
995 under this Subsection (2)(b) and Section 76-8-311.1;

996 (iii) the restriction of firearms, ammunition, or dangerous weapons in the secure area
997 hearing room is in effect only during the time the secure area hearing room is in use for
998 hearings and for a reasonable time before and after its use; and

999 (iv) reasonable space limitations are applied to the secure area hearing room as
1000 warranted by the number of individuals involved in a typical hearing.

1001 (c) (i) The board may not require proof of vaccination as a condition for enrollment or
1002 attendance within the system of higher education unless the board allows for the following
1003 exemptions:

1004 (A) a medical exemption if the student provides to the institution a statement that the
1005 claimed exemption is for a medical reason; and

1006 (B) a personal exemption if the student provides to the institution a statement that the
1007 claimed exemption is for a personal or religious belief.

1008 (ii) An institution that offers both remote and in-person learning options may not deny
1009 a student who is exempt from a requirement to receive a vaccine under Subsection (2)(c)(i) to
1010 participate in an in-person learning option based upon the student's vaccination status.

1011 (iii) Subsections (2)(c)(i) and (ii) do not apply to a student studying in a medical setting
1012 at an institution of higher education.

1013 (iv) Nothing in this section restricts a state or local health department from acting
1014 under applicable law to contain the spread of an infectious disease.

1015 (d) (i) For purposes of this Subsection (2)(d), "face covering" means the same as that
1016 term is defined in Section 53G-9-210.

1017 (ii) The board may not require an individual to wear a face covering as a condition of

1018 attendance for in-person instruction, institution-sponsored athletics, institution-sponsored
1019 extracurricular activities, in dormitories, or in any other place on a campus of an institution
1020 within the system of higher education at any time after the end of the spring semester in 2021.

1021 (iii) Subsection (2)(d)(ii) does not apply to an individual in a medical setting at an
1022 institution of higher education.

1023 (3) The board shall enact regulations that require all testimony be given under oath
1024 during an employee grievance hearing for a non-faculty employee of an institution of higher
1025 education if the grievance hearing relates to the non-faculty employee's:

1026 (a) demotion; or

1027 (b) termination.

1028 (4) The board and institutions may enforce these rules and regulations in any
1029 reasonable manner, including the assessment of fees, fines, and forfeitures, the collection of
1030 which may be by withholding from money owed the violator, the imposition of probation,
1031 suspension, or expulsion from the institution, the revocation of privileges, the refusal to issue
1032 certificates, degrees, and diplomas, through judicial process or any reasonable combination of
1033 these alternatives.

1034 Section 10. Section **53B-20-107** is enacted to read:

1035 **53B-20-107. Powers of chief administrative officer to order individuals off an**
1036 **institution of higher education's property.**

1037 (1) As used in this section:

1038 (a) "Chief administrative officer" means the president of an institution or an individual
1039 designated by the president.

1040 (b) "Institution of higher education" means:

1041 (i) a state institution of higher education as defined in Section [53B-3-102](#); or

1042 (ii) a private institution of higher education in the state accredited by a regional or
1043 national accrediting agency recognized by the United States Department of Education.

1044 (2) It is the purpose of this section to:

1045 (a) supplement and clarify the power vested in the governing board of each institution
1046 of higher education; and

1047 (b) regulate, conduct, and enforce law and order on property owned, operated, or
1048 controlled by each institution of higher education.

- 1049 (3) A chief administrative officer may order an individual to leave property that is
1050 owned, operated, or controlled by an institution of higher education if:
- 1051 (a) the individual acts, or if the chief administrative officer has reasonable cause to
1052 believe that the individual intends to act, to:
- 1053 (i) cause injury to an individual;
1054 (ii) cause damage to property;
1055 (iii) commit a crime;
1056 (iv) interfere with the peaceful conduct of the activities of the institution of higher
1057 education;
- 1058 (v) violate a rule or regulation of the institution of higher education if that rule or
1059 regulation is not in conflict with state law; or
- 1060 (vi) disrupt the institution of higher education, the institution's pupils, or the institution
1061 of higher education's activities; or
- 1062 (b) the individual is reckless as to whether the individual's actions will cause fear for
1063 the safety of another individual.
- 1064 (4) (a) If a law enforcement agency or security department of an institution of higher
1065 education lacks sufficient manpower to deal effectively with a condition of unrest existing or
1066 developing on a campus or related facility of the institution of higher education in the judgment
1067 of the chief administrative officer, the chief administrative officer may call for assistance from
1068 the county sheriff of the county, a city law enforcement agency, or the Department of Public
1069 Safety.
- 1070 (b) Upon receipt of the request under Subsection (4)(a), the county sheriff, a city law
1071 enforcement agency, or the Department of Public Safety must render all necessary assistance
1072 without expense to the institution of higher education.
- 1073 (c) All personnel while rendering assistance to the institution of higher education shall
1074 serve under the general direction of the chief administrative officer.
- 1075 (5) Nothing in this section shall limit:
- 1076 (a) the right or duty of a local law enforcement agency to enforce the law which the
1077 local law enforcement agency had prior to this enactment; or
- 1078 (b) the right of a state or local law enforcement agency to enforce the laws of this state.
- 1079 Section 11. Section **59-1-401** is amended to read:

1080 **59-1-401. Definitions -- Offenses and penalties -- Rulemaking authority -- Statute**
1081 **of limitations -- Commission authority to waive, reduce, or compromise penalty or**
1082 **interest.**

1083 (1) As used in this section:

1084 (a) "Tax, fee, or charge" means:

1085 (i) a tax, fee, or charge the commission administers under:

1086 (A) this title;

1087 (B) Title 10, Chapter 1, Part 3, Municipal Energy Sales and Use Tax Act;

1088 (C) Title 10, Chapter 1, Part 4, Municipal Telecommunications License Tax Act;

1089 (D) Section 19-6-410.5;

1090 (E) Section 19-6-714;

1091 (F) Section 19-6-805;

1092 (G) Section 34A-2-202;

1093 (H) Section 40-6-14; or

1094 (I) Title 69, Chapter 2, Part 4, Prepaid Wireless Telecommunications Service Charges;

1095 or

1096 (ii) another amount that by statute is subject to a penalty imposed under this section.

1097 (b) "Tax, fee, or charge" does not include a tax, fee, or charge imposed under:

1098 (i) Title 41, Chapter 1a, Motor Vehicle Act, except for Section 41-1a-301;

1099 (ii) Title 41, Chapter 3, Motor Vehicle Business Regulation Act;

1100 (iii) Chapter 2, Property Tax Act, except for Section 59-2-1309;

1101 (iv) Chapter 3, Tax Equivalent Property Act; or

1102 (v) Chapter 4, Privilege Tax.

1103 (2) (a) The due date for filing a return is:

1104 (i) if the person filing the return is not allowed by law an extension of time for filing
1105 the return, the day on which the return is due as provided by law; or

1106 (ii) if the person filing the return is allowed by law an extension of time for filing the
1107 return, the earlier of:

1108 (A) the date the person files the return; or

1109 (B) the last day of that extension of time as allowed by law.

1110 (b) A penalty in the amount described in Subsection (2)(c) is imposed if a person files a

- 1111 return after the due date described in Subsection (2)(a).
- 1112 (c) For purposes of Subsection (2)(b), the penalty is an amount equal to the greater of:
- 1113 (i) \$20; or
- 1114 (ii) (A) 2% of the unpaid tax, fee, or charge due on the return if the return is filed no
- 1115 later than five days after the due date described in Subsection (2)(a);
- 1116 (B) 5% of the unpaid tax, fee, or charge due on the return if the return is filed more
- 1117 than five days after the due date but no later than 15 days after the due date described in
- 1118 Subsection (2)(a); or
- 1119 (C) 10% of the unpaid tax, fee, or charge due on the return if the return is filed more
- 1120 than 15 days after the due date described in Subsection (2)(a).
- 1121 (d) This Subsection (2) does not apply to:
- 1122 (i) an amended return; or
- 1123 (ii) a return with no tax due.
- 1124 (3) (a) Except as provided in Subsection (15), a person is subject to a penalty for
- 1125 failure to pay a tax, fee, or charge if:
- 1126 (i) the person files a return on or before the due date for filing a return described in
- 1127 Subsection (2)(a), but fails to pay the tax, fee, or charge due on the return on or before that due
- 1128 date;
- 1129 (ii) the person:
- 1130 (A) is subject to a penalty under Subsection (2)(b); and
- 1131 (B) fails to pay the tax, fee, or charge due on a return within a 90-day period after the
- 1132 due date for filing a return described in Subsection (2)(a);
- 1133 (iii) (A) the person is subject to a penalty under Subsection (2)(b); and
- 1134 (B) the commission estimates an amount of tax due for that person in accordance with
- 1135 Subsection [59-1-1406\(2\)](#);
- 1136 (iv) the person:
- 1137 (A) is mailed a notice of deficiency; and
- 1138 (B) within a 30-day period after the day on which the notice of deficiency described in
- 1139 Subsection (3)(a)(iv)(A) is mailed:
- 1140 (I) does not file a petition for redetermination or a request for agency action; and
- 1141 (II) fails to pay the tax, fee, or charge due on a return;

1142 (v) (A) the commission:
1143 (I) issues an order constituting final agency action resulting from a timely filed petition
1144 for redetermination or a timely filed request for agency action; or
1145 (II) is considered to have denied a request for reconsideration under Subsection
1146 63G-4-302(3)(b) resulting from a timely filed petition for redetermination or a timely filed
1147 request for agency action; and
1148 (B) the person fails to pay the tax, fee, or charge due on a return within a 30-day period
1149 after the date the commission:
1150 (I) issues the order constituting final agency action described in Subsection
1151 (3)(a)(v)(A)(I); or
1152 (II) is considered to have denied the request for reconsideration described in
1153 Subsection (3)(a)(v)(A)(II); or
1154 (vi) the person fails to pay the tax, fee, or charge within a 30-day period after the date
1155 of a final judicial decision resulting from a timely filed petition for judicial review.
1156 (b) For purposes of Subsection (3)(a), the penalty is an amount equal to the greater of:
1157 (i) \$20; or
1158 (ii) (A) 2% of the unpaid tax, fee, or charge due on the return if the activated tax, fee,
1159 or charge due on the return is paid no later than five days after the due date for filing a return
1160 described in Subsection (2)(a);
1161 (B) 5% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or
1162 charge due on the return is paid more than five days after the due date for filing a return
1163 described in Subsection (2)(a) but no later than 15 days after that due date; or
1164 (C) 10% of the unpaid tax, fee, or charge due on the return if the activated tax, fee, or
1165 charge due on the return is paid more than 15 days after the due date for filing a return
1166 described in Subsection (2)(a).
1167 (4) (a) In the case of any underpayment of estimated tax or quarterly installments
1168 required by Sections 59-5-107, 59-5-207, 59-7-504, and 59-9-104, there shall be added a
1169 penalty in an amount determined by applying the interest rate provided under Section 59-1-402
1170 plus four percentage points to the amount of the underpayment for the period of the
1171 underpayment.
1172 (b) (i) For purposes of Subsection (4)(a), the amount of the underpayment shall be the

1173 excess of the required installment over the amount, if any, of the installment paid on or before
1174 the due date for the installment.

1175 (ii) The period of the underpayment shall run from the due date for the installment to
1176 whichever of the following dates is the earlier:

1177 (A) the original due date of the tax return, without extensions, for the taxable year; or

1178 (B) with respect to any portion of the underpayment, the date on which that portion is
1179 paid.

1180 (iii) For purposes of this Subsection (4), a payment of estimated tax shall be credited
1181 against unpaid required installments in the order in which the installments are required to be
1182 paid.

1183 (5) (a) Notwithstanding Subsection (2) and except as provided in Subsection (6), a
1184 person allowed by law an extension of time for filing a corporate franchise or income tax return
1185 under Chapter 7, Corporate Franchise and Income Taxes, or an individual income tax return
1186 under Chapter 10, Individual Income Tax Act, is subject to a penalty in the amount described in
1187 Subsection (5)(b) if, on or before the day on which the return is due as provided by law, not
1188 including the extension of time, the person fails to pay:

1189 (i) for a person filing a corporate franchise or income tax return under Chapter 7,
1190 Corporate Franchise and Income Taxes, the payment required by Subsection 59-7-507(1)(b); or

1191 (ii) for a person filing an individual income tax return under Chapter 10, Individual
1192 Income Tax Act, the payment required by Subsection 59-10-516(2).

1193 (b) For purposes of Subsection (5)(a), the penalty per month during the period of the
1194 extension of time for filing the return is an amount equal to 2% of the tax due on the return,
1195 unpaid as of the day on which the return is due as provided by law.

1196 (6) If a person does not file a return within an extension of time allowed by Section
1197 59-7-505 or 59-10-516, the person:

1198 (a) is not subject to a penalty in the amount described in Subsection (5)(b); and

1199 (b) is subject to a penalty in an amount equal to the sum of:

1200 (i) a late file penalty in an amount equal to the greater of:

1201 (A) \$20; or

1202 (B) 10% of the tax due on the return, unpaid as of the day on which the return is due as
1203 provided by law, not including the extension of time; and

- 1204 (ii) a late pay penalty in an amount equal to the greater of:
1205 (A) \$20; or
1206 (B) 10% of the unpaid tax due on the return, unpaid as of the day on which the return is
1207 due as provided by law, not including the extension of time.
- 1208 (7) (a) Additional penalties for an underpayment of a tax, fee, or charge are as provided
1209 in this Subsection (7)(a).
- 1210 (i) Except as provided in Subsection (7)(c), if any portion of an underpayment of a tax,
1211 fee, or charge is due to negligence, the penalty is 10% of the portion of the underpayment that
1212 is due to negligence.
- 1213 (ii) Except as provided in Subsection (7)(d), if any portion of an underpayment of a
1214 tax, fee, or charge is due to intentional disregard of law or rule, the penalty is 15% of the entire
1215 underpayment.
- 1216 (iii) If any portion of an underpayment is due to an intent to evade a tax, fee, or charge,
1217 the penalty is the greater of \$500 per period or 50% of the entire underpayment.
- 1218 (iv) If any portion of an underpayment is due to fraud with intent to evade a tax, fee, or
1219 charge, the penalty is the greater of \$500 per period or 100% of the entire underpayment.
- 1220 (b) If the commission determines that a person is liable for a penalty imposed under
1221 Subsection (7)(a)(ii), (iii), or (iv), the commission shall notify the person of the proposed
1222 penalty.
- 1223 (i) The notice of proposed penalty shall:
1224 (A) set forth the basis of the assessment; and
1225 (B) be mailed by certified mail, postage prepaid, to the person's last-known address.
- 1226 (ii) Upon receipt of the notice of proposed penalty, the person against whom the
1227 penalty is proposed may:
1228 (A) pay the amount of the proposed penalty at the place and time stated in the notice;
1229 or
1230 (B) proceed in accordance with the review procedures of Subsection (7)(b)(iii).
- 1231 (iii) A person against whom a penalty is proposed in accordance with this Subsection
1232 (7) may contest the proposed penalty by filing a petition for an adjudicative proceeding with
1233 the commission.
- 1234 (iv) (A) If the commission determines that a person is liable for a penalty under this

1235 Subsection (7), the commission shall assess the penalty and give notice and demand for
1236 payment.

1237 (B) The commission shall mail the notice and demand for payment described in
1238 Subsection (7)(b)(iv)(A):

1239 (I) to the person's last-known address; and

1240 (II) in accordance with Section 59-1-1404.

1241 (c) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
1242 subject to the penalty under Subsection (7)(a)(i) if on or after July 1, 2001:

1243 (i) a court of competent jurisdiction issues a final unappealable judgment or order
1244 determining that:

1245 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
1246 or is a seller required to pay or collect and remit sales and use taxes under Subsection
1247 59-12-107(2)(b) or (2)(c); and

1248 (B) the commission or a county, city, or town may require the seller to collect a tax
1249 under Subsections 59-12-103(2)(a) through (e); or

1250 (ii) the commission issues a final unappealable administrative order determining that:

1251 (A) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
1252 or is a seller required to pay or collect and remit sales and use taxes under Subsection
1253 59-12-107(2)(b) or (2)(c); and

1254 (B) the commission or a county, city, or town may require the seller to collect a tax
1255 under Subsections 59-12-103(2)(a) through (e).

1256 (d) A seller that voluntarily collects a tax under Subsection 59-12-107(2)(d) is not
1257 subject to the penalty under Subsection (7)(a)(ii) if:

1258 (i) (A) a court of competent jurisdiction issues a final unappealable judgment or order
1259 determining that:

1260 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
1261 or is a seller required to pay or collect and remit sales and use taxes under Subsection
1262 59-12-107(2)(b) or (2)(c); and

1263 (II) the commission or a county, city, or town may require the seller to collect a tax
1264 under Subsections 59-12-103(2)(a) through (e); or

1265 (B) the commission issues a final unappealable administrative order determining that:

1266 (I) the seller meets one or more of the criteria described in Subsection 59-12-107(2)(a)
1267 or is a seller required to pay or collect and remit sales and use taxes under Subsection
1268 59-12-107(2)(b) or (2)(c); and

1269 (II) the commission or a county, city, or town may require the seller to collect a tax
1270 under Subsections 59-12-103(2)(a) through (e); and

1271 (ii) the seller's intentional disregard of law or rule is warranted by existing law or by a
1272 nonfrivolous argument for the extension, modification, or reversal of existing law or the
1273 establishment of new law.

1274 (8) (a) Subject to Subsections (8)(b) and (c), the penalty for failure to file an
1275 information return, information report, or a complete supporting schedule is \$50 for each
1276 information return, information report, or supporting schedule up to a maximum of \$1,000.

1277 (b) If an employer is subject to a penalty under Subsection (13), the employer may not
1278 be subject to a penalty under Subsection (8)(a).

1279 (c) If an employer is subject to a penalty under this Subsection (8) for failure to file a
1280 return in accordance with Subsection 59-10-406(3) on or before the due date described in
1281 Subsection 59-10-406(3)(b)(ii), the commission may not impose a penalty under this
1282 Subsection (8) unless the return is filed more than 14 days after the due date described in
1283 Subsection 59-10-406(3)(b)(ii).

1284 (9) If a person, in furtherance of a frivolous position, has a prima facie intent to delay
1285 or impede administration of a law relating to a tax, fee, or charge and files a purported return
1286 that fails to contain information from which the correctness of reported tax, fee, or charge
1287 liability can be determined or that clearly indicates that the tax, fee, or charge liability shown is
1288 substantially incorrect, the penalty is \$500.

1289 (10) (a) A seller that fails to remit a tax, fee, or charge monthly as required by
1290 Subsection 59-12-108(1)(a):

1291 (i) is subject to a penalty described in Subsection (2); and

1292 (ii) may not retain the percentage of sales and use taxes that would otherwise be
1293 allowable under Subsection 59-12-108(2).

1294 (b) A seller that fails to remit a tax, fee, or charge by electronic funds transfer as
1295 required by Subsection 59-12-108(1)(a)(ii)(B):

1296 (i) is subject to a penalty described in Subsection (2); and

- 1297 (ii) may not retain the percentage of sales and use taxes that would otherwise be
1298 allowable under Subsection 59-12-108(2).
- 1299 (11) (a) A person is subject to the penalty provided in Subsection (11)(c) if that person:
- 1300 (i) commits an act described in Subsection (11)(b) with respect to one or more of the
1301 following documents:
- 1302 (A) a return;
- 1303 (B) an affidavit;
- 1304 (C) a claim; or
- 1305 (D) a document similar to Subsections (11)(a)(i)(A) through (C);
- 1306 (ii) knows or has reason to believe that the document described in Subsection (11)(a)(i)
1307 will be used in connection with any material matter administered by the commission; and
- 1308 (iii) knows that the document described in Subsection (11)(a)(i), if used in connection
1309 with any material matter administered by the commission, would result in an understatement of
1310 another person's liability for a tax, fee, or charge.
- 1311 (b) The following acts apply to Subsection (11)(a)(i):
- 1312 (i) preparing any portion of a document described in Subsection (11)(a)(i);
- 1313 (ii) presenting any portion of a document described in Subsection (11)(a)(i);
- 1314 (iii) procuring any portion of a document described in Subsection (11)(a)(i);
- 1315 (iv) advising in the preparation or presentation of any portion of a document described
1316 in Subsection (11)(a)(i);
- 1317 (v) aiding in the preparation or presentation of any portion of a document described in
1318 Subsection (11)(a)(i);
- 1319 (vi) assisting in the preparation or presentation of any portion of a document described
1320 in Subsection (11)(a)(i); or
- 1321 (vii) counseling in the preparation or presentation of any portion of a document
1322 described in Subsection (11)(a)(i).
- 1323 (c) For purposes of Subsection (11)(a), the penalty:
- 1324 (i) shall be imposed by the commission;
- 1325 (ii) is \$500 for each document described in Subsection (11)(a)(i) with respect to which
1326 the person described in Subsection (11)(a) meets the requirements of Subsection (11)(a); and
- 1327 (iii) is in addition to any other penalty provided by law.

1328 (d) The commission may seek a court order to enjoin a person from engaging in
1329 conduct that is subject to a penalty under this Subsection (11).

1330 (e) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
1331 commission may make rules prescribing the documents that are similar to Subsections
1332 (11)(a)(i)(A) through (C).

1333 (12) (a) [~~As provided in Section 76-8-1101, criminal~~] Criminal offenses and penalties
1334 are [~~as~~] provided in Subsections (12)(b) through (e).

1335 (b) (i) A person who is required by this title or any laws the commission administers or
1336 regulates to register with or obtain a license or permit from the commission, who operates
1337 without having registered or secured a license or permit, or who operates when the registration,
1338 license, or permit is expired or not current, is guilty of a class B misdemeanor.

1339 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(b)(i), the
1340 penalty may not:

1341 (A) be less than \$500; or

1342 (B) exceed \$1,000.

1343 (c) (i) With respect to a tax, fee, or charge, a person who knowingly and intentionally,
1344 and without a reasonable good faith basis, fails to make, render, sign, or verify a return within
1345 the time required by law or to supply information within the time required by law, or who
1346 makes, renders, signs, or verifies a false or fraudulent return or statement, or who supplies false
1347 or fraudulent information, is guilty of a third degree felony.

1348 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(c)(i), the
1349 penalty may not:

1350 (A) be less than \$1,000; or

1351 (B) exceed \$5,000.

1352 (d) (i) A person who intentionally or willfully attempts to evade or defeat a tax, fee, or
1353 charge or the payment of a tax, fee, or charge is, in addition to other penalties provided by law,
1354 guilty of a second degree felony.

1355 (ii) Notwithstanding Section 76-3-301, for purposes of Subsection (12)(d)(i), the
1356 penalty may not:

1357 (A) be less than \$1,500; or

1358 (B) exceed \$25,000.

- 1359 (e) (i) A person is guilty of a second degree felony if that person commits an act:
1360 (A) described in Subsection (12)(e)(ii) with respect to one or more of the following
1361 documents:
- 1362 (I) a return;
 - 1363 (II) an affidavit;
 - 1364 (III) a claim; or
 - 1365 (IV) a document similar to Subsections (12)(e)(i)(A)(I) through (III); and
- 1366 (B) subject to Subsection (12)(e)(iii), with knowledge that the document described in
1367 Subsection (12)(e)(i)(A):
- 1368 (I) is false or fraudulent as to any material matter; and
 - 1369 (II) could be used in connection with any material matter administered by the
1370 commission.
- 1371 (ii) The following acts apply to Subsection (12)(e)(i):
- 1372 (A) preparing any portion of a document described in Subsection (12)(e)(i)(A);
 - 1373 (B) presenting any portion of a document described in Subsection (12)(e)(i)(A);
 - 1374 (C) procuring any portion of a document described in Subsection (12)(e)(i)(A);
 - 1375 (D) advising in the preparation or presentation of any portion of a document described
1376 in Subsection (12)(e)(i)(A);
 - 1377 (E) aiding in the preparation or presentation of any portion of a document described in
1378 Subsection (12)(e)(i)(A);
 - 1379 (F) assisting in the preparation or presentation of any portion of a document described
1380 in Subsection (12)(e)(i)(A); or
 - 1381 (G) counseling in the preparation or presentation of any portion of a document
1382 described in Subsection (12)(e)(i)(A).
- 1383 (iii) This Subsection (12)(e) applies:
- 1384 (A) regardless of whether the person for which the document described in Subsection
1385 (12)(e)(i)(A) is prepared or presented:
- 1386 (I) knew of the falsity of the document described in Subsection (12)(e)(i)(A); or
 - 1387 (II) consented to the falsity of the document described in Subsection (12)(e)(i)(A); and
 - 1388 (B) in addition to any other penalty provided by law.
- 1389 (iv) Notwithstanding Section [76-3-301](#), for purposes of this Subsection (12)(e), the

1390 penalty may not:

1391 (A) be less than \$1,500; or

1392 (B) exceed \$25,000.

1393 (v) The commission may seek a court order to enjoin a person from engaging in

1394 conduct that is subject to a penalty under this Subsection (12)(e).

1395 (vi) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,

1396 the commission may make rules prescribing the documents that are similar to Subsections

1397 (12)(e)(i)(A)(I) through (III).

1398 (f) The statute of limitations for prosecution for a violation of this Subsection (12) is

1399 the later of six years:

1400 (i) from the date the tax should have been remitted; or

1401 (ii) after the day on which the person commits the criminal offense.

1402 (13) (a) Subject to Subsection (13)(b), an employer that is required to file a form with

1403 the commission in accordance with Subsection 59-10-406(8) or (9) is subject to a penalty

1404 described in Subsection (13)(b) if the employer:

1405 (i) fails to file the form with the commission in an electronic format approved by the

1406 commission as required by Subsection 59-10-406(8) or (9);

1407 (ii) fails to file the form on or before the due date provided in Subsection 59-10-406(8)

1408 or (9);

1409 (iii) fails to provide accurate information on the form; or

1410 (iv) fails to provide all of the information required by the Internal Revenue Service to

1411 be contained on the form.

1412 (b) For purposes of Subsection (13)(a), the penalty is:

1413 (i) \$30 per form, not to exceed \$75,000 in a calendar year, if the employer files the

1414 form in accordance with Subsection 59-10-406(8) or (9), more than 14 days after the due date

1415 provided in Subsection 59-10-406(8) or (9) but no later than 30 days after the due date

1416 provided in Subsection 59-10-406(8) or (9);

1417 (ii) \$60 per form, not to exceed \$200,000 in a calendar year, if the employer files the

1418 form in accordance with Subsection 59-10-406(8) or (9), more than 30 days after the due date

1419 provided in Subsection 59-10-406(8) or (9) but on or before June 1; or

1420 (iii) \$100 per form, not to exceed \$500,000 in a calendar year, if the employer:

1421 (A) files the form in accordance with Subsection 59-10-406(8) or (9) after June 1; or

1422 (B) fails to file the form.

1423 (14) Upon making a record of the commission's actions, and upon reasonable cause

1424 shown, the commission may waive, reduce, or compromise any of the penalties or interest

1425 imposed under this part.

1426 (15) Failure to pay a tax described in Subsection 59-10-1403.2(2) shall be subject to a

1427 penalty as described in Subsection (3) except that the penalty shall be:

1428 (a) assessed only if the pass-through entity reports tax paid on a Utah Schedule K-1 but

1429 does not pay some or all of the tax reported; and

1430 (b) calculated based on the difference between the amount of tax reported and the

1431 amount of tax paid.

1432 Section 12. Section 63G-12-402 is amended to read:

1433 **63G-12-402. Receipt of state, local, or federal public benefits -- Verification --**

1434 **Exceptions -- Fraudulently obtaining benefits -- Criminal penalties -- Annual report.**

1435 (1) (a) Except as provided in Subsection (3) or when exempted by federal law, an

1436 agency or political subdivision of the state shall verify the lawful presence in the United States

1437 of an individual at least 18 years old who applies for:

1438 (i) a state or local public benefit as defined in 8 U.S.C. Sec. 1621; or

1439 (ii) a federal public benefit as defined in 8 U.S.C. Sec. 1611, that is administered by an

1440 agency or political subdivision of this state.

1441 (b) For purpose of a license issued under Title 58, Chapter 55, Utah Construction

1442 Trades Licensing Act, to an applicant that is an unincorporated entity, the Department of

1443 Commerce shall verify in accordance with this Subsection (1) the lawful presence in the United

1444 States of each individual who:

1445 (i) owns an interest in the contractor that is an unincorporated entity; and

1446 (ii) engages, or will engage, in a construction trade in Utah as an owner of the

1447 contractor described in Subsection (1)(b)(i).

1448 (2) This section shall be enforced without regard to race, religion, gender, ethnicity, or

1449 national origin.

1450 (3) Verification of lawful presence under this section is not required for:

1451 (a) any purpose for which lawful presence in the United States is not restricted by law,

1452 ordinance, or regulation;

1453 (b) assistance for health care items and services that:

1454 (i) are necessary for the treatment of an emergency medical condition, as defined in 42

1455 U.S.C. Sec. 1396b(v)(3), of the individual involved; and

1456 (ii) are not related to an organ transplant procedure;

1457 (c) short-term, noncash, in-kind emergency disaster relief;

1458 (d) public health assistance for immunizations with respect to immunizable diseases

1459 and for testing and treatment of symptoms of communicable diseases whether or not the

1460 symptoms are caused by the communicable disease;

1461 (e) programs, services, or assistance such as soup kitchens, crisis counseling and

1462 intervention, and short-term shelter, specified by the United States Attorney General, in the

1463 sole and unreviewable discretion of the United States Attorney General after consultation with

1464 appropriate federal agencies and departments, that:

1465 (i) deliver in-kind services at the community level, including through public or private

1466 nonprofit agencies;

1467 (ii) do not condition the provision of assistance, the amount of assistance provided, or

1468 the cost of assistance provided on the income or resources of the individual recipient; and

1469 (iii) are necessary for the protection of life or safety;

1470 (f) the exemption for paying the nonresident portion of total tuition as set forth in

1471 Section [53B-8-106](#);

1472 (g) an applicant for a license under Section [61-1-4](#), if the applicant:

1473 (i) is registered with the Financial Industry Regulatory Authority; and

1474 (ii) files an application with the state Division of Securities through the Central

1475 Registration Depository;

1476 (h) a state public benefit to be given to an individual under Title 49, Utah State

1477 Retirement and Insurance Benefit Act;

1478 (i) a home loan that will be insured, guaranteed, or purchased by:

1479 (i) the Federal Housing Administration, the Veterans Administration, or any other

1480 federal agency; or

1481 (ii) an enterprise as defined in 12 U.S.C. Sec. 4502;

1482 (j) a subordinate loan or a grant that will be made to an applicant in connection with a

1483 home loan that does not require verification under Subsection (3)(i);

1484 (k) an applicant for a license issued by the Department of Commerce or individual
1485 described in Subsection (1)(b), if the applicant or individual provides the Department of
1486 Commerce:

1487 (i) certification, under penalty of perjury, that the applicant or individual is:

1488 (A) a United States citizen;

1489 (B) a qualified alien as defined in 8 U.S.C. Sec. 1641; or

1490 (C) lawfully present in the United States; and

1491 (ii) (A) the number assigned to a driver license or identification card issued under Title
1492 53, Chapter 3, Uniform Driver License Act; or

1493 (B) the number assigned to a driver license or identification card issued by a state other
1494 than Utah if, as part of issuing the driver license or identification card, the state verifies an
1495 individual's lawful presence in the United States; and

1496 (l) an applicant for:

1497 (i) an Opportunity scholarship described in Title 53B, Chapter 8, Part 2, Regents'
1498 Scholarship Program;

1499 (ii) a New Century scholarship described in Section [53B-8-105](#);

1500 (iii) a promise grant described in Section [53B-13a-104](#); or

1501 (iv) a scholarship:

1502 (A) for an individual who is a graduate of a high school located within Utah; and

1503 (B) administered by an institution of higher education as defined in Section [53B-2-101](#).

1504 (4) (a) An agency or political subdivision required to verify the lawful presence in the
1505 United States of an applicant under this section shall require the applicant to certify under
1506 penalty of perjury that:

1507 (i) the applicant is a United States citizen; or

1508 (ii) the applicant is:

1509 (A) a qualified alien as defined in 8 U.S.C. Sec. 1641; and

1510 (B) lawfully present in the United States.

1511 (b) The certificate required under this Subsection (4) shall include a statement advising
1512 the signer that providing false information subjects the signer to penalties for perjury.

1513 (5) An agency or political subdivision shall verify a certification required under

1514 Subsection (4)(a)(ii) through the federal SAVE program.

1515 (6) (a) An individual who knowingly and willfully makes a false, fictitious, or
1516 fraudulent statement or representation in a certification under Subsection (3)(k) or (4) is subject
1517 to the criminal penalties applicable in this state for:

1518 (i) making a written false statement under Section [76-8-504](#); and

1519 (ii) fraudulently obtaining:

1520 (A) public assistance program benefits under [~~Sections [76-8-1205](#) and [76-8-1206](#)~~]
1521 [Section \[76-8-1203.1\]\(#\)](#); or

1522 (B) unemployment compensation under Section [76-8-1301](#), [76-8-1302](#), [76-8-1303](#), or
1523 [76-8-1304](#).

1524 (b) If the certification constitutes a false claim of United States citizenship under 18
1525 U.S.C. Sec. 911, the agency or political subdivision shall file a complaint with the United
1526 States Attorney General for the applicable district based upon the venue in which the
1527 application was made.

1528 (c) If an agency or political subdivision receives verification that a person making an
1529 application for a benefit, service, or license is not a qualified alien, the agency or political
1530 subdivision shall provide the information to the Office of the Attorney General unless
1531 prohibited by federal mandate.

1532 (7) An agency or political subdivision may adopt variations to the requirements of this
1533 section that:

1534 (a) clearly improve the efficiency of or reduce delay in the verification process; or

1535 (b) provide for adjudication of unique individual circumstances where the verification
1536 procedures in this section would impose an unusual hardship on a legal resident of Utah.

1537 (8) It is unlawful for an agency or a political subdivision of this state to provide a state,
1538 local, or federal benefit, as defined in 8 U.S.C. Sec. 1611 and 1621, in violation of this section.

1539 (9) A state agency or department that administers a program of state or local public
1540 benefits shall:

1541 (a) provide an annual report to the governor, the president of the Senate, and the
1542 speaker of the House regarding its compliance with this section; and

1543 (b) (i) monitor the federal SAVE program for application verification errors and
1544 significant delays;

1545 (ii) provide an annual report on the errors and delays to ensure that the application of
1546 the federal SAVE program is not erroneously denying a state or local benefit to a legal resident
1547 of the state; and

1548 (iii) report delays and errors in the federal SAVE program to the United States
1549 Department of Homeland Security.

1550 Section 13. Section **64-13-14.5** is amended to read:

1551 **64-13-14.5. Limits of confinement place -- Release status -- Work release.**

1552 (1) The department may extend the limits of the place of confinement of an inmate
1553 when, as established by department policies and procedures, there is cause to believe the
1554 inmate will honor the trust, by authorizing the inmate under prescribed conditions:

1555 (a) to leave temporarily for purposes specified by department policies and procedures
1556 to visit specifically designated places for a period not to exceed 30 days;

1557 (b) to participate in a voluntary training program in the community while housed at a
1558 correctional facility or to work at paid employment;

1559 (c) to be housed in a nonsecure community correctional center operated by the
1560 department; or

1561 (d) to be housed in any other facility under contract with the department.

1562 (2) The department shall establish rules governing offenders on release status. A copy
1563 of the rules shall be furnished to the offender and to any employer or other person participating
1564 in the offender's release program. Any employer or other participating person shall agree in
1565 writing to abide by the rules and to notify the department of the offender's discharge or other
1566 release from a release program activity, or of any violation of the rules governing release status.

1567 (3) The willful failure of an inmate to remain within the extended limits of his
1568 confinement or to return within the time prescribed to an institution or facility designated by
1569 the department is an escape from custody.

1570 (4) If an offender is arrested for the commission of a crime, the arresting authority shall
1571 immediately notify the department of the arrest.

1572 (5) The department may impose appropriate sanctions pursuant to Section [64-13-21](#)
1573 upon offenders who violate guidelines established by the Utah Sentencing Commission,
1574 including prosecution for escape under Section [76-8-309](#) or [76-8-309.1](#) and for unauthorized
1575 absence.

1576 (6) An inmate who is housed at a nonsecure correctional facility and on work release
1577 may not be required to work for less than the current federally established minimum wage, or
1578 under substandard working conditions.

1579 Section 14. Section **76-1-301** is amended to read:

1580 **76-1-301. Offenses for which prosecution may be commenced at any time.**

1581 (1) As used in this section:

1582 (a) "Aggravating offense" means any offense incident to which a homicide was
1583 committed as described in Subsection [76-5-202\(2\)\(a\)\(iv\)](#) or (v) or Subsection [76-5-202\(2\)\(b\)](#).

1584 (b) "Predicate offense" means an offense described in Subsection [76-5-203\(1\)\(a\)](#) if a
1585 person other than a party as defined in Section [76-2-202](#) was killed in the course of the
1586 commission, attempted commission, or immediate flight from the commission or attempted
1587 commission of the offense.

1588 (2) Notwithstanding any other provisions of this code, prosecution for the following
1589 offenses may be commenced at any time:

1590 (a) an offense classified as a capital felony under Section [76-3-103](#);

1591 (b) aggravated murder under Section [76-5-202](#);

1592 (c) murder under Section [76-5-203](#);

1593 (d) manslaughter under Section [76-5-205](#);

1594 (e) child abuse homicide under Section [76-5-208](#);

1595 (f) aggravated kidnapping under Section [76-5-302](#);

1596 (g) child kidnapping under Section [76-5-301.1](#);

1597 (h) rape under Section [76-5-402](#);

1598 (i) rape of a child under Section [76-5-402.1](#);

1599 (j) object rape under Section [76-5-402.2](#);

1600 (k) object rape of a child under Section [76-5-402.3](#);

1601 (l) forcible sodomy under Section [76-5-403](#);

1602 (m) sodomy on a child under Section [76-5-403.1](#);

1603 (n) sexual abuse of a child under Section [76-5-404.1](#);

1604 (o) aggravated sexual abuse of a child under Section [76-5-404.3](#);

1605 (p) aggravated sexual assault under Section [76-5-405](#);

1606 (q) any predicate offense to a murder or aggravating offense to an aggravated murder;

1607 (r) aggravated human trafficking [~~or aggravated human smuggling in violation of~~
1608 under Section 76-5-310;

1609 (s) aggravated human smuggling under Section 76-5-310.1;

1610 [~~(t)~~] (t) aggravated exploitation of prostitution involving a child[;] under Section
1611 76-10-1306; or

1612 [(~~t~~)] (u) human trafficking of a child[;] under Section 76-5-308.5.

1613 Section 15. Section 76-3-203.1 is amended to read:

1614 **76-3-203.1. Offenses committed in concert with three or more persons or in**
1615 **relation to a criminal street gang -- Notice -- Enhanced penalties.**

1616 (1) As used in this section:

1617 (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.

1618 (b) "In concert with three or more persons" means:

1619 (i) the defendant was aided or encouraged by at least three other persons in committing
1620 the offense and was aware of this aid or encouragement; and

1621 (ii) each of the other persons:

1622 (A) was physically present; and

1623 (B) participated as a party to any offense listed in Subsection (4), (5), or (6).

1624 (c) "In concert with three or more persons" means, regarding intent:

1625 (i) other persons participating as parties need not have the intent to engage in the same
1626 offense or degree of offense as the defendant; and

1627 (ii) a minor is a party if the minor's actions would cause the minor to be a party if the
1628 minor were an adult.

1629 (2) A person who commits any offense in accordance with this section is subject to an
1630 enhanced penalty as provided in Subsection (4), (5), or (6) if the trier of fact finds beyond a
1631 reasonable doubt that the person acted:

1632 (a) in concert with three or more persons;

1633 (b) for the benefit of, at the direction of, or in association with any criminal street gang
1634 as defined in Section 76-9-802; or

1635 (c) to gain recognition, acceptance, membership, or increased status with a criminal
1636 street gang as defined in Section 76-9-802.

1637 (3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to

1638 be subscribed upon the information or indictment notice that the defendant is subject to the
 1639 enhanced penalties provided under this section.

1640 (4) (a) For an offense listed in Subsection (4)(b), a person may be charged as follows:

1641 (i) for a class B misdemeanor, as a class A misdemeanor; and

1642 (ii) for a class A misdemeanor, as a third degree felony.

1643 (b) The following offenses are subject to Subsection (4)(a):

1644 (i) criminal mischief as described in Section 76-6-106;

1645 (ii) property damage or destruction as described in Section 76-6-106.1; and

1646 (iii) defacement by graffiti as described in Section 76-6-107.

1647 (5) (a) For an offense listed in Subsection (5)(b), a person may be charged as follows:

1648 (i) for a class B misdemeanor, as a class A misdemeanor;

1649 (ii) for a class A misdemeanor, as a third degree felony; and

1650 (iii) for a third degree felony, as a second degree felony.

1651 (b) The following offenses are subject to Subsection (5)(a):

1652 (i) burglary, if committed in a dwelling as defined in Subsection 76-6-202(3)(b);

1653 (ii) any offense of obstructing government operations under Chapter 8, Part 3,

1654 Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303, 76-8-307,

1655 76-8-308, and 76-8-312;

1656 (iii) tampering with a witness [~~or other violation of~~] under Section 76-8-508;

1657 (iv) retaliation against a witness, victim, or informant, or other violation of Section

1658 76-8-508.3;

1659 (v) receiving or soliciting a bribe as a witness under Section 76-8-508.7;

1660 [~~(vi)~~] (vi) extortion or bribery to dismiss a criminal proceeding as defined in Section

1661 76-8-509;

1662 [~~(vi)~~] (vii) any weapons offense under Chapter 10, Part 5, Weapons; and

1663 [~~(vii)~~] (viii) any violation of Chapter 10, Part 16, Pattern of Unlawful Activity Act.

1664 (6) (a) For an offense listed in Subsection (6)(b), a person may be charged as follows:

1665 (i) for a class B misdemeanor, as a class A misdemeanor;

1666 (ii) for a class A misdemeanor, as a third degree felony;

1667 (iii) for a third degree felony, as a second degree felony; and

1668 (iv) for a second degree felony, as a first degree felony.

- 1669 (b) The following offenses are subject to Subsection (6)(a):
1670 (i) assault and related offenses under Chapter 5, Part 1, Assault and Related Offenses;
1671 (ii) any criminal homicide offense under Chapter 5, Part 2, Criminal Homicide;
1672 (iii) kidnapping and related offenses under Chapter 5, Part 3, Kidnapping, Trafficking,
1673 and Smuggling;
1674 (iv) any felony sexual offense under Chapter 5, Part 4, Sexual Offenses;
1675 (v) sexual exploitation of a minor as defined in Section 76-5b-201;
1676 (vi) aggravated sexual exploitation of a minor as defined in Section 76-5b-201.1;
1677 (vii) robbery and aggravated robbery under Chapter 6, Part 3, Robbery; and
1678 (viii) aggravated exploitation of prostitution under Section 76-10-1306.

1679 (7) The sentence imposed under Subsection (4), (5), or (6) may be suspended and the
1680 individual placed on probation for the higher level of offense.

1681 (8) It is not a bar to imposing the enhanced penalties under this section that the persons
1682 with whom the actor is alleged to have acted in concert are not identified, apprehended,
1683 charged, or convicted, or that any of those persons are charged with or convicted of a different
1684 or lesser offense.

1685 Section 16. Section 76-3-203.3 is amended to read:

1686 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

1687 As used in this section:

1688 (1) "Primary offense" means those offenses provided in Subsection (4).

1689 (2) (a) A person who commits any primary offense with the intent to intimidate or
1690 terrorize another person or with reason to believe that his action would intimidate or terrorize
1691 that person is subject to Subsection (2)(b).

1692 (b) (i) A class C misdemeanor primary offense is a class B misdemeanor; and

1693 (ii) a class B misdemeanor primary offense is a class A misdemeanor.

1694 (3) "Intimidate or terrorize" means an act which causes the person to fear for his
1695 physical safety or damages the property of that person or another. The act must be
1696 accompanied with the intent to cause or has the effect of causing a person to reasonably fear to
1697 freely exercise or enjoy any right secured by the Constitution or laws of the state or by the
1698 Constitution or laws of the United States.

1699 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:

- 1700 (a) assault and related offenses under Sections [76-5-102](#), [76-5-102.4](#), [76-5-106](#),
1701 [76-5-107](#), and [76-5-108](#);
- 1702 (b) any misdemeanor property destruction offense under Sections [76-6-102](#) and
1703 [76-6-104](#), and Subsection [76-6-106\(2\)\(a\)](#);
- 1704 (c) any criminal trespass offense under Sections [76-6-204](#) and [76-6-206](#);
- 1705 (d) any misdemeanor theft offense under Section [76-6-412](#);
- 1706 (e) any offense of obstructing government operations under Sections [76-8-301](#),
1707 [76-8-301.2](#), [76-8-302](#), [76-8-305](#), [76-8-306](#), [76-8-307](#), [76-8-308](#), [76-8-309.2](#), and [76-8-313](#);
- 1708 (f) any offense of interfering or intending to interfere with activities of colleges and
1709 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
- 1710 (g) any misdemeanor offense against public order and decency as defined in Title 76,
1711 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;
- 1712 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
1713 Communication and Telephone Abuse;
- 1714 (i) any cruelty to animals offense under Section [76-9-301](#);
- 1715 (j) any weapons offense under Section [76-10-506](#); or
- 1716 (k) a violation of Section [76-9-102](#), if the violation occurs at an official meeting.
- 1717 (5) This section does not affect or limit any individual's constitutional right to the
1718 lawful expression of free speech or other recognized rights secured by the Constitution or laws
1719 of the state or by the Constitution or laws of the United States.

1720 Section 17. Section **76-3-203.5** is amended to read:

1721 **76-3-203.5. Habitual violent offender -- Definition -- Procedure -- Penalty.**

1722 (1) As used in this section:

1723 (a) "Felony" means any violation of a criminal statute of the state, any other state, the
1724 United States, or any district, possession, or territory of the United States for which the
1725 maximum punishment the offender may be subjected to exceeds one year in prison.

1726 (b) "Habitual violent offender" means a person convicted within the state of any violent
1727 felony and who on at least two previous occasions has been convicted of a violent felony and
1728 committed to either prison in Utah or an equivalent correctional institution of another state or
1729 of the United States either at initial sentencing or after revocation of probation.

1730 (c) "Violent felony" means:

- 1731 (i) any of the following offenses, or any attempt, solicitation, or conspiracy to commit
 1732 any of the following offenses punishable as a felony:
- 1733 (A) ~~[aggravated arson, arson,]~~ arson as described in Section [76-6-102](#);
- 1734 (B) ~~[knowingly causing a catastrophe,]~~ causing a catastrophe as described in
 1735 Subsection [76-6-105](#)(3)(a) or (3)(b);
- 1736 (C) ~~[and criminal mischief, Chapter 6, Part 1, Property Destruction]~~ criminal mischief
 1737 as described in Section [76-6-106](#);
- 1738 (D) aggravated arson as described in Section [76-6-103](#);
- 1739 ~~[(B)]~~ (E) assault by prisoner[;] as described in Section [76-5-102.5](#);
- 1740 ~~[(C)]~~ (F) disarming a police officer[;] as described in Section [76-5-102.8](#);
- 1741 ~~[(D)]~~ (G) aggravated assault[;] as described in Section [76-5-103](#);
- 1742 ~~[(E)]~~ (H) aggravated assault by prisoner[;] as described in Section [76-5-103.5](#);
- 1743 ~~[(F)]~~ (I) mayhem[;] as described in Section [76-5-105](#);
- 1744 ~~[(G)]~~ (J) stalking[;] as described in Subsection [76-5-106.5](#)(2);
- 1745 ~~[(H)]~~ (K) threat of terrorism[;] as described in Section [76-5-107.3](#);
- 1746 ~~[(I)]~~ (L) aggravated child abuse[;] as described in Subsection [76-5-109.2](#)(3)(a) or (b);
- 1747 ~~[(J)]~~ (M) commission of domestic violence in the presence of a child[;] as described in
 1748 Section [76-5-114](#);
- 1749 ~~[(K)]~~ (N) abuse or neglect of a child with a disability[;] as described in Section
 1750 [76-5-110](#);
- 1751 ~~[(L)]~~ (O) abuse or exploitation of a vulnerable adult[;] as described in Section
 1752 [76-5-111](#), [76-5-111.2](#), [76-5-111.3](#), or [76-5-111.4](#);
- 1753 ~~[(M)]~~ (P) endangerment of a child or vulnerable adult[;] as described in Section
 1754 [76-5-112.5](#);
- 1755 ~~[(N)]~~ (Q) ~~[criminal homicide offenses under]~~ an offense described in Chapter 5, Part 2,
 1756 Criminal Homicide;
- 1757 ~~[(O)]~~ (R) ~~[kidnapping,]~~ kidnapping as described in Section [76-5-301](#);
- 1758 (S) ~~[child kidnapping, and]~~ child kidnapping as described in Section [76-5-301.1](#);
- 1759 (T) ~~[aggravated kidnapping under Chapter 5, Part 3, Kidnapping, Trafficking, and~~
 1760 Smuggling] aggravated kidnapping as described in Section [76-5-302](#);
- 1761 ~~[(P)]~~ (U) rape[;] as described in Section [76-5-402](#);

1762 ~~[(Q)]~~ (V) rape of a child[;] as described in Section 76-5-402.1;
1763 ~~[(R)]~~ (W) object rape[;] as described in Section 76-5-402.2;
1764 ~~[(S)]~~ (X) object rape of a child[;] as described in Section 76-5-402.3;
1765 ~~[(T)]~~ (Y) forcible sodomy[;] as described in Section 76-5-403;
1766 ~~[(U)]~~ (Z) sodomy on a child[;] as described in Section 76-5-403.1;
1767 ~~[(V)]~~ (AA) forcible sexual abuse[;] as described in Section 76-5-404;
1768 ~~[(W)]~~ (BB) sexual abuse of a child[;] as described in Section 76-5-404.1~~[-or];~~
1769 (CC) aggravated sexual abuse of a child[;] as described in Section 76-5-404.3;
1770 ~~[(X)]~~ (DD) aggravated sexual assault[;] as described in Section 76-5-405;
1771 ~~[(Y)]~~ (EE) sexual exploitation of a minor[;] as described in Section 76-5b-201;
1772 ~~[(Z)]~~ (FF) aggravated sexual exploitation of a minor[;] as described in Section
1773 76-5b-201.1;
1774 ~~[(AA)]~~ (GG) sexual exploitation of a vulnerable adult[;] as described in Section
1775 76-5b-202;
1776 ~~[(BB)]~~ (HH) [~~aggravated burglary and burglary of a dwelling under Chapter 6, Part 2,~~
1777 ~~Burglary and Criminal Trespass]~~ burglary as described in Subsection 76-6-202(3)(b);
1778 (II) aggravated burglary as described in Section 76-6-203;
1779 ~~[(CC)]~~ (JJ) [~~aggravated robbery and robbery under Chapter 6, Part 3, Robbery]~~ robbery
1780 as described in Section 76-6-301;
1781 (KK) aggravated robbery as described in Section 76-6-302;
1782 ~~[(DD)]~~ (LL) theft by extortion [~~under Section 76-6-406 under the circumstances~~
1783 ~~described in]~~ as described in Subsection 76-6-406(1)(a)(i) or [(ii)] (1)(a)(ii);
1784 ~~[(EE)]~~ (MM) tampering with a witness [~~under Subsection 76-8-508(1)]~~ as described in
1785 Section 76-8-508;
1786 ~~[(FF)]~~ (NN) retaliation against a witness, victim, or informant [~~under]~~ as described in
1787 Section 76-8-508.3;
1788 ~~[(GG)]~~ (OO) tampering [~~with]~~ or retaliating against a juror [under] as described in
1789 Subsection [76-8-508.5(2)(e)] 76-8-508.5(2)(a)(iii);
1790 ~~[(HH)]~~ (PP) extortion to dismiss a criminal proceeding [~~under Section 76-8-509 if by~~
1791 ~~any threat or by use of force theft by extortion has been committed under Section 76-6-406~~
1792 ~~under the circumstances]~~ as described in Subsection 76-6-406(1)(a)(i), (ii), or (ix);

1793 ~~[(HH)]~~ (QQ) possession, use, or removal of explosive, chemical, or incendiary devices
1794 ~~[under]~~ as described in Subsections 76-10-306(3) through (6);
1795 ~~[(JJ)]~~ (RR) unlawful delivery of explosive, chemical, or incendiary devices ~~[under]~~ as
1796 described in Section 76-10-307;
1797 ~~[(KK)]~~ (SS) purchase or possession of a dangerous weapon or handgun by a restricted
1798 person ~~[under]~~ as described in Section 76-10-503;
1799 ~~[(LL) unlawful discharge of a firearm under Section 76-10-508;]~~
1800 ~~[(MM)]~~ (TT) aggravated exploitation of prostitution ~~[under]~~ as described in Subsection
1801 76-10-1306(1)(a);
1802 ~~[(NN)]~~ (UU) bus hijacking ~~[under]~~ as described in Section 76-10-1504; and
1803 ~~[(OO)]~~ (VV) discharging firearms and hurling missiles ~~[under]~~ as described in Section
1804 76-10-1505; or
1805 (ii) any felony violation of a criminal statute of any other state, the United States, or
1806 any district, possession, or territory of the United States which would constitute a violent
1807 felony as defined in this Subsection (1) if committed in this state.
1808 (2) If a person is convicted in this state of a violent felony by plea or by verdict and the
1809 trier of fact determines beyond a reasonable doubt that the person is a habitual violent offender
1810 under this section, the penalty for a:
1811 (a) third degree felony is as if the conviction were for a first degree felony;
1812 (b) second degree felony is as if the conviction were for a first degree felony; or
1813 (c) first degree felony remains the penalty for a first degree penalty except:
1814 (i) the convicted person is not eligible for probation; and
1815 (ii) the Board of Pardons and Parole shall consider that the convicted person is a
1816 habitual violent offender as an aggravating factor in determining the length of incarceration.
1817 (3) (a) The prosecuting attorney, or grand jury if an indictment is returned, shall
1818 provide notice in the information or indictment that the defendant is subject to punishment as a
1819 habitual violent offender under this section. Notice shall include the case number, court, and
1820 date of conviction or commitment of any case relied upon by the prosecution.
1821 (b) (i) The defendant shall serve notice in writing upon the prosecutor if the defendant
1822 intends to deny that:
1823 (A) the defendant is the person who was convicted or committed;

1824 (B) the defendant was represented by counsel or had waived counsel; or

1825 (C) the defendant's plea was understandingly or voluntarily entered.

1826 (ii) The notice of denial shall be served not later than five days prior to trial and shall
1827 state in detail the defendant's contention regarding the previous conviction and commitment.

1828 (4) (a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to
1829 a jury, the jury may not be told, until after it returns its verdict on the underlying felony charge,
1830 of the:

1831 (i) defendant's previous convictions for violent felonies, except as otherwise provided
1832 in the Utah Rules of Evidence; or

1833 (ii) allegation against the defendant of being a habitual violent offender.

1834 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of
1835 being an habitual violent offender by the same jury, if practicable, unless the defendant waives
1836 the jury, in which case the allegation shall be tried immediately to the court.

1837 (c) (i) Before or at the time of sentencing the trier of fact shall determine if this section
1838 applies.

1839 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution
1840 and the defendant shall be afforded an opportunity to present any necessary additional
1841 evidence.

1842 (iii) Before sentencing under this section, the trier of fact shall determine whether this
1843 section is applicable beyond a reasonable doubt.

1844 (d) If any previous conviction and commitment is based upon a plea of guilty or no
1845 contest, there is a rebuttable presumption that the conviction and commitment were regular and
1846 lawful in all respects if the conviction and commitment occurred after January 1, 1970. If the
1847 conviction and commitment occurred prior to January 1, 1970, the burden is on the prosecution
1848 to establish by a preponderance of the evidence that the defendant was then represented by
1849 counsel or had lawfully waived the right to have counsel present, and that the defendant's plea
1850 was understandingly and voluntarily entered.

1851 (e) If the trier of fact finds this section applicable, the court shall enter that specific
1852 finding on the record and shall indicate in the order of judgment and commitment that the
1853 defendant has been found by the trier of fact to be a habitual violent offender and is sentenced
1854 under this section.

1855 (5) (a) The sentencing enhancement provisions of Section 76-3-407 supersede the
1856 provisions of this section.

1857 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in
1858 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part 4, Sexual
1859 Offenses, to determine if the convicted person is a habitual violent offender.

1860 (6) The sentencing enhancement described in this section does not apply if:

1861 (a) the offense for which the person is being sentenced is:

1862 (i) a grievous sexual offense;

1863 (ii) child kidnapping, Section 76-5-301.1;

1864 (iii) aggravated kidnapping, Section 76-5-302; or

1865 (iv) forcible sexual abuse, Section 76-5-404; and

1866 (b) applying the sentencing enhancement provided for in this section would result in a
1867 lower maximum penalty than the penalty provided for under the section that describes the
1868 offense for which the person is being sentenced.

1869 Section 18. Section 76-3-406 is amended to read:

1870 **76-3-406. Crimes for which probation, suspension of sentence, lower category of**
1871 **offense, or hospitalization may not be granted.**

1872 (1) Notwithstanding Sections 76-3-201 and 77-18-105 and Title 77, Chapter 16a,
1873 Commitment and Treatment of Individuals with a Mental Condition, except as provided in
1874 Section 76-5-406.5 or Subsection 77-16a-103(6) or (7), probation may not be granted, the
1875 execution or imposition of sentence may not be suspended, the court may not enter a judgment
1876 for a lower category of offense, and hospitalization may not be ordered, the effect of which
1877 would in any way shorten the prison sentence for an individual who commits:

1878 (a) a capital felony or a first degree felony involving:

1879 [(a)] (i) [~~Section 76-5-202;~~] aggravated murder as described in Section 76-5-202;

1880 [(b)] (ii) [~~Section 76-5-203;~~] murder as described in Section 76-5-203;

1881 [(c)] (iii) [~~Section 76-5-301.1, child kidnapping;~~] child kidnapping as described in
1882 Section 76-5-301.1;

1883 [(d)] (iv) [~~Section 76-5-302, aggravated kidnapping;~~] aggravated kidnapping as described
1884 in Subsection 76-5-302(3)(b);

1885 [(e)] (v) [~~Section 76-5-402, rape, if the individual is sentenced under]~~ rape as described

1886 in Subsection [76-5-402\(3\)\(b\)](#), (3)(c), or (4);

1887 [(f)] (vi) [~~Section 76-5-402.1;~~] rape of a child as described in Section [76-5-402.1](#);

1888 [(g)] (vii) [~~Section 76-5-402.2, object rape, if the individual is sentenced under~~] object

1889 rape as described in Subsection [76-5-402.2\(3\)\(b\)](#), (3)(c), or (4);

1890 [(h)] (viii) [~~Section 76-5-402.3;~~] object rape of a child as described in Section

1891 [76-5-402.3](#);

1892 [(i)] (ix) [~~Section 76-5-403, forcible sodomy, if the individual is sentenced under~~]

1893 forcible sodomy as described in Subsection [76-5-403\(3\)\(b\)](#), (3)(c), or (4);

1894 [(j)] (x) [~~Section 76-5-403.1;~~] sodomy on a child as described in Section [76-5-403.1](#);

1895 [(k)] (xi) [~~Section 76-5-404, forcible sexual abuse, if the individual is sentenced under~~]

1896 forcible sexual abuse as described in Subsection [76-5-404\(3\)\(b\)\(i\)](#) or (ii);

1897 [(l)] (xii) [~~Section 76-5-404.3;~~] aggravated sexual abuse of a child as described in

1898 Section [76-5-404.3](#);

1899 [(m)] (xiii) [~~Section 76-5-405;~~] aggravated sexual assault~~;~~ as described in Section

1900 [76-5-405](#); or

1901 [(n)] (xiv) any attempt to commit a felony listed in Subsection [(1)(f), (h), or (j)]

1902 (1)(a)(vi), (viii), or (x); or

1903 (b) a second degree felony involving sexual abuse of a child as described in Section

1904 [76-5-404.1](#).

1905 (2) Except for an offense before the district court in accordance with Section [80-6-502](#)

1906 or [80-6-504](#), the provisions of this section do not apply if the sentencing court finds that the

1907 defendant:

1908 (a) was under 18 years old at the time of the offense; and

1909 (b) could have been adjudicated in the juvenile court but for the delayed reporting or

1910 delayed filing of the information.

1911 Section 19. Section **76-5-203** is amended to read:

1912 **76-5-203. Murder -- Penalties-- Affirmative defense and special mitigation --**

1913 **Separate offenses.**

1914 (1) (a) As used in this section, "predicate offense" means:

1915 (i) a clandestine drug lab violation under Section [58-37d-4](#) or [58-37d-5](#);

1916 (ii) aggravated child abuse, under Subsection [76-5-109.2\(3\)\(a\)](#), when the abused

- 1917 individual is younger than 18 years old;
- 1918 (iii) kidnapping under Section 76-5-301;
- 1919 (iv) child kidnapping under Section 76-5-301.1;
- 1920 (v) aggravated kidnapping under Section 76-5-302;
- 1921 (vi) rape under Section 76-5-402;
- 1922 (vii) rape of a child under Section 76-5-402.1;
- 1923 (viii) object rape under Section 76-5-402.2;
- 1924 (ix) object rape of a child under Section 76-5-402.3;
- 1925 (x) forcible sodomy under Section 76-5-403;
- 1926 (xi) sodomy upon a child under Section 76-5-403.1;
- 1927 (xii) forcible sexual abuse under Section 76-5-404;
- 1928 (xiii) sexual abuse of a child under Section 76-5-404.1;
- 1929 (xiv) aggravated sexual abuse of a child under Section 76-5-404.3;
- 1930 (xv) aggravated sexual assault under Section 76-5-405;
- 1931 (xvi) arson under Section 76-6-102;
- 1932 (xvii) aggravated arson under Section 76-6-103;
- 1933 (xviii) burglary under Section 76-6-202;
- 1934 (xix) aggravated burglary under Section 76-6-203;
- 1935 (xx) robbery under Section 76-6-301;
- 1936 (xxi) aggravated robbery under Section 76-6-302;
- 1937 (xxii) escape [~~or aggravated escape~~] under Section 76-8-309;
- 1938 (xxiii) aggravated escape under Section 76-8-309.1; or
- 1939 [~~(xxiii)~~] (xxiv) a felony violation of Section 76-10-508 or 76-10-508.1 regarding
- 1940 discharge of a firearm or dangerous weapon.
- 1941 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1942 (2) An actor commits murder if:
- 1943 (a) the actor intentionally or knowingly causes the death of another individual;
- 1944 (b) intending to cause serious bodily injury to another individual, the actor commits an
- 1945 act clearly dangerous to human life that causes the death of the other individual;
- 1946 (c) acting under circumstances evidencing a depraved indifference to human life, the
- 1947 actor knowingly engages in conduct that creates a grave risk of death to another individual and

1948 thereby causes the death of the other individual;

1949 (d) (i) the actor is engaged in the commission, attempted commission, or immediate
1950 flight from the commission or attempted commission of any predicate offense, or is a party to
1951 the predicate offense;

1952 (ii) an individual other than a party described in Section 76-2-202 is killed in the
1953 course of the commission, attempted commission, or immediate flight from the commission or
1954 attempted commission of any predicate offense; and

1955 (iii) the actor acted with the intent required as an element of the predicate offense;

1956 (e) the actor recklessly causes the death of a peace officer or military service member
1957 in uniform while in the commission or attempted commission of:

1958 (i) an assault against a peace officer under Section 76-5-102.4;

1959 (ii) interference with a peace officer while making a lawful arrest under Section
1960 76-8-305 if the actor uses force against the peace officer; or

1961 (iii) an assault against a military service member in uniform under Section 76-5-102.4;

1962 or

1963 (f) the actor commits a homicide that would be aggravated murder, but the offense is
1964 reduced in accordance with Subsection 76-5-202(4).

1965 (3) (a) (i) A violation of Subsection (2) is a first degree felony.

1966 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for an
1967 indeterminate term of not less than 15 years and which may be for life.

1968 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
1969 or alternatively, attempted murder, as described in this section are proved beyond a reasonable
1970 doubt, and also finds that the existence of special mitigation is established by a preponderance
1971 of the evidence and in accordance with Section 76-5-205.5, the court shall enter a judgment of
1972 conviction as follows:

1973 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
1974 judgment of conviction for manslaughter; or

1975 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,
1976 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c)(i), enter a judgment of
1977 conviction for attempted manslaughter.

1978 (4) (a) It is an affirmative defense to a charge of murder or attempted murder that the

1979 defendant caused the death of another individual or attempted to cause the death of another
1980 individual under a reasonable belief that the circumstances provided a legal justification or
1981 excuse for the conduct although the conduct was not legally justifiable or excusable under the
1982 existing circumstances.

1983 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from
1984 the viewpoint of a reasonable person under the then existing circumstances.

1985 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,
1986 or alternatively, attempted murder, as described in this section are proved beyond a reasonable
1987 doubt, and also finds the affirmative defense described in this Subsection (4) is not disproven
1988 beyond a reasonable doubt, the court shall enter a judgment of conviction as follows:

1989 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a
1990 judgment of conviction for manslaughter; or

1991 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall
1992 enter a judgment of conviction for attempted manslaughter.

1993 (5) (a) Any predicate offense that constitutes a separate offense does not merge with
1994 the crime of murder.

1995 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a
1996 separate offense, may also be convicted of, and punished for, the separate offense.

1997 Section 20. Section **76-6-513** is amended to read:

1998 **76-6-513. Unlawful dealing of property by a fiduciary.**

1999 (1) (a) As used in this section:

2000 (i) "Fiduciary" means the same as that term is defined in Section [22-1-1](#).

2001 (ii) "Financial institution" means "depository institution" and "trust company" as
2002 defined in Section [7-1-103](#).

2003 (iii) "Governmental entity" is as defined in Section [63G-7-102](#).

2004 (iv) "Person" does not include a financial institution whose fiduciary functions are
2005 supervised by the Department of Financial Institutions or a federal regulatory agency.

2006 (v) "Property" means the same as that term is defined in Section [76-6-401](#).

2007 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

2008 (2) An actor commits unlawfully dealing with property by a fiduciary if the actor:

2009 (a) deals with property:

2010 (i) that has been entrusted to the actor as a fiduciary, or property of a governmental
2011 entity, public money, or of a financial institution; and

2012 (ii) in a manner which:

2013 (A) the actor knows is a violation of the actor's duty; and

2014 (B) involves substantial risk of loss or detriment to the property owner or to a person
2015 for whose benefit the property was entrusted; or

2016 (b) acting as a fiduciary pledges:

2017 (i) as collateral for a personal loan, or as collateral for the benefit of some party, other
2018 than the owner or the person for whose benefit the property was entrusted, the property that has
2019 been entrusted to the fiduciary; and

2020 (ii) without permission of the owner of the property or some other authorized person.

2021 (3) (a) A violation of Subsection (2)(a) is:

2022 (i) a second degree felony if the:

2023 (A) value of the property is or exceeds \$5,000; or

2024 (B) property is stolen from the person of another;

2025 (ii) a third degree felony if:

2026 (A) the value of the property is or exceeds \$1,500 but is less than \$5,000;

2027 (B) the value of the property is or exceeds \$500 and the actor has been twice before
2028 convicted of any of the following offenses, if each prior offense was committed within 10 years
2029 before the date of the current conviction or the date of the offense upon which the current
2030 conviction is based and at least one of those convictions is for a class A misdemeanor:

2031 (I) any theft, any robbery, or any burglary with intent to commit theft;

2032 (II) any offense under Part 5, Fraud; or

2033 (III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II); or

2034 [~~(C) the value of property is or exceeds \$500 but is less than \$1,500; or~~]

2035 [~~(D)~~] (C) the actor has been previously convicted of a felony violation of any of the
2036 offenses listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was
2037 committed within 10 years before the date of the current conviction or the date of the offense
2038 upon which the current conviction is based;

2039 (iii) a class A misdemeanor if:

2040 (A) the value of the property stolen is or exceeds \$500 but is less than \$1,500; or

2041 (B) the actor has been twice before convicted of any of the offenses listed in
 2042 Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed
 2043 within 10 years before the date of the current conviction or the date of the offense upon which
 2044 the current conviction is based; or

2045 (iv) a class B misdemeanor if the value of the property stolen is less than \$500 and the
 2046 theft is not an offense under Subsection (3)(a)(iii)(B).

2047 (b) A violation of Subsection (2)(b) is:

2048 (i) a second degree felony if the value of the property wrongfully pledged is or exceeds
 2049 \$5,000;

2050 (ii) a third degree felony if the value of the property wrongfully pledged is or exceeds
 2051 \$1,500 but is less than \$5,000;

2052 (iii) a class A misdemeanor if the value of the property is or exceeds \$500, but is less
 2053 than \$1,500 or the actor has been twice before convicted of theft, robbery, burglary with intent
 2054 to commit theft, or unlawful dealing with property by a fiduciary; or

2055 (iv) a class B misdemeanor if the value of the property is less than \$500.

2056 (4) This section may not be construed to impose criminal or civil liability on any law
 2057 enforcement officer acting within the scope of a criminal investigation.

2058 (5) The forfeiture of property under this section, including any seizure and disposition
 2059 of the property and any related judicial or administrative proceeding, shall be conducted in
 2060 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
 2061 11c, Retention of Evidence.

2062 Section 21. Section **76-8-101** is amended to read:

2063 **76-8-101. Definitions.**

2064 As used in this chapter:

2065 [~~(1) "Candidate for electoral office" means a person who files as a candidate for office~~
 2066 ~~under the laws of the state.]~~

2067 [~~(2)~~ (1) "Harm" means a disadvantage or a physical, emotional, or economic injury to
 2068 a person or a person's property, reputation, or business interests.

2069 (2) "Party official" means [~~a person~~] an individual holding any post in a political party
 2070 whether by election, appointment, or otherwise.

2071 (3) "Peace officer" means an employee of a police or law enforcement agency that is

2072 part of or administered by the state or [~~any of its political subdivisions~~] a political subdivision
2073 of the state, and whose duties consist primarily of the prevention and detection of crime and the
2074 enforcement of criminal statutes or ordinances of this state or [~~any of its political subdivisions~~]
2075 a political subdivision of the state.

2076 (4) (a) "Pecuniary benefit" means [~~any~~] an advantage in the form of money, property,
2077 commercial interest, or anything else, the primary significance of which is economic gain.

2078 (b) "Pecuniary benefit" does not include economic advantage applicable to the public
2079 generally, such as tax reduction or increased prosperity generally.

2080 (5) (a) "Public property" means real or personal property that is owned, held, or
2081 managed by a public entity.

2082 (b) "Public property" includes real or personal property that is owned, held, or managed
2083 by a public entity after the real or personal property is transferred by the public entity to an
2084 independent contractor of the public entity.

2085 (c) "Public property" remains public property while in the possession of an independent
2086 contractor of a public entity for the purpose of providing a program or service for, or on behalf
2087 of, the public entity.

2088 Section 22. Section **76-8-102** is amended to read:

2089 **76-8-102. Campaign contributions not prohibited.**

2090 (1) Nothing in this chapter shall be construed to prohibit the giving or receiving of
2091 campaign contributions made for the purpose of defraying the costs of a political campaign.

2092 (2) No person shall be convicted of an offense solely on the evidence that a campaign
2093 contribution was made and that an appointment or nomination was subsequently made by the
2094 person to whose campaign or political party the contribution was made.

2095 Section 23. Section **76-8-103** is amended to read:

2096 **76-8-103. Bribery or offering a bribe.**

2097 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2098 (2) [~~A person is guilty of~~] An actor commits bribery or offering a bribe if [~~that person~~]
2099 the actor promises, offers, or agrees to give or gives, directly or indirectly, any benefit to
2100 another with the purpose or intent to influence an action, decision, opinion, recommendation,
2101 judgment, vote, nomination, or exercise of discretion of a public servant, party official, or
2102 voter.

2103 (3) A violation of Subsection (2) is:

2104 (a) a second degree felony if the value of the benefit is \$1,000 or more; or

2105 (b) a third degree felony if the value of the benefit is less than \$1,000.

2106 ~~[(2)]~~ (4) It is not a defense to a prosecution under this statute that:

2107 (a) the person sought to be influenced was not qualified to act in the desired way,
2108 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2109 (b) the person sought to be influenced did not act in the desired way; or

2110 (c) the benefit is not conferred, solicited, or accepted until after:

2111 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or
2112 exercise of discretion, has occurred; or

2113 (ii) the public servant ceases to be a public servant.

2114 ~~[(3) Bribery or offering a bribe is:]~~

2115 ~~[(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or~~
2116 ~~conferred is less than \$1,000; and]~~

2117 ~~[(b) a second degree felony when the value of the benefit asked for, solicited, accepted,~~
2118 ~~or conferred is \$1,000 or more.]~~

2119 Section 24. Section **76-8-104** is amended to read:

2120 **76-8-104. Threat to influence official or political action.**

2121 (1) (a) As used in this section, "public servant" does not include a juror.

2122 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2123 (2) [A person is guilty of a class A misdemeanor if he threatens any harm to a public
2124 servant, party official, or voter] An actor commits threat to influence official or political action
2125 if the actor, with a purpose of influencing [his] an action, decision, opinion, recommendation,
2126 nomination, vote, or other exercise of discretion of a public servant, party official, or voter,
2127 threatens harm to:

2128 (a) the public servant, party official, or voter; or

2129 (b) a person or entity in whose welfare the public servant, party official, or voter is
2130 interested.

2131 (3) A violation of Subsection (2) is a class A misdemeanor.

2132 ~~[(2) As used in this section:]~~

2133 ~~[(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including~~

2134 ~~disadvantage or injury to any other person or entity in whose welfare the public servant, party~~
2135 ~~official, or voter is interested.]~~

2136 ~~[(b) "Public servant" does not include jurors.]~~

2137 Section 25. Section **76-8-105** is amended to read:

2138 **76-8-105. Receiving or soliciting bribe or bribery by public servant.**

2139 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2140 (2) ~~[A person is guilty of]~~ An actor commits receiving or soliciting a bribe if ~~[that~~
2141 ~~person]~~ the actor asks for, solicits, accepts, or receives, directly or indirectly, any benefit with
2142 the understanding or agreement that the purpose or intent is to influence an action, decision,
2143 opinion, recommendation, judgment, vote, nomination, or exercise of discretion, of a public
2144 servant, party official, or voter.

2145 (3) A violation of Subsection (2) is:

2146 (a) a second degree felony if the value of the benefit asked for, solicited, accepted, or
2147 conferred is more than \$1,000; or

2148 (b) a third degree felony if the value of the benefit asked for, solicited, accepted, or
2149 conferred is \$1,000 or less.

2150 ~~[(2)]~~ (4) It is not a defense to a prosecution under this statute that:

2151 (a) the person sought to be influenced was not qualified to act in the desired way,
2152 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2153 (b) the person sought to be influenced did not act in the desired way; or

2154 (c) the benefit is not asked for, conferred, solicited, or accepted until after:

2155 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or
2156 exercise of discretion, has occurred; or

2157 (ii) the public servant ceases to be a public servant.

2158 ~~[(3) Receiving or soliciting a bribe is:]~~

2159 ~~[(a) a third degree felony when the value of the benefit asked for, solicited, accepted, or~~
2160 ~~conferred is \$1,000 or less; and]~~

2161 ~~[(b) a second degree felony when the value of the benefit asked for, solicited, accepted,~~
2162 ~~or conferred exceeds \$1,000.]~~

2163 Section 26. Section **76-8-106** is amended to read:

2164 **76-8-106. Receiving bribe for endorsement of person as a public servant.**

2165 ~~[A person is guilty of a class B misdemeanor if:]~~

2166 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2167 (2) ~~[He]~~ An actor commits receiving a bribe for endorsement of a person as a public
2168 servant if the actor solicits, accepts, agrees to accept for [himself] the actor's self, another
2169 person, or a political party, money or any other pecuniary benefit as compensation for [his] the
2170 actor's endorsement, nomination, appointment, approval, or disapproval of any person for a
2171 position as a public servant or for the advancement of any public servant[; or].

2172 ~~[(2)] (3) [He knowingly gives, offers, or promises any pecuniary benefit prohibited by~~
2173 ~~paragraph (1):] A violation of Subsection (2) is a class B misdemeanor.~~

2174 Section 27. Section **76-8-106.1** is enacted to read:

2175 **76-8-106.1. Bribery for endorsement of person as public servant.**

2176 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2177 (2) An actor commits bribery for endorsement of a person as a public servant if the
2178 actor knowingly gives, offers, or promises money or any other pecuniary benefit to a person or
2179 a political party as compensation for the person's or political party's endorsement, nomination,
2180 appointment, approval, or disapproval of any person for a position as a public servant or for the
2181 advancement of any public servant.

2182 (3) A violation of Subsection (2) is a class B misdemeanor.

2183 Section 28. Section **76-8-107** is amended to read:

2184 **76-8-107. Alteration of proposed legislative bill or resolution.**

2185 ~~[Every person who]~~

2186 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2187 (2) An actor commits alteration of proposed legislative bill or resolution if the actor
2188 fraudulently alters the draft of [any] a bill or resolution [which] that has been presented to
2189 either of the houses composing the Legislature to be passed or adopted, with intent to procure
2190 [its] the proposed legislative bill or resolution being passed or adopted by either house, or
2191 certified by the presiding officer of either house in language different from that intended by
2192 [such] either house[; is guilty of a felony of the third degree].

2193 Section 29. Section **76-8-108** is amended to read:

2194 **76-8-108. Alteration of enrolled legislative bill or resolution.**

2195 ~~[Every person who]~~

2196 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
 2197 (2) An actor commits alteration of enrolled legislative bill or resolution if the actor
 2198 fraudulently alters the enrolled copy of [any] a bill or resolution [which] that has been passed
 2199 or adopted by the Legislature with intent to procure [it] the enrolled bill or resolution to be
 2200 approved by the governor or certified by the Division of Archives, or printed or published by
 2201 the printer of statutes, in language different from that in which [it] the enrolled bill or
 2202 resolution was passed or adopted by the Legislature[; is guilty of a felony of the third degree].

2203 (3) A violation of Subsection (2) is a third degree felony.

2204 Section 30. Section **76-8-110** is amended to read:

2205 **76-8-110. Prohibited action by peace officer for collection agency or creditor.**

2206 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2207 (2) ~~[A peace officer may not have any]~~ An actor commits prohibited action by peace
 2208 officer for collection agency or creditor if the actor:

2209 (a) is a peace officer; and

2210 (b) (i) has an interest in [any] a collection agency; or [act]

2211 (ii) acts as a compensated collection agent for [any] a creditor or collection agency.

2212 ~~[(2)] (3) [A person that violates this section is guilty of]~~ A violation of Subsection (2)
 2213 is a class C misdemeanor.

2214 Section 31. Section **76-8-201** is amended to read:

2215 **76-8-201. Official misconduct -- Unauthorized acts or failure of duty.**

2216 ~~[A public servant is guilty of a class B misdemeanor if,]~~

2217 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2218 (2) An actor commits official misconduct based on an unauthorized act or failure of
 2219 duty if the actor:

2220 (a) is a public servant; and

2221 (b) with an intent to benefit [himself] the actor or another or to harm another, [he] the
 2222 actor knowingly:

2223 (i) commits an unauthorized act [which] that purports to be an act of [his] the actor's
 2224 office[;]; or

2225 (ii) knowingly refrains from performing a duty imposed on [him] the actor by law or
 2226 clearly inherent in the nature of [his] the actor's office.

2227 (3) A violation of Subsection (2) is a class B misdemeanor.

2228 Section 32. Section **76-8-202** is amended to read:

2229 **76-8-202. Official misconduct concerning inside information.**

2230 ~~[A public servant is guilty of a class A misdemeanor if, knowing that official action is~~
 2231 ~~contemplated or in reliance on information which he has acquired by virtue of his office or~~
 2232 ~~from another public servant, which information has not been made public, he:]~~

2233 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2234 (2) An actor commits official misconduct concerning inside information if:

2235 (a) the actor is a public servant; and

2236 (b) knowing that official action is contemplated, or in reliance on information that the
 2237 actor has acquired by virtue of the actor's office or from another public servant, which
 2238 information has not been made public, the actor:

2239 (i) acquires or divests [himself] the actor's self of a pecuniary interest in any property,
 2240 transaction, or enterprise [which] that may be affected by such action or information;

2241 ~~[(2)]~~ (ii) speculates or wagers on the basis of such action or information; or

2242 ~~[(3)]~~ (iii) knowingly aids another person to do [any of the foregoing] an action
 2243 described in Subsection (2)(b)(i) or (2)(b)(ii).

2244 (3) A violation of Subsection (2) is a class A misdemeanor.

2245 Section 33. Section **76-8-203** is amended to read:

2246 **76-8-203. Unofficial misconduct.**

2247 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2248 (2) ~~[A person is guilty of]~~ An actor commits unofficial misconduct if the ~~[person]~~ actor
 2249 exercises or attempts to exercise any of the functions of a public office when the [person] actor:

2250 (a) has not taken and filed the required oath of office;

2251 (b) has failed to execute and file a required bond;

2252 (c) has not been elected or appointed to office;

2253 (d) exercises any of the functions of [his] the actor's office after [his] the actor's term
 2254 has expired and the successor has been elected or appointed and has qualified, or after [his] the
 2255 actor's office has been legally removed; or

2256 (e) knowingly;

2257 (i) withholds or retains from [his] the actor's successor in office, or other person

2258 entitled to possession, the official seal or [~~any records, papers, documents, or other writings~~] a
2259 record, paper, document, or other writing appertaining or belonging to [his] the actor's office
2260 [~~or mutilates or destroys or takes away the same.~~]; or

2261 (ii) mutilates, destroys, or takes away the official seal or a record, paper, document, or
2262 other writing appertaining or belonging to the actor's office.

2263 [~~(2)~~] (3) [~~Unofficial misconduct~~] A violation of Subsection (2) is a class B
2264 misdemeanor.

2265 Section 34. Section **76-8-301** is amended to read:

2266 **76-8-301. Interference with public servant.**

2267 (1) (a) [~~An individual is guilty of~~] As used in this section, "public servant" does not
2268 include a juror.

2269 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2270 (2) An actor commits interference with a public servant if the [individual] actor:

2271 (a) uses force, violence, intimidation, or engages in any other unlawful act with a
2272 purpose to interfere with a public servant performing or purporting to perform an official
2273 function; or

2274 (b) obstructs, hinders, conceals, or prevents the lawful service of any civil or criminal
2275 legal process[~~, civil or criminal, by any~~] by a sheriff, constable, deputy sheriff, deputy
2276 constable, peace officer, private investigator, or any other person authorized to serve legal
2277 process[~~; or~~].

2278 [~~(c) on property that is owned, operated, or controlled by the state or a political~~
2279 ~~subdivision of the state, willfully denies to a public servant lawful:]~~

2280 [~~(i) freedom of movement;~~]

2281 [~~(ii) use of the property or facilities; or~~]

2282 [~~(iii) entry into or exit from the facilities.]~~

2283 [~~(2) Interference with a public servant:]~~

2284 [~~(a) under Subsection (1)(a) or (b) is a class B misdemeanor; and~~]

2285 [~~(b) under Subsection (1)(c) is a class C misdemeanor.]~~

2286 [~~(3) For purposes of this section, "public servant" does not include jurors.]~~

2287 (3) A violation of Subsection (2) is a class B misdemeanor.

2288 Section 35. Section **76-8-301.2** is enacted to read:

2289 **76-8-301.2. Denial of public servant's use of public property.**2290 (1) (a) As used in this section, "public servant" does not include a juror.2291 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2292 (2) An actor commits denial of public servant's use of public property if the actor, on
2293 property that is owned, operated, or controlled by the state or a political subdivision of the
2294 state, willfully denies to a public servant lawful:2295 (a) freedom of movement;2296 (b) use of the property or facility; or2297 (c) entry into or exit from the facility.2298 (3) A violation of Subsection (2) is a class C misdemeanor.2299 Section 36. Section **76-8-301.5** is amended to read:2300 **76-8-301.5. Failure to disclose identity.**2301 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2302 (2) ~~[A person is guilty of]~~ An actor commits failure to disclose identity if, during the
2303 period of time that the [person] actor is lawfully subjected to a stop as described in Section
2304 77-7-15:2305 (a) a peace officer demands that the [person] actor disclose the [person's] actor's name
2306 or date of birth;2307 (b) the demand described in Subsection [(1)(a)] (2)(a) is reasonably related to the
2308 circumstances justifying the stop;2309 (c) the disclosure of the [person's] actor's name or date of birth by the [person] actor
2310 does not present a reasonable danger of self-incrimination in the commission of a crime; and2311 (d) the [person] actor fails to disclose the [person's] actor's name or date of birth.2312 ~~[(2)]~~ (3) ~~[Failure to disclose identity]~~ A violation of Subsection (2) is a class B
2313 misdemeanor.2314 Section 37. Section **76-8-302** is amended to read:2315 **76-8-302. Picketing or parading in or near court.**2316 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.2317 (2) ~~[A person is guilty of a class B misdemeanor if he]~~ An actor commits picketing or
2318 parading in or near a court if the actor pickets or parades in or near a building [which] that
2319 houses a court of this state with intent to:

2320 (a) obstruct access to that court; or ~~[to]~~

2321 (b) affect the outcome of a case pending before that court.

2322 (3) A violation of Subsection (2) is a class B misdemeanor.

2323 Section 38. Section **76-8-303** is amended to read:

2324 **76-8-303. Prevention of Legislature or public servant from meeting or**

2325 **organizing.**

2326 ~~[A person is guilty of a felony of the third degree if he intentionally and by force or~~

2327 ~~fraud:]~~

2328 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2329 (2) An actor commits prevention of Legislature or public servant from meeting or

2330 organizing if the actor intentionally and by force or fraud:

2331 (a) [~~Prevents~~] prevents the Legislature, [~~or~~] either of the houses composing [~~it~~] the

2332 Legislature, or any of the members [~~thereof~~] of the Legislature, from meeting or organizing; or

2333 [~~2~~] (b) [~~Prevents~~] prevents any other public servant from meeting or organizing to

2334 perform a lawful governmental function.

2335 (3) A violation of Subsection (2) is a third degree felony.

2336 Section 39. Section **76-8-305** is amended to read:

2337 **76-8-305. Interference with a peace officer.**

2338 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2339 (2) [~~A person is guilty of a class B misdemeanor if the person]~~ actor commits

2340 interference with a peace officer if the actor:

2341 (a) knows, or by the exercise of reasonable care should have known, that a peace

2342 officer is seeking to effect a lawful arrest or detention of [~~that person]~~ the actor or another

2343 [~~person]~~ individual; and

2344 (b) interferes with the arrest or detention by:

2345 [~~a~~] (i) use of force or [~~any]~~ a weapon;

2346 [~~b~~] (ii) refusing to perform [~~any]~~ an act required by lawful order:

2347 [~~i~~] (A) necessary to effect the arrest or detention; and

2348 [~~ii~~] (B) made by a peace officer involved in the arrest or detention; or

2349 [~~c~~] (iii) refusing to refrain from performing [~~any]~~ an act that would impede the arrest

2350 or detention.

2351 ~~[(2)]~~ (3) A violation of Subsection (2) is a class B misdemeanor.

2352 (4) Recording the actions of a ~~[law enforcement]~~ peace officer with a camera, mobile
2353 phone, or other photographic device, while the peace officer is performing official duties in
2354 plain view, does not by itself constitute:

- 2355 (a) interference with the peace officer;
2356 (b) willful resistance;
2357 (c) disorderly conduct; or
2358 (d) obstruction of justice.

2359 Section 40. Section **76-8-305.5** is amended to read:

2360 **76-8-305.5. Failure to stop at the command of a peace officer.**

2361 ~~[A person is guilty of a class A misdemeanor who flees from or otherwise attempts to~~
2362 ~~elude a peace officer.]~~

2363 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2364 (2) An actor commits failure to stop at the command of a peace officer if, after the
2365 peace officer has issued a verbal or visual command to stop[;], the actor flees from or
2366 otherwise attempts to elude a peace officer:

2367 ~~[(2)]~~ (a) for the purpose of avoiding arrest; and

2368 ~~[(3)]~~ (b) by any means other than a violation of Section 41-6a-210 regarding failure to
2369 stop a vehicle at the command of a law enforcement officer.

2370 (3) A violation of Subsection (2) is a class A misdemeanor.

2371 Section 41. Section **76-8-306** is amended to read:

2372 **76-8-306. Obstruction of justice in a criminal investigation or proceeding.**

2373 (1) (a) As used in this section:

2374 (i) (A) "Conduct that constitutes a criminal offense" means conduct that would be
2375 punishable as a crime and is separate from a violation of this section.

2376 (B) "Conduct that constitutes a criminal offense" includes:

2377 (I) any violation of a criminal statute or ordinance of this state or a political subdivision
2378 of this state, any other state, or any district, possession, or territory of the United States; and

2379 (II) conduct committed by a juvenile that would be a crime if committed by an adult.

2380 (ii) "Juvenile offender" means the same as that term is defined in Section 80-1-102.

2381 (iii) "Official custody" means the same as that term is defined in Section 76-8-309.

2382 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2383 (2) ~~[An]~~ Except as provided in Subsection (5), an actor commits obstruction of justice

2384 in a criminal investigation or proceeding if the actor, with intent to hinder, delay, or prevent the

2385 investigation, apprehension, prosecution, conviction, or punishment of any person regarding

2386 conduct that constitutes a criminal offense:

2387 (a) provides any person with a weapon;

2388 (b) prevents by force, intimidation, or deception, ~~[any]~~ a person from performing ~~[any]~~

2389 an act that might aid in the discovery, apprehension, prosecution, conviction, or punishment of

2390 any person;

2391 (c) alters, destroys, conceals, or removes ~~[any]~~ an item or other thing;

2392 (d) makes, presents, or uses ~~[any]~~ an item or thing known by the actor to be false;

2393 (e) harbors or conceals a person;

2394 (f) provides a person with transportation, disguise, or other means of avoiding

2395 discovery or apprehension;

2396 (g) warns ~~[any]~~ a person of impending discovery or apprehension;

2397 (h) warns ~~[any]~~ a person of an order authorizing the interception of wire

2398 communications or of a pending application for an order authorizing the interception of wire

2399 communications;

2400 (i) conceals information that is not privileged and that concerns the offense, after a

2401 judge or magistrate has ordered the actor to provide the information; or

2402 (j) provides false information regarding a suspect, a witness, the conduct constituting

2403 an offense, or any other material aspect of the investigation.

2404 ~~[(2) (a) As used in this section, "conduct that constitutes a criminal offense" means~~

2405 ~~conduct that would be punishable as a crime and is separate from a violation of this section,~~

2406 ~~and includes:]~~

2407 ~~[(i) any violation of a criminal statute or ordinance of this state, its political~~

2408 ~~subdivisions, any other state, or any district, possession, or territory of the United States; and]~~

2409 ~~[(ii) conduct committed by a juvenile which would be a crime if committed by an~~

2410 ~~adult:]~~

2411 ~~[(b) A violation of a criminal statute that is committed in another state, or any district,~~

2412 ~~possession, or territory of the United States, is a:]~~

2413 ~~[(i) capital felony if the penalty provided includes death or life imprisonment without~~
 2414 ~~parole;]~~

2415 ~~[(ii) a first degree felony if the penalty provided includes life imprisonment with parole~~
 2416 ~~or a maximum term of imprisonment exceeding 15 years;]~~

2417 ~~[(iii) a second degree felony if the penalty provided exceeds five years;]~~

2418 ~~[(iv) a third degree felony if the penalty provided includes imprisonment for any period~~
 2419 ~~exceeding one year; and]~~

2420 ~~[(v) a misdemeanor if the penalty provided includes imprisonment for any period of~~
 2421 ~~one year or less.]~~

2422 (3) ~~[Obstruction of justice]~~ A violation of Subsection (2) is:

2423 (a) a second degree felony if the conduct ~~[which]~~ that constitutes an offense would be a
 2424 capital felony or first degree felony;

2425 (b) a third degree felony if:

2426 (i) the conduct that constitutes an offense would be a second or third degree felony and
 2427 the actor violates Subsection ~~[(1)(b)]~~ (2)(b), (c), (d), (e), or (f);

2428 (ii) the conduct that constitutes an offense would be any offense other than a capital or
 2429 first degree felony and the actor violates Subsection ~~[(1)(a)]~~ (2)(a);

2430 (iii) the obstruction of justice is presented or committed before a court of law; or

2431 (iv) a violation of Subsection ~~[(1)(h)]~~ (2)(h); or

2432 (c) a class A misdemeanor for any violation of this section that is not enumerated under
 2433 Subsection (3)(a) or (b).

2434 (4) It is not a defense that the actor was unaware of the level of penalty for the conduct
 2435 constituting an offense.

2436 ~~[(5) Subsection (1)(e) does not apply to harboring a juvenile offender, as defined in~~
 2437 ~~Section 80-1-102, which is governed by Section 76-8-311.5.]~~

2438 ~~[(6) (5) (a) Subsection (2) does not apply to harboring or concealing an offender who~~
 2439 ~~has escaped from official custody, which is governed by Section 76-8-309.2.]~~

2440 (b) Subsection ~~[(1)(b)]~~ (2)(b) does not apply to:

2441 ~~[(a) tampering with a juror, which is governed by Section 76-8-508.5;]~~

2442 ~~[(b) (i) [influencing, impeding, or retaliating against a judge or member of the Board~~
 2443 ~~of Pardons and Parole, which is governed by] threat with intent to impede, intimidate, interfere,~~

2444 or retaliate against a judge or a member of the Board of Pardons and Parole or acting against a
2445 family member of a judge or a member of the Board of Pardons and Parole under Section
2446 76-8-316;

2447 (ii) assault with intent to impede, intimidate, interfere, or retaliate against a judge or a
2448 member of the Board of Pardons and Parole or acting against a family member of a judge or a
2449 member of the Board of Pardons and Parole under Section 76-8-316.2;

2450 (iii) aggravated assault with intent to impede, intimidate, interfere, or retaliate against a
2451 judge or a member of the Board of Pardons and Parole or acting against a family member of a
2452 judge or a member of the Board of Pardons and Parole under Section 76-8-316.4;

2453 (iv) attempted murder with intent to impede, intimidate, interfere, or retaliate against a
2454 judge or a member of the Board of Pardons and Parole or acting against a family member of a
2455 judge or a member of the Board of Pardons and Parole under Section 76-8-316.6;

2456 ~~[(e)]~~ (v) tampering with a witness [or soliciting or receiving a bribe, which is governed
2457 by] under Section 76-8-508;

2458 ~~[(d)]~~ (vi) retaliation against a witness, victim, or informant[, which is governed by]
2459 under Section 76-8-508.3; [or]

2460 (vii) tampering or retaliating against a juror under Section 76-8-508.5;

2461 (viii) receiving or soliciting a bribe as a witness under Section 76-8-508.7; or

2462 ~~[(e)]~~ (ix) extortion or bribery to dismiss a criminal proceeding[, which is governed by]
2463 under Section 76-8-509.

2464 (c) Subsection (2)(e) does not apply to harboring a juvenile offender, which is
2465 governed by Section 76-8-319.

2466 ~~[(7) Notwithstanding Subsection (1), (2), or (3), an actor commits a third degree felony~~
2467 ~~if the actor harbors or conceals an offender who has escaped from official custody as defined in~~
2468 ~~Section 76-8-309.]~~

2469 (6) For purposes of Subsection (3), a violation of a criminal statute that is committed in
2470 another state, or any district, possession, or territory of the United States, is:

2471 (a) a capital felony if the penalty provided includes death or life imprisonment without
2472 parole;

2473 (b) a first degree felony if the penalty provided includes life imprisonment with parole
2474 or a maximum term of imprisonment exceeding 15 years;

2475 (c) a second degree felony if the penalty provided exceeds five years;

2476 (d) a third degree felony if the penalty provided includes imprisonment for any period

2477 exceeding one year; or

2478 (e) a misdemeanor if the penalty provided includes imprisonment for any period of one

2479 year or less.

2480 Section 42. Section **76-8-306.5** is amended to read:

2481 **76-8-306.5. Obstructing service of a Board of Pardons and Parole warrant or a**
2482 **probationer order to show cause.**

2483 [~~A person is guilty of a third degree felony who:~~]

2484 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2485 (2) An actor commits obstructing service of a Board of Pardons and Parole warrant or a
2486 probationer order to show cause if the actor:

2487 (a) knows that:

2488 (i) the Board of Pardons and Parole has issued a warrant for a parolee; or [that]

2489 (ii) a court has issued an order to show cause regarding a defendant's violation of the
2490 terms of probation; and

2491 ~~[(2)]~~ (b) [(a)] (i) harbors or conceals the parolee or probationer;

2492 ~~[(b)]~~ (ii) provides the parolee or probationer with transportation, disguise, or other
2493 means or assistance to avoid discovery; or

2494 ~~[(c)]~~ (iii) warns the parolee or probationer of [his] the parolee's or probationer's
2495 impending discovery.

2496 (3) A violation of Subsection (2) is a third degree felony.

2497 Section 43. Section **76-8-307** is amended to read:

2498 **76-8-307. Failure to aid a peace officer.**

2499 [~~A person is guilty of a class B misdemeanor]~~

2500 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2501 (2) An actor commits failure to aid a peace officer if, upon command by a peace officer
2502 identifiable or identified by [him] the peace officer as such, [he] the actor unreasonably fails or
2503 refuses to aid the peace officer in effecting an arrest or in preventing the commission of any
2504 offense by another person.

2505 (3) A violation of Subsection (2) is a class B misdemeanor.

2506 Section 44. Section **76-8-308** is amended to read:

2507 **76-8-308. Acceptance of bribe or bribery to prevent criminal prosecution.**

2508 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2509 (2) [A person is guilty of a class A misdemeanor if he] An actor commits acceptance of
2510 bribe or bribery to prevent criminal prosecution if the actor:

2511 (a) solicits, accepts, or agrees to accept any benefit as consideration for [~~his~~] the actor's
2512 refraining from initiating or aiding in a criminal prosecution; or

2513 (b) confers, offers, or agrees to confer any benefit upon [~~another~~] a person as
2514 consideration for the person refraining from initiating or aiding in a criminal prosecution.

2515 (3) A violation of Subsection (2) is a class A misdemeanor.

2516 ~~[(2)]~~ (4) It is an affirmative defense that the value of the benefit did not exceed an
2517 amount [which] that the actor believed to be due as restitution or indemnification for the loss
2518 caused or to be caused by the offense.

2519 Section 45. Section **76-8-309** is amended to read:

2520 **76-8-309. Escape.**

2521 (1) (a) As used in this section:

2522 (i) "Confinement" means a prisoner is:

2523 (A) housed in a state prison or another facility pursuant to a contract with the Utah
2524 Department of Corrections after being sentenced and committed and the sentence has not been
2525 terminated or voided or the prisoner is not on parole;

2526 (B) lawfully detained in a county jail prior to trial or sentencing or housed in a county
2527 jail after sentencing and commitment and the sentence has not been terminated or voided or the
2528 prisoner is not on parole; or

2529 (C) lawfully detained following arrest.

2530 (ii) "Confinement in a state prison" means that an individual:

2531 (A) is in prehearing custody after arrest for parole violation;

2532 (B) is being housed in a county jail, after felony commitment, pursuant to a contract
2533 with the Department of Corrections; or

2534 (C) is being transported as a prisoner in the state prison by a correctional officer.

2535 (iii) "Escape" is considered to be a continuing activity commencing with the
2536 conception of the design to escape and continuing until the escaping prisoner is returned to

2537 official custody or the prisoner's attempt to escape is thwarted or abandoned.

2538 (iv) "Lawful authorization" does not include authorization to leave official custody that

2539 is obtained by a prisoner by means of deceit, fraud, or other artifice.

2540 (v) "Official custody" means:

2541 (A) arrest, whether with or without a warrant;

2542 (B) confinement in a state prison, jail, or institution for secure confinement of juvenile

2543 offenders;

2544 (C) released from a prison or jail for work release or home visit subject to a designated

2545 time for return; or

2546 (D) any confinement pursuant to an order of a court or sentenced and committed and

2547 the sentence has not been terminated or voided or the prisoner is not on parole.

2548 (vi) "Prisoner" means any person who is in official custody and includes persons under

2549 trusty status.

2550 (vii) "Volunteer" means a person who donates service without pay or other

2551 compensation except expenses actually and reasonably incurred as approved by the supervising

2552 agency.

2553 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2554 ~~[(a)] (2) [(i) A prisoner is guilty of escape if the prisoner]~~ An actor commits escape if

2555 the actor:

2556 (a) (i) is a prisoner; and

2557 (ii) leaves official custody without lawful authorization[-]; or

2558 (b) (i) is convicted as a party to an offense under this section, as defined in Section

2559 [76-2-202](#); and

2560 (ii) is an employee at or a volunteer of:

2561 (A) a law enforcement agency, the Department of Corrections, a county or district

2562 attorney's office, the Office of the Attorney General, the Board of Pardons and Parole; or

2563 (B) a court, the Judicial Council, the Administrative Office of the Courts, or a similar

2564 administrative unit in the judicial branch of government.

2565 ~~[(ii) If a prisoner obtains authorization to leave official custody by means of deceit,~~

2566 ~~fraud, or other artifice, the prisoner has not received lawful authorization.]~~

2567 ~~[(b)] (3) (a) [Escape under this Subsection (1) is a]~~ Except as provided by Subsection

2568 ~~(3)(b) or Section [76-8-309.1](#), a violation of Subsection (2) is a third degree felony [except as~~
 2569 ~~provided under Subsection (1)(c)].~~

2570 ~~[(c)] (b) [Escape under this Subsection (1)] Except as provided by Section [76-8-309.1](#),~~
 2571 ~~a violation of Subsection (2) is a second degree felony if:~~

2572 ~~(i) the actor escapes [from] confinement in a state prison; [or]~~

2573 ~~(ii) the actor violates Subsection (2)(b); or~~

2574 ~~(iii) the prisoner left official custody by failing to return from work release or home~~
 2575 ~~visit by the time designated for return.~~

2576 ~~[(ii) (A) the actor is convicted as a party to the offense, as defined in Section [76-2-202](#);~~
 2577 ~~and]~~

2578 ~~[(B) the actor is an employee at or a volunteer of a law enforcement agency, the~~
 2579 ~~Department of Corrections, a county or district attorney's office, the office of the state attorney~~
 2580 ~~general, the Board of Pardons and Parole, or the courts, the Judicial Council, the~~
 2581 ~~Administrative Office of the Courts, or similar administrative units in the judicial branch of~~
 2582 ~~government.]~~

2583 ~~[(2) (a) A prisoner is guilty of aggravated escape if in the commission of an escape the~~
 2584 ~~prisoner uses a dangerous weapon, as defined in Section [76-1-101.5](#), or causes serious bodily~~
 2585 ~~injury to another.]~~

2586 ~~[(b) Aggravated escape is a first degree felony.]~~

2587 ~~[(3)] (4) [Any prison term imposed upon a prisoner for escape under this section shall~~
 2588 ~~run consecutively with] A court sentencing an actor for a violation of this section shall impose~~
 2589 ~~a consecutive sentence to any other sentence the actor is either serving or ordered to serve.~~

2590 ~~[(4) For the purposes of this section:]~~

2591 ~~[(a) "Confinement" means the prisoner is:]~~

2592 ~~[(i) housed in a state prison or any other facility pursuant to a contract with the Utah~~
 2593 ~~Department of Corrections after being sentenced and committed and the sentence has not been~~
 2594 ~~terminated or voided or the prisoner is not on parole;]~~

2595 ~~[(ii) lawfully detained in a county jail prior to trial or sentencing or housed in a county~~
 2596 ~~jail after sentencing and commitment and the sentence has not been terminated or voided or the~~
 2597 ~~prisoner is not on parole; or]~~

2598 ~~[(iii) lawfully detained following arrest.]~~

2599 ~~[(b) "Escape" is considered to be a continuing activity commencing with the~~
 2600 ~~conception of the design to escape and continuing until the escaping prisoner is returned to~~
 2601 ~~official custody or the prisoner's attempt to escape is thwarted or abandoned.]~~

2602 ~~[(c) "Official custody" means arrest, whether with or without warrant, or confinement~~
 2603 ~~in a state prison, jail, institution for secure confinement of juvenile offenders, or any~~
 2604 ~~confinement pursuant to an order of the court or sentenced and committed and the sentence has~~
 2605 ~~not been terminated or voided or the prisoner is not on parole. A person is considered confined~~
 2606 ~~in the state prison if the person:]~~

2607 ~~[(i) without authority fails to return to the person's place of confinement from work~~
 2608 ~~release or home visit by the time designated for return;]~~

2609 ~~[(ii) is in prehearing custody after arrest for parole violation;]~~

2610 ~~[(iii) is being housed in a county jail, after felony commitment, pursuant to a contract~~
 2611 ~~with the Department of Corrections; or]~~

2612 ~~[(iv) is being transported as a prisoner in the state prison by correctional officers.]~~

2613 ~~[(d) "Prisoner" means any person who is in official custody and includes persons under~~
 2614 ~~trustee status.]~~

2615 ~~[(e) "Volunteer" means any person who donates service without pay or other~~
 2616 ~~compensation except expenses actually and reasonably incurred as approved by the supervising~~
 2617 ~~agency.]~~

2618 Section 46. Section **76-8-309.1** is enacted to read:

2619 **76-8-309.1. Aggravated escape.**

2620 (1) (a) As used in this section, "escape" means an offense under Section [76-8-309](#).

2621 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2622 (2) An actor commits aggravated escape if, during the course of the commission of an
 2623 escape, the actor:

2624 (a) uses a dangerous weapon; or

2625 (b) causes serious bodily injury to another.

2626 (3) A violation of Subsection (2) is a first degree felony.

2627 (4) A court sentencing an actor for a violation of this section shall impose a
 2628 consecutive sentence to any other sentence the actor is either serving or ordered to serve.

2629 Section 47. Section **76-8-309.2** is enacted to read:

2630 76-8-309.2. Harboring or concealing an offender who has escaped from official
2631 custody.

2632 (1) (a) As used in this section, "official custody" means the same as that term is defined
2633 in Section 76-8-309.

2634 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2635 (2) An actor commits harboring or concealing an offender who has escaped from
2636 official custody if the actor harbors or conceals an offender who has escaped from official
2637 custody.

2638 (3) A violation of Subsection (2) is a third degree felony.

2639 Section 48. Section **76-8-311.1** is amended to read:

2640 **76-8-311.1. Establishment of secure areas -- Items prohibited -- References to**
2641 **penalty provisions.**

2642 (1) ~~[In addition to the definitions in Section 76-10-501, as]~~

2643 (a) As used in this section:

2644 ~~[(a)]~~ (i) "Correctional facility" [has the same meaning as] means the same as that term
2645 is defined in Section 76-8-311.3.

2646 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

2647 ~~[(b)]~~ (iii) "Explosive" [has the same meaning as defined for] means the same as the
2648 term "explosive, chemical, or incendiary device" defined in Section 76-10-306.

2649 (iv) "Firearm" means the same as that term is defined in Section 76-10-501.

2650 ~~[(c)]~~ (v) "Law enforcement facility" means a facility [which] that is owned, leased, or
2651 operated by a law enforcement agency.

2652 ~~[(d)]~~ (vi) "Mental health facility" [has the same meaning as] means the same as that
2653 term is defined in Section 26B-5-301.

2654 ~~[(e)]~~ (vii) ~~[(i)]~~ (A) "Secure area" means [any] an area created under this section into
2655 which certain persons are restricted from transporting [any] a firearm or other dangerous
2656 weapon, ammunition, [dangerous weapon,] or explosive.

2657 ~~[(i)]~~ (B) A "secure area" may not include any area normally accessible to the public.

2658 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2659 (2) (a) ~~[A person in charge of the]~~ The State Tax Commission or a correctional, law
2660 enforcement, or mental health facility may establish secure areas within the facility and may

2661 prohibit or control by rule any firearm or other dangerous weapon, ammunition, [~~dangerous~~
2662 ~~weapon,~~] or explosive.

2663 (b) Subsections (2)(a), (3), (4), [~~(5), and (6)~~] and (5) apply to a higher education secure
2664 area hearing [~~rooms~~] room referred to in Subsections [53B-3-103](#)(2)(a)(ii) and (b).

2665 (3) [~~At~~] An entity that creates a secure area under this section shall ensure that at least
2666 one notice [shall be] is prominently displayed at each entrance to [an] the secure area in which
2667 a firearm, ammunition, dangerous weapon, or explosive is restricted.

2668 (4) (a) [~~Provisions shall be made to~~] An entity that creates a secure area under this
2669 section shall provide a secure weapons storage area so that [persons] an individual entering the
2670 secure area may store [their weapons prior to] the individual's weapon before entering the
2671 secure area.

2672 (b) The entity operating the facility shall be responsible for [~~weapons~~] a weapon while
2673 [~~they are~~] the weapon is stored in the storage area described in Subsection (4)(a).

2674 [~~(5) It is a defense to any prosecution under this section that the accused, in committing~~
2675 ~~the act made criminal by this section, acted in conformity with the facility's rule or policy~~
2676 ~~established pursuant to this section.]~~

2677 [~~(6)~~] (5) (a) [~~Any person who knowingly or intentionally transports into a secure area~~
2678 ~~of a facility any firearm, ammunition, or dangerous weapon is guilty of a third degree felony]~~
2679 An actor who transports a firearm or other dangerous weapon or ammunition into a secure area
2680 created under this section or a higher education secure area hearing room created under this
2681 section may be punished under Section [76-8-311.2](#).

2682 (b) [~~Any person violates Section [76-10-306](#)~~] An actor who knowingly or intentionally
2683 transports, possesses, distributes, or sells [any] an explosive in a secure area [of a facility] or a
2684 higher education secure area hearing room created under this section may be punished under
2685 Section [76-10-306](#).

2686 (c) It is a defense to a prosecution related to this section that the actor acted in
2687 conformity with the facility's rule or policy established pursuant to this section.

2688 Section 49. Section [76-8-311.2](#) is enacted to read:

2689 **[76-8-311.2](#). Prohibited dangerous weapon or ammunition in a secure area.**

2690 (1) (a) As used in this section:

2691 (i) "Correctional facility" means the same as that term is defined in Section [76-8-311.3](#).

2692 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

2693 (iii) "Firearm" means the same as that term is defined in Section 76-10-501.

2694 (iv) "Higher education secure area" means a higher education secure area hearing room
 2695 created under Section 76-8-311.1.

2696 (v) "Law enforcement facility" means the same as that term is defined in Section
 2697 76-8-311.1.

2698 (vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.

2699 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2700 (2) An actor commits prohibited dangerous weapon or ammunition in a secure area if
 2701 the actor knowingly or intentionally transports a firearm or other dangerous weapon or
 2702 ammunition into:

2703 (a) a correctional facility;

2704 (b) a secure area created by the State Tax Commission;

2705 (c) a secure area in a law enforcement facility or a mental health facility; or

2706 (d) a higher education secure area.

2707 (3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of
 2708 Subsection (2) is a third degree felony.

2709 (4) It is a defense to a prosecution under this section that the actor acted in conformity
 2710 with the facility's rule or policy established under Section 76-8-311.1.

2711 Section 50. Section 76-8-311.3 is amended to read:

2712 **76-8-311.3. Establishment of prohibited item policy in a correctional or mental**
 2713 **health facility -- Reference to penalty provisions -- Exceptions -- Rulemaking.**

2714 (1) (a) As used in this section:

2715 ~~[(a) "Contraband" means any item not specifically prohibited for possession by~~
 2716 ~~offenders under this section or Title 58, Chapter 37, Utah Controlled Substances Act.]~~

2717 ~~[(b) (i) "Controlled substance" means [any] a substance defined as a controlled~~
 2718 ~~substance under Title 58, Chapter 37, Utah Controlled Substances Act.~~

2719 ~~[(c) (ii) "Correctional facility" means:~~

2720 ~~[(i) (A) [any] a facility operated by or contracting with the Department of Corrections~~
 2721 ~~to house [offenders] an offender in either a secure or nonsecure setting;~~

2722 ~~[(i) (B) [any] a facility operated by a municipality or a county to house or detain~~

2723 [~~criminal offenders~~] a criminal offender;

2724 [(iii)] (C) [~~any~~] a juvenile detention facility; [~~and~~] or

2725 [(iv)] (D) [~~any~~] a building or grounds appurtenant to [~~the~~] a facility or [~~lands~~] land

2726 granted to the state, municipality, or county for use as a correctional facility.

2727 [(d)] (iii) "Dangerous weapon" means the same as that term is defined in Section

2728 76-10-501.

2729 [(iv)] "Electronic cigarette product" means the same as that term is defined in Section

2730 76-10-101.

2731 [(v)] "Firearm" means the same as that term is defined in Section 76-10-501.

2732 [(e)] (vi) "Medicine" means [~~any~~] a prescription drug as defined in Title 58, Chapter

2733 17b, Pharmacy Practice Act, but does not include [~~any~~] a controlled [~~substances~~] substance as

2734 defined in Title 58, Chapter 37, Utah Controlled Substances Act.

2735 [(f)] (vii) "Mental health facility" means the same as that term is defined in Section

2736 26B-5-301.

2737 [(g)] (viii) "Nicotine product" means the same as that term is defined in Section

2738 76-10-101.

2739 [(h)] (ix) "Offender" means [~~a person~~] an individual in custody at a correctional

2740 facility.

2741 [(i)] (x) "Secure area" means the same as that term is defined in Section 76-8-311.1.

2742 [(j)] (xi) "Tobacco product" means the same as that term is defined in Section

2743 76-10-101.

2744 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2745 (2) Notwithstanding Section 76-10-500, a correctional facility or a mental health

2746 facility may provide by rule that no firearm, ammunition, dangerous weapon, implement of

2747 escape, explosive, controlled substance, spirituous or fermented liquor, medicine, or poison in

2748 any quantity may be:

2749 (a) transported to or [~~upon~~] within a correctional facility or a mental health facility;

2750 (b) sold or given away at [~~any~~] a correctional facility or a mental health facility;

2751 (c) given to or used by [~~any~~] an offender at a correctional facility or a mental health

2752 facility; or

2753 (d) knowingly or intentionally possessed at a correctional facility or a mental health

2754 facility.

2755 (3) It is a defense to ~~[any]~~ a prosecution ~~[under]~~ related to this section ~~[if the accused~~
2756 ~~in]~~ that the actor, in committing the act made criminal by this section with respect to:

2757 (a) a correctional facility operated by the Department of Corrections, acted in
2758 conformity with departmental rule or policy;

2759 (b) a correctional facility operated by a municipality, acted in conformity with the
2760 policy of the municipality;

2761 (c) a correctional facility operated by a county, acted in conformity with the policy of
2762 the county; or

2763 (d) a mental health facility, acted in conformity with the policy of the mental health
2764 facility.

2765 ~~[(4) (a) An individual who transports to or upon a correctional facility, or into a secure~~
2766 ~~area of a mental health facility, any firearm, ammunition, dangerous weapon, or implement of~~
2767 ~~escape with intent to provide or sell it to any offender, is guilty of a second degree felony.]~~

2768 ~~[(b) An individual who provides or sells to any offender at a correctional facility, or~~
2769 ~~any detainee at a secure area of a mental health facility, any firearm, ammunition, dangerous~~
2770 ~~weapon, or implement of escape is guilty of a second degree felony.]~~

2771 ~~[(c) An offender who possesses at a correctional facility, or a detainee who possesses at~~
2772 ~~a secure area of a mental health facility, any firearm, ammunition, dangerous weapon, or~~
2773 ~~implement of escape is guilty of a second degree felony.]~~

2774 ~~[(d) An individual who, without the permission of the authority operating the~~
2775 ~~correctional facility or the secure area of a mental health facility, knowingly possesses at a~~
2776 ~~correctional facility or a secure area of a mental health facility any firearm, ammunition,~~
2777 ~~dangerous weapon, or implement of escape is guilty of a third degree felony.]~~

2778 ~~[(e) An individual violates Section 76-10-306 who knowingly or intentionally~~
2779 ~~transports, possesses, distributes, or sells any explosive in a correctional facility or mental~~
2780 ~~health facility.]~~

2781 ~~[(5) (a) An individual is guilty of a third degree felony who, without the permission of~~
2782 ~~the authority operating the correctional facility or secure area of a mental health facility,~~
2783 ~~knowingly transports to or upon a correctional facility or into a secure area of a mental health~~
2784 ~~facility any:]~~

2785 ~~[(i) spirituous or fermented liquor;]~~
2786 ~~[(ii) medicine, whether or not lawfully prescribed for the offender; or]~~
2787 ~~[(iii) poison in any quantity.]~~
2788 ~~[(b) An individual is guilty of a third degree felony who knowingly violates~~
2789 ~~correctional or mental health facility policy or rule by providing or selling to any offender at a~~
2790 ~~correctional facility or detainee within a secure area of a mental health facility any:]~~
2791 ~~[(i) spirituous or fermented liquor;]~~
2792 ~~[(ii) medicine, whether or not lawfully prescribed for the offender; or]~~
2793 ~~[(iii) poison in any quantity.]~~
2794 ~~[(c) An inmate is guilty of a third degree felony who, in violation of correctional or~~
2795 ~~mental health facility policy or rule, possesses at a correctional facility or in a secure area of a~~
2796 ~~mental health facility any:]~~
2797 ~~[(i) spirituous or fermented liquor;]~~
2798 ~~[(ii) medicine, other than medicine provided by the facility's health care providers in~~
2799 ~~compliance with facility policy; or]~~
2800 ~~[(iii) poison in any quantity.]~~
2801 ~~[(d) An individual is guilty of a class A misdemeanor who, with the intent to directly or~~
2802 ~~indirectly provide or sell any tobacco product, electronic cigarette product, or nicotine product~~
2803 ~~to an offender, directly or indirectly:]~~
2804 ~~[(i) transports, delivers, or distributes any tobacco product, electronic cigarette product,~~
2805 ~~or nicotine product to an offender or on the grounds of any correctional facility;]~~
2806 ~~[(ii) solicits, requests, commands, coerces, encourages, or intentionally aids another~~
2807 ~~person to transport any tobacco product, electronic cigarette product, or nicotine product to an~~
2808 ~~offender or on any correctional facility, if the person is acting with the mental state required for~~
2809 ~~the commission of an offense; or]~~
2810 ~~[(iii) facilitates, arranges, or causes the transport of any tobacco product, electronic~~
2811 ~~cigarette product, or nicotine product in violation of this section to an offender or on the~~
2812 ~~grounds of any correctional facility.]~~
2813 ~~[(e) An individual is guilty of a class A misdemeanor who, without the permission of~~
2814 ~~the authority operating the correctional or mental health facility, fails to declare or knowingly~~
2815 ~~possesses at a correctional facility or in a secure area of a mental health facility any:]~~

2816 ~~[(i) spirituous or fermented liquor;]~~

2817 ~~[(ii) medicine; or]~~

2818 ~~[(iii) poison in any quantity.]~~

2819 ~~[(f)(i) Except as provided in Subsection (5)(f)(ii), an individual is guilty of a class B~~
2820 ~~misdemeanor who, without the permission of the authority operating the correctional facility,~~
2821 ~~knowingly engages in any activity that would facilitate the possession of any contraband by an~~
2822 ~~offender in a correctional facility.]~~

2823 ~~[(ii) The provisions of Subsection (5)(d) regarding any tobacco product, electronic~~
2824 ~~cigarette product, or nicotine product take precedence over this Subsection (5)(f).]~~

2825 ~~[(g) (4) (a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged~~
2826 ~~under Section [76-8-311.4](#), [76-8-311.6](#), [76-8-311.7](#), [76-8-311.8](#), [76-8-311.9](#), or [76-8-311.10](#) for~~
2827 ~~a violation of a policy or rule created under this section.~~

2828 ~~(b) An actor who knowingly or intentionally transports, possesses, distributes, or sells~~
2829 ~~an explosive in a correctional facility or a mental health facility may be punished under Section~~
2830 ~~[76-10-306](#).~~

2831 ~~(c) The possession, distribution, or use of a controlled substance at a correctional~~
2832 ~~facility or in a secure area of a mental health facility shall be charged under Title 58, Chapter~~
2833 ~~37, Utah Controlled Substances Act.~~

2834 ~~(5) Exemptions may be granted for worship for Native American inmates pursuant to~~
2835 ~~Section [64-13-40](#).~~

2836 ~~[(6) The possession, distribution, or use of a controlled substance at a correctional~~
2837 ~~facility or in a secure area of a mental health facility shall be prosecuted in accordance with~~
2838 ~~Title 58, Chapter 37, Utah Controlled Substances Act.]~~

2839 ~~[(7) (6) The ~~[department]~~ Department of Corrections shall make rules under Title~~
2840 ~~63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines for providing~~
2841 ~~written notice to visitors that providing any tobacco product, electronic cigarette product, or~~
2842 ~~nicotine product to offenders is a class A misdemeanor.~~

2843 Section 51. Section **76-8-311.4** is enacted to read:

2844 **76-8-311.4. Prohibited item in correctional or mental health facility for use by**
2845 **offender or detainee.**

2846 (1) (a) As used in this section:

- 2847 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
2848 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
2849 (iii) "Mental health facility" means the same as that term is defined in Section
2850 76-8-311.3.
2851 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
2852 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
2853 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
2854 (2) An actor commits prohibited item in correctional or mental health facility for use
2855 by offender or detainee if the actor:
2856 (a) transports a dangerous weapon, ammunition, or implement of escape to or within a
2857 correctional facility, or into a secure area of a mental health facility, with the intent to provide
2858 or sell to an offender or detainee the dangerous weapon, ammunition, or implement of escape;
2859 or
2860 (b) provides or sells a dangerous weapon, ammunition, or implement of escape to:
2861 (i) an offender at a correctional facility; or
2862 (ii) a detainee at a secure area of a mental health facility.
2863 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second
2864 degree felony.
2865 (4) The defenses provided in Section 76-8-311.3 apply to this section.
2866 Section 52. Section **76-8-311.6** is enacted to read:
2867 **76-8-311.6. Possession of prohibited item by offender or detainee in correctional**
2868 **or mental health facility.**
2869 (1) (a) As used in this section:
2870 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.
2871 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.
2872 (iii) "Mental health facility" means the same as that term is defined in Section
2873 76-8-311.3.
2874 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
2875 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
2876 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
2877 (2) An actor commits possession of prohibited item by offender or detainee in

2878 correctional or mental health facility if the actor:

2879 (a) (i) is an offender at a correctional facility; or

2880 (ii) is a detainee at a mental health facility; and

2881 (b) possesses a dangerous weapon, ammunition, or an implement of escape.

2882 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second
2883 degree felony.

2884 (4) The defenses provided in Section 76-8-311.3 apply to this section.

2885 Section 53. Section 76-8-311.7 is enacted to read:

2886 **76-8-311.7. Possession of prohibited item in correctional facility or secure area of**
2887 **mental health facility.**

2888 (1) (a) As used in this section:

2889 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

2890 (ii) "Dangerous weapon" means the same as that term is defined in Section 76-10-501.

2891 (iii) "Mental health facility" means the same as that term is defined in Section

2892 76-8-311.3.

2893 (iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.

2894 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

2895 (2) An actor commits possession of prohibited item in correctional facility or secure
2896 area of mental health facility if the actor, without the permission of the authority operating the
2897 correctional facility or the secure area of a mental health facility, knowingly possesses a
2898 dangerous weapon, ammunition, or implement of escape at a correctional facility or in a secure
2899 area of a mental health facility.

2900 (3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of
2901 Subsection (2) is a third degree felony.

2902 (4) The defenses provided in Section 76-8-311.3 apply to this section.

2903 Section 54. Section 76-8-311.8 is enacted to read:

2904 **76-8-311.8. Prohibited substance in correctional or mental health facility.**

2905 (1) (a) As used in this section:

2906 (i) "Correctional facility" means the same as that term is defined in Section 76-8-311.3.

2907 (ii) "Medicine" means the same as that term is defined in Section 76-8-311.3.

2908 (iii) "Mental health facility" means the same as that term is defined in Section

2909 [76-8-311.3.](#)

2910 (iv) "Offender" means the same as that term is defined in Section [76-8-311.3](#).

2911 (v) "Prohibited substance" means:

2912 (A) spirituous or fermented liquor;

2913 (B) medicine, whether or not lawfully prescribed for an offender or a detainee; or

2914 (C) poison in any quantity.

2915 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2916 (2) An actor commits prohibited substance in a correctional or mental health facility if

2917 the actor:

2918 (a) without the permission of the authority operating the correctional facility or secure
2919 area of a mental health facility:

2920 (i) knowingly transports a prohibited substance to or within a correctional facility or
2921 into a secure area of a mental health facility; or

2922 (ii) fails to declare or knowingly possesses a prohibited substance at a correctional
2923 facility or in a secure area of a mental health facility;

2924 (b) knowingly violates correctional or mental health facility policy or rule by providing
2925 or selling a prohibited substance to an offender at a correctional facility or a detainee within a
2926 secure area of a mental health facility; or

2927 (c) (i) is a detainee in a mental health facility or an offender; and

2928 (ii) in violation of correctional or mental health facility policy or rule, possesses at a
2929 correctional facility or in a secure area of a mental health facility a prohibited substance other
2930 than medicine provided by the facility's health care providers in compliance with facility
2931 policy.

2932 (3) (a) Except as provided in Subsection (4), a violation of Subsection (2)(a)(i), (2)(b),
2933 or (2)(c) is a third degree felony.

2934 (b) Except as provided in Subsection (4), a violation of Subsection (2)(a)(ii) is a class
2935 A misdemeanor.

2936 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.

2937 Section 55. Section **76-8-311.9** is enacted to read:

2938 **76-8-311.9. Prohibited tobacco, electronic cigarette, or nicotine product in a**
2939 **correctional facility.**

- 2940 (1) (a) As used in this section:
- 2941 (i) "Correctional facility" means the same as that term is defined in Section [76-8-311.3](#).
- 2942 (ii) "Electronic cigarette product" means the same as that term is defined in Section
- 2943 [76-10-101](#).
- 2944 (iii) "Nicotine product" means the same as that term is defined in Section [76-10-101](#).
- 2945 (iv) "Offender" means the same as that term is defined in Section [76-8-311.3](#).
- 2946 (v) "Tobacco product" means the same as that term is defined in Section [76-10-101](#).
- 2947 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.
- 2948 (2) An actor commits prohibited tobacco, electronic cigarette, or nicotine product in a
- 2949 correctional facility if the actor, with the intent to directly or indirectly provide or sell a tobacco
- 2950 product, electronic cigarette product, or nicotine product to an offender, directly or indirectly:
- 2951 (a) transports, delivers, or distributes a tobacco product, electronic cigarette product, or
- 2952 nicotine product to an offender or on the grounds of a correctional facility;
- 2953 (b) solicits, requests, commands, coerces, encourages, or intentionally aids another
- 2954 individual to transport a tobacco product, electronic cigarette product, or nicotine product to an
- 2955 offender or on the grounds of a correctional facility, if the other individual is acting with the
- 2956 mental state required for the commission of an offense; or
- 2957 (c) facilitates, arranges, or causes the transport of a tobacco product, electronic
- 2958 cigarette product, or nicotine product in violation of this section or Section [76-8-311.3](#) to an
- 2959 offender or on the grounds of a correctional facility.
- 2960 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class A
- 2961 misdemeanor.
- 2962 (4) The defenses provided in Section [76-8-311.3](#) apply to this section.
- 2963 (5) In accordance with Section [76-10-311.3](#), the Department of Corrections shall make
- 2964 rules under Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish guidelines
- 2965 for providing written notice to visitors that providing a tobacco product, electronic cigarette
- 2966 product, or nicotine product to an offender is a class A misdemeanor.
- 2967 Section 56. Section **76-8-311.10** is enacted to read:
- 2968 **76-8-311.10. Possession of contraband in a correctional facility.**
- 2969 (1) (a) As used in this section:
- 2970 (i) "Contraband" means an item not specifically prohibited for possession by an

2971 offender under this section or Section [76-8-311.3](#), [76-8-311.4](#), [76-8-311.6](#), [76-8-311.7](#),
2972 [76-8-311.8](#), or [76-8-311.9](#).

2973 (ii) "Correctional facility" means the same as that term is defined in Section
2974 [76-8-311.3](#).

2975 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2976 (2) An actor commits possession of contraband in a correctional facility if the actor,
2977 without the permission of the authority operating a correctional facility, knowingly engages in
2978 an activity that would facilitate the possession of contraband by an offender in the correctional
2979 facility.

2980 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B
2981 misdemeanor.

2982 (4) (a) The possession, distribution, or use of a controlled substance at a correctional
2983 facility shall be prosecuted in accordance with Title 58, Chapter 37, Utah Controlled
2984 Substances Act.

2985 (b) The provisions of Section [76-8-311.9](#) take precedence over this section.

2986 (c) The defenses provided in Section [76-8-311.3](#) apply to this section.

2987 Section 57. Section **76-8-312** is amended to read:

2988 **76-8-312. Unlawful absence after pretrial release.**

2989 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

2990 (2) ~~[A person is guilty of an offense when having]~~ An actor commits unlawful absence
2991 after pretrial release if the actor:

2992 (a) ~~has been [released on bail or on his own recognizance]~~ granted pretrial release by
2993 court order or by other lawful authority upon condition that ~~[he]~~ the actor subsequently appear
2994 personally upon a charge of an offense~~[-he];~~ and

2995 (b) fails without just cause to appear at the time and place ~~[which]~~ that have been
2996 lawfully designated for ~~[his]~~ the actor's appearance.

2997 ~~[(2) An offense under this section is a felony of the third degree when the offense~~
2998 ~~charged is a felony, a class B misdemeanor when the offense charged is a misdemeanor, and an~~
2999 ~~infraction when the offense charged is an infraction.]~~

3000 (3) A violation of Subsection (2) is:

3001 (a) a third degree felony if the offense for which the actor failed to appear is a felony;

3002 (b) a class B misdemeanor if the offense for which the actor failed to appear is a
 3003 misdemeanor; or

3004 (c) an infraction if the offense for which the actor failed to appear is an infraction.

3005 Section 58. Section **76-8-313** is amended to read:

3006 **76-8-313. Threatened or attempted assault on an elected official.**

3007 (1) (a) As used in this section, "elected official" means:

3008 (i) an elected official of the state, county, or city;

3009 (ii) an immediate family member of an individual described in Subsection (1)(a)(i);

3010 (iii) a temporary judge appointed to fill a vacant judicial position;

3011 (iv) a judge not yet retained by a retention election;

3012 (v) a member of a school board; or

3013 (vi) an individual appointed to fill a vacant position of an individual described in

3014 Subsection (1)(a)(i).

3015 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3016 (2) [A person] An actor commits threatened or attempted assault on an elected official
 3017 [when he] if the actor attempts or threatens, irrespective of a showing of immediate force or
 3018 violence, to inflict bodily injury [to the] on an elected official with the intent to impede,
 3019 intimidate, or interfere with the elected official in the performance of [his] the elected official's
 3020 official duties or with the intent to retaliate against the elected official because of the
 3021 performance of [his] the elected official's official duties.

3022 (3) (a) Except as provided by Subsection (3)(b), a violation of Subsection (2) is a class
 3023 B misdemeanor.

3024 (b) A violation of Subsection (2) is a third degree felony if:

3025 (i) the actor attempts to inflict bodily injury; or

3026 (ii) the elected official receives bodily injury.

3027 Section 59. Section **76-8-316** is amended to read:

3028 **76-8-316. Threat with intent to impede, intimidate, interfere, or retaliate against**
 3029 **a judge or member of the Board of Pardons and Parole or acting against a family**
 3030 **member of a judge or a member of the Board of Pardons and Parole.**

3031 (1) (a) As used in this section:

3032 ~~(a)~~ (i) "Board member" means an appointed member of the Board of Pardons and

3033 Parole.

3034 ~~[(b)]~~ (ii) "Family member" means ~~[parents,]~~ a parent, spouse, surviving spouse,
3035 ~~[children, and siblings]~~ child, or sibling of a judge or board member.

3036 ~~[(c)]~~ (iii) "Judge" means ~~[judges of all courts of record and courts not of record and~~
3037 ~~court commissioners.];~~

3038 (A) a judge of a court of record;

3039 (B) a judge of a court not of record; or

3040 (C) a court commissioner.

3041 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3042 ~~(2) [A person is guilty of a third degree felony if the person]~~ An actor commits threat
3043 with intent to impede, intimidate, interfere, or retaliate against a judge, board member, or
3044 family member if the actor threatens to assault, kidnap, or murder a judge, [a family member of
3045 a judge,] a board member, or a family member [of a board member] with the intent to impede,
3046 intimidate, or interfere with the judge or board member while engaged in the performance of
3047 the judge's or board member's official duties or with the intent to retaliate against the judge or
3048 board member on account of the performance of those official duties.

3049 (3) A violation of Subsection (2) is a third degree felony.

3050 ~~[(3) A person is guilty of a second degree felony if the person commits an assault on a~~
3051 ~~judge, a family member of a judge, a board member, or a family member of a board member~~
3052 ~~with the intent to impede, intimidate, or interfere with the judge or board member while~~
3053 ~~engaged in the performance of the judge's or board member's official duties, or with the intent~~
3054 ~~to retaliate against the judge or board member on account of the performance of those official~~
3055 ~~duties.]~~

3056 ~~[(4) A person is guilty of a first degree felony if the person commits aggravated assault~~
3057 ~~on a judge, a family member of a judge, a board member, or a family member of a board~~
3058 ~~member with the intent to impede, intimidate, or interfere with the judge or board member~~
3059 ~~while engaged in the performance of the judge's or board member's official duties or with the~~
3060 ~~intent to retaliate against the judge or board member on account of the performance of those~~
3061 ~~official duties.]~~

3062 ~~[(5) A person is guilty of a first degree felony if the person commits attempted murder~~
3063 ~~on a family member of a judge or a family member of a board member with the intent to~~

3064 ~~impede, intimidate, or interfere with the judge or board member while engaged in the~~
3065 ~~performance of the judge's or board member's official duties or with the intent to retaliate~~
3066 ~~against the judge or board member on account of the performance of those official duties.]~~

3067 ~~[(6) A member of the Board of Pardons and Parole is an executive officer for purposes~~
3068 ~~of Subsection 76-5-202(2)(a)(xiii).]~~

3069 Section 60. Section **76-8-316.2** is enacted to read:

3070 **76-8-316.2. Assault with intent to impede, intimidate, interfere, or retaliate**
3071 **against a judge or member of the Board of Pardons and Parole or acting against a family**
3072 **member of a judge or a member of the Board of Pardons and Parole.**

3073 (1) (a) As used in this section:

3074 (i) "Board member" means the same as that term is defined in Section [76-8-316](#).

3075 (ii) "Family member" means the same as that term is defined in Section [76-8-316](#).

3076 (iii) "Judge" means the same as that term is defined in Section [76-8-316](#).

3077 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3078 (2) An actor commits assault with intent to impede, intimidate, interfere, or retaliate
3079 against a judge, board member, or family member if the actor commits an assault on a judge, a
3080 board member, or a family member with the intent to impede, intimidate, or interfere with the
3081 judge or board member while engaged in the performance of the judge's or board member's
3082 official duties, or with the intent to retaliate against the judge or board member on account of
3083 the performance of those official duties.

3084 (3) A violation of Subsection (2) is a second degree felony.

3085 Section 61. Section **76-8-316.4** is enacted to read:

3086 **76-8-316.4. Aggravated assault with intent to impede, intimidate, interfere, or**
3087 **retaliate against a judge or member of the Board of Pardons and Parole or acting against**
3088 **a family member of a judge or a member of the Board of Pardons and Parole.**

3089 (1) (a) As used in this section:

3090 (i) "Board member" means the same as that term is defined in Section [76-8-316](#).

3091 (ii) "Family member" means the same as that term is defined in Section [76-8-316](#).

3092 (iii) "Judge" means the same as that term is defined in Section [76-8-316](#).

3093 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3094 (2) An actor commits aggravated assault with intent to impede, intimidate, interfere, or

3095 retaliate against a judge, board member, or family member if the actor commits aggravated
3096 assault on a judge, a board member, or a family member with the intent to impede, intimidate,
3097 or interfere with the judge or board member while engaged in the performance of the judge's or
3098 board member's official duties, or with the intent to retaliate against the judge or board member
3099 on account of the performance of those official duties.

3100 (3) A violation of Subsection (2) is a first degree felony.

3101 Section 62. Section **76-8-316.6** is enacted to read:

3102 **76-8-316.6. Attempted murder with intent to impede, intimidate, interfere, or**
3103 **retaliate against a judge or member of the Board of Pardons and Parole or acting against**
3104 **a family member of a judge or a member of the Board of Pardons and Parole.**

3105 (1) (a) As used in this section:

3106 (i) "Board member" means the same as that term is defined in Section [76-8-316](#).

3107 (ii) "Family member" means the same as that term is defined in Section [76-8-316](#).

3108 (iii) "Judge" means the same as that term is defined in Section [76-8-316](#).

3109 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3110 (2) An actor commits attempted murder with intent to impede, intimidate, interfere, or
3111 retaliate against a judge, board member, or family member if the actor commits attempted
3112 murder on a judge, a board member, or a family member with the intent to impede, intimidate,
3113 or interfere with the judge or board member while engaged in the performance of the judge's or
3114 board member's official duties, or with the intent to retaliate against the judge or board member
3115 on account of the performance of those official duties.

3116 (3) A violation of Subsection (2) is a first degree felony.

3117 (4) A member of the Board of Pardons and Parole is an executive officer for purposes
3118 of Subsection [76-5-202\(2\)\(a\)\(xiii\)](#).

3119 Section 63. Section **76-8-317** is amended to read:

3120 **76-8-317. Refusal to comply with an order to evacuate or order issued in a local**
3121 **or state emergency.**

3122 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3123 (2) [A person may not refuse to] An actor commits refusal to comply with an order to
3124 evacuate or order issued in a local or state emergency if the actor:

3125 (a) receives notice of:

3126 (i) an order to evacuate issued under ~~[this chapter or refuse to comply with any other]~~
 3127 Title 53, Chapter 2a, Emergency Management Act; or

3128 (ii) an order issued:

3129 (A) by the governor in a state of an emergency under Section 53-2a-204; or

3130 (B) by a chief executive officer in a local emergency under Section 53-2a-205~~;~~
 3131 ~~notice of the order has been given to that person.]; and~~

3132 (b) refuses to comply with the order described in Subsection (2)(a).

3133 ~~[(2)] (3) [A person who violates this section is guilty of]~~ A violation of Subsection (2)
 3134 is a class B misdemeanor.

3135 Section 64. Section **76-8-318** is amended to read:

3136 **76-8-318. Assault or threat of violence against child welfare worker.**

3137 (1) (a) As used in this section:

3138 ~~[(a)] (i)~~ "Assault" means ~~[the same as that term is defined in]~~ an offense under Section
 3139 76-5-102.

3140 ~~[(b)] (ii)~~ "Child welfare worker" means an employee of the Division of Child and
 3141 Family Services created in Section 80-2-201.

3142 ~~[(c)] (iii)~~ "Threat of violence" means ~~[the same as that term is defined in]~~ an offense
 3143 under Section 76-5-107.

3144 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3145 (2) ~~[An individual who commits an assault or threat of violence against a child welfare~~
 3146 ~~worker is guilty of a class A misdemeanor]~~ An actor commits assault or threat of violence
 3147 against child welfare worker if:

3148 (a) the ~~[individual]~~ actor is not:

3149 (i) a prisoner or an individual detained under Section 77-7-15; or

3150 (ii) a minor in the custody of or receiving services from a division within the
 3151 Department of Health and Human Services;

3152 (b) the ~~[individual]~~ actor knew that the victim was a child welfare worker; and

3153 (c) the child welfare worker was acting within the scope of the child welfare worker's
 3154 authority at the time of the assault or threat of violence.

3155 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
 3156 A misdemeanor.

3157 ~~(b) [An individual who violates this section is guilty of]~~ A violation of Subsection (2)
3158 is a third degree felony if the [individual] actor:

3159 ~~[(a)]~~ (i) causes substantial bodily injury~~[, as defined in Section 76-1-101.5];~~ and
3160 ~~[(b)]~~ (ii) acts intentionally or knowingly.

3161 Section 65. Section **76-8-319**, which is renumbered from Section 76-8-311.5 is
3162 renumbered and amended to read:

3163 ~~[76-8-311.5].~~ **76-8-319. Aiding or concealing an adjudicated minor --**
3164 **Trespass of a secure care facility -- Criminal penalties.**

3165 (1) (a) As used in this section:

3166 ~~[(a)]~~ (i) "Abscond from a facility" means an adjudicated minor:

3167 (A) leaves a facility without permission; or

3168 (B) fails to return at a prescribed time.

3169 (ii) "Abscond from supervision" means an adjudicated minor:

3170 (A) changes the adjudicated minor's residence from the residence that the adjudicated
3171 minor reported to the division as the adjudicated minor's correct address to another residence,
3172 without notifying the division or obtaining permission; or

3173 (B) for the purpose of avoiding supervision:

3174 (I) hides at a different location from the adjudicated minor's reported residence; or

3175 (II) leaves the adjudicated minor's reported residence.

3176 (iii) "Adjudicated minor" means the same as the term "minor" is defined in Section
3177 80-6-501.

3178 (iv) "Division" means the Division of Juvenile Justice Services created in Section
3179 80-5-103.

3180 (v) "Facility" means the same as the term "detention facility" is defined in Section
3181 80-1-102.

3182 ~~[(b)]~~ "Juvenile offender" means the same as that term is defined in Section 80-1-102.]

3183 ~~[(c)]~~ (vi) "Secure care" means the same as that term is defined in Section 80-1-102.

3184 ~~[(d)]~~ (vii) "Secure care facility" means the same as that term is defined in Section
3185 80-1-102.

3186 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3187 ~~[(2) An individual who commits any of the following offenses is guilty of a class A~~

3188 misdemeanor:]

3189 ~~[(a) entering, or attempting to enter, a building or enclosure appropriated to the use of~~
3190 ~~juvenile offenders, without permission;]~~

3191 ~~[(b) entering any premises belonging to a secure care facility and committing or~~
3192 ~~attempting to commit a trespass or damage on the premises of a secure care facility; or]~~

3193 ~~[(c) willfully annoying or disturbing the peace and quiet of a secure care facility or of a~~
3194 ~~juvenile offender in a secure care facility.]~~

3195 ~~[(3)]~~ (2) An ~~[individual is guilty of a third degree felony who]~~ an actor commits aiding
3196 or concealing an adjudicated minor if the actor:

3197 (a) knowingly harbors or conceals ~~[a juvenile offender]~~ an adjudicated minor who has:

3198 (i) escaped from secure care; or

3199 (ii) ~~[as described in Subsection (4);]~~ absconded from:

3200 (A) a facility or supervision; or

3201 (B) supervision of the division; or

3202 (b) willfully aided or assisted ~~[a juvenile offender]~~ an adjudicated minor who has been
3203 lawfully committed to a secure care facility in escaping or attempting to escape from the secure
3204 care facility.

3205 ~~[(4) As used in this section:]~~

3206 ~~[(a) a juvenile offender absconds from a facility under this section when the juvenile~~
3207 ~~offender:]~~

3208 ~~[(i) leaves the facility without permission; or]~~

3209 ~~[(ii) fails to return at a prescribed time.]~~

3210 ~~[(b) A juvenile offender absconds from supervision when the juvenile offender:]~~

3211 ~~[(i) changes the juvenile offender's residence from the residence that the juvenile~~
3212 ~~offender reported to the division as the juvenile offender's correct address to another residence;~~
3213 ~~without notifying the division or obtaining permission; or]~~

3214 ~~[(ii) for the purpose of avoiding supervision:]~~

3215 ~~[(A) hides at a different location from the juvenile offender's reported residence; or]~~

3216 ~~[(B) leaves the juvenile offender's reported residence.]~~

3217 (3) A violation of Subsection (2) is a third degree felony.

3218 Section 66. Section **76-8-320** is enacted to read:

3219 **76-8-320. Trespass of a secure care facility.**

3220 (1) (a) As used in this section:

3221 (i) "Juvenile offender" means the same as that term is defined in Section 76-8-311.5.

3222 (ii) "Secure care facility" means the same as that term is defined in Section 76-8-311.5.

3223 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3224 (2) An actor commits trespass of a secure care facility if the actor:

3225 (a) without permission, enters or attempts to enter a building or enclosure appropriated
3226 to the use of juvenile offenders;

3227 (b) (i) enters any premises belonging to a secure care facility; and

3228 (ii) commits or attempts to commit a trespass or damage on the premises of the secure
3229 care facility; or

3230 (c) willfully annoys or disturbs the peace and quiet of:

3231 (i) a secure care facility; or

3232 (ii) of a juvenile offender in a secure care facility.

3233 (3) A violation of Subsection (2) is a class A misdemeanor.

3234 Section 67. Section **76-8-402** is amended to read:

3235 **76-8-402. Misusing public money or public property -- Disqualification from**
3236 **office.**

3237 (1) (a) As used in this section, "authorized personal use" means:

3238 ~~[(a)]~~ (i) the use of public property, for a personal matter, by ~~[a]~~ an actor who is a public
3239 servant if:

3240 ~~[(i)]~~ (A) the ~~[public servant]~~ actor is authorized to use or possess the public property to
3241 fulfill the [public servant's] actor's duties as a public servant;

3242 ~~[(ii)]~~ (B) the primary purpose of the ~~[public servant]~~ actor using or possessing the
3243 public property is to fulfill the [public servant's] actor's duties as a public servant;

3244 ~~[(iii)]~~ (C) at the time the ~~[public servant]~~ actor uses the public property for a personal
3245 matter, a written policy of the [public servant's] actor's public entity is in effect that authorizes
3246 the [public servant] actor to use or possess the public property for personal use in addition to
3247 the primary purpose of fulfilling the [public servant's] actor's duties as a public servant; and

3248 ~~[(iv)]~~ (D) the ~~[public servant]~~ actor uses and possesses the public property in a lawful
3249 manner and in accordance with the policy described in Subsection ~~[(+)(a)(iii)];~~ (1)(a)(i)(C); or

3250 ~~[(b)]~~ (ii) incidental or de minimus use of public property for a personal matter by [~~a~~
3251 ~~public servant,~~] an actor who is a public servant if:

3252 ~~[(i)]~~ (A) the value provided to the [~~public servant's~~] actor's public entity by the [~~public~~
3253 ~~servant's~~] actor's use or possession of the public property for a public purpose substantially
3254 outweighs the personal benefit received by the [~~employee~~] actor from the incidental use of the
3255 public property for a personal matter; and

3256 ~~[(ii)]~~ (B) the incidental or de minimus use of the public property for a personal matter
3257 is not prohibited by law or by the [~~public servant's~~] actor's public entity.

3258 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3259 (2) ~~[It is unlawful for a public servant to]~~ An actor commits misusing public money or
3260 public property if the actor is a public servant and knowingly:

3261 (a) [~~appropriate~~] appropriates public money to the [~~public servant's~~] actor's own use or
3262 benefit or to the use or benefit of another person without authority of law;

3263 (b) [~~loan or transfer~~] loans or transfers public money without authority of law;

3264 (c) [~~fail~~] fails to keep public money in the [~~public servant's~~] actor's possession until
3265 disbursed by authority of law;

3266 (d) [~~deposit~~] deposits public money in a bank or with another person in violation of the
3267 written policy of the [~~public servant's~~] actor's public entity or the requirements of law;

3268 (e) [~~keep~~] keeps a false account or [~~make~~] makes a false entry or erasure in an account
3269 of, or relating to, public money;

3270 (f) fraudulently [~~alter, falsify, conceal, or destroy~~] alters, falsifies, conceals, or destroys
3271 an account described in Subsection (2)(e);

3272 (g) [~~refuse or omit~~] refuses or omits to pay over, on demand, any public money in the
3273 [~~public servant's~~] actor's custody or control, upon the presentation of a draft, order, or warrant
3274 drawn upon the public money by competent authority;

3275 (h) [~~omit~~] omits to transfer public money when the transfer is required by law;

3276 (i) [~~omit or refuse~~] omits or refuses to pay over, to [~~any~~] an officer or person
3277 authorized by law to receive public money, public money received by the [~~public servant~~] actor
3278 under any duty imposed on the [~~public servant~~] actor by law;

3279 (j) [~~damage or dispose~~] damages or disposes of public property in violation of the
3280 written policy of the [~~public servant's~~] actor's public entity or the requirements of law;

3281 (k) [~~obtain or exercise~~] obtains or exercises unauthorized control of public property
 3282 with the intent to deprive the owner of possession of the public property;

3283 (l) [~~obtain or exercise~~] obtains or exercises unauthorized control of public property
 3284 with the intent to temporarily appropriate, possess, use, or deprive the owner of possession of
 3285 the public property;

3286 (m) [~~appropriate~~] appropriates public property to the [~~public servant's~~] actor's own use
 3287 or benefit or to the use or benefit of another person without authority of law;

3288 (n) [~~loan or transfer~~] loans or transfers public property without authority of law; or

3289 (o) [~~fail~~] fails to keep public property in the [~~public servant's~~] actor's possession until
 3290 returned to the property owner[;] or disposed of or relinquished[;] in accordance with the
 3291 written policy of the [~~public servant's~~] actor's public entity and the requirements of law.

3292 (3) (a) Except as provided [~~in Subsection (4)~~] by Subsection (3)(b), a violation of
 3293 Subsections (2)(a) through (i) is a third degree felony [~~of the third degree~~].

3294 [~~(4)~~] (b) A violation of Subsections (2)(a) through (i) is a second degree felony [~~of the~~
 3295 second degree] if:

3296 [(a)] (i) the value of the public money exceeds \$5,000;

3297 [(b)] (ii) the amount of the false account exceeds \$5,000;

3298 [(c)] (iii) the amount falsely entered exceeds \$5,000;

3299 [(d)] (iv) the amount that is the difference between the original amount and the
 3300 fraudulently altered amount exceeds \$5,000; or

3301 [(e)] (v) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the
 3302 account exceeds \$5,000.

3303 [(5)] (c) A violation of Subsection (2)(j) is:

3304 [(a)] (i) a class B misdemeanor[;] if the cost to repair or replace the public property is
 3305 less than \$500;

3306 [(b)] (ii) a class A misdemeanor[;] if the cost to repair or replace the public property is
 3307 \$500 or more, but less than \$1,500;

3308 [(c)] (iii) a third degree felony [~~of the third degree~~,] if the cost to repair or replace the
 3309 public property is \$1,500 or more, but less than \$5,000; or

3310 [(d)] (iv) a second degree felony [~~of the second degree~~,] if the cost to repair or replace
 3311 the public property is \$5,000 or more.

3312 ~~[(6)]~~ (d) A violation of Subsection (2)(k), (m), (n), or (o) is:

3313 ~~[(a)]~~ (i) a class B misdemeanor~~;~~ if the value of the public property is less than \$500;

3314 ~~[(b)]~~ (ii) a class A misdemeanor~~;~~ if the value of the public property is \$500 or more,

3315 but less than \$1,500;

3316 ~~[(c)]~~ (iii) a third degree felony ~~[of the third degree;]~~ if the value of the public property

3317 is \$1,500 or more, but less than \$5,000; or

3318 ~~[(d)]~~ (iv) a second degree felony ~~[of the second degree;]~~ if the value of the public

3319 property is \$5,000 or more.

3320 ~~[(7)]~~ (e) A violation of Subsection (2)(l) is:

3321 ~~[(a)]~~ (i) a class C misdemeanor~~;~~ if the value of the public property is less than \$500;

3322 ~~[(b)]~~ (ii) a class B misdemeanor~~;~~ if the value of the public property is \$500 or more,

3323 but less than \$1,500;

3324 ~~[(c)]~~ (iii) a class A misdemeanor~~;~~ if the value of the public property is \$1,500 or

3325 more, but less than \$5,000; or

3326 ~~[(d)]~~ (iv) a third degree felony ~~[of the third degree;]~~ if the value of the public property

3327 is \$5,000 or more.

3328 ~~[(8) In addition to the penalty described in Subsections (3) through (7), a public officer~~

3329 ~~who is convicted of a felony violation of Subsection (2):]~~

3330 ~~[(a) is subject to the penalties described in Section 76-8-404, and]~~

3331 ~~[(b) may not disburse public funds or access public accounts.]~~

3332 ~~[(9) (a) A public servant is not guilty of a violation of Subsections (2)(j) through (o)]~~

3333 ~~[for authorized personal use of public property].~~

3334 ~~[(10)]~~ (4) It is not a defense to a violation of Subsection (2) that:

3335 (a) subsequent to the violation, a public entity modifies or adopts a policy or law, or

3336 takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a

3337 violation; or

3338 (b) a written policy of the ~~[public servant's]~~ actor's public entity permits private use of

3339 the public property if it is proven, beyond a reasonable doubt, that the ~~[public servant]~~ actor did

3340 not comply with the written policy.

3341 (5) Subsections (2)(j) through (2)(o) do not apply to the authorized personal use of

3342 public property.

3343 (6) In addition to the punishment described in Subsection (3), an actor who:
 3344 (a) is convicted of a felony offense under this section may not disburse public funds or
 3345 access public accounts; or

3346 (b) is a public officer and is convicted of a felony offense under this section is
 3347 disqualified from holding public office if:

3348 (i) regardless of whether the public officer receives, safekeeps, transfers, disburses, or
 3349 has a fiduciary relationship with public money, the public officer makes a profit from or out of
 3350 public money or public property; or

3351 (ii) the public officer uses public money or public property in a manner or for a
 3352 purpose not authorized by law.

3353 Section 68. Section **76-8-403** is amended to read:

3354 **76-8-403. Failure to keep and pay over public money.**

3355 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3356 (2) Except as otherwise provided in Subsection [76-8-402(4), a person who]

3357 76-8-402(3)(b), an actor commits failure to keep and pay over public money if the actor:

3358 (a) receives, safekeeps, transfers, or disburses public money [who]; and

3359 (b) neglects or fails to keep and pay over the public money in the manner prescribed by
 3360 law [is guilty of a felony of the third degree].

3361 (3) A violation of Subsection (2) is a third degree felony.

3362 Section 69. Section **76-8-405** is amended to read:

3363 **76-8-405. Failure to pay over a fine, forfeiture, or fee.**

3364 [Every public officer who]

3365 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3366 (2) An actor commits failure to pay over a fine, forfeiture, or fee if the actor:

3367 (a) is a public officer;

3368 (b) receives any fine, forfeiture, or fee; and

3369 (c) refuses or neglects to pay [it] over the fine, forfeiture, or fee within the time
 3370 prescribed by law [is guilty of a class B misdemeanor].

3371 (3) A violation of Subsection (2) is a class B misdemeanor.

3372 Section 70. Section **76-8-406** is amended to read:

3373 **76-8-406. Obstructing the collection of revenue.**

3374 ~~[Every person who]~~

3375 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3376 (2) An actor commits obstructing the collection of revenue if the actor willfully
3377 obstructs or hinders [any] a public officer who is empowered by law to collect revenue, taxes,
3378 or other sums of money from collecting [any] revenue, taxes, or other sums of money in which
3379 [the people of this state are interested, and which such officer is by law empowered to collect,
3380 is guilty of a class B misdemeanor] this state is interested.

3381 (3) A violation of Subsection (2) is a class B misdemeanor.

3382 Section 71. Section ~~76-8-407~~ is amended to read:

3383 **76-8-407. Refusing to give accurate tax assessment information.**

3384 ~~[Every person who]~~

3385 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3386 (2) An actor commits refusing to give accurate tax assessment information if the actor:

3387 (a) unlawfully refuses, upon demand, to give to [any] a county assessor or deputy
3388 county assessor a list of [his] the actor's property subject to taxation, or to swear to such list[;];
3389 or [who]

3390 (b) gives a false name, or fraudulently refuses to give [his] the actor's true name when
3391 demanding by the county assessor or deputy county assessor in the discharge of [his] the
3392 assessor's official duties[; is guilty of a class B misdemeanor].

3393 (3) A violation of Subsection (2) is a class B misdemeanor.

3394 Section 72. Section ~~76-8-408~~ is amended to read:

3395 **76-8-408. Giving a false tax receipt or failing to give a receipt.**

3396 ~~[Every person who]~~

3397 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3398 (2) An actor commits giving a false tax receipt or failing to give a receipt if the actor:

3399 (a) uses or gives [any] a receipt, except that prescribed by law, as evidence of the
3400 payment for [any] a tax or license of any kind[;]; or [who]

3401 (b) receives payment for the tax or license without delivering the receipt prescribed by
3402 law[; is guilty of a class B misdemeanor].

3403 (3) A violation of Subsection (2) is a class B misdemeanor.

3404 Section 73. Section ~~76-8-409~~ is amended to read:

3405 **76-8-409. Refusing to give a tax assessor or tax or license fee collector a list of**
 3406 **employees.**

3407 ~~[Every person who, when requested by the assessor or collector of taxes or license~~
 3408 ~~fees,]~~

3409 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3410 (2) An actor commits refusing to give a tax assessor or tax or license fee collector a list
 3411 of employees if the actor refuses to give [to] the assessor or collector the name and residence of
 3412 each [person in his employ, or to give the assessor or collector access to the building or place
 3413 of employment, is guilty of a class B misdemeanor.] individual in the actor's employ when
 3414 requested by the assessor or collector.

3415 (3) A violation of Subsection (2) is a class B misdemeanor.

3416 Section 74. Section **76-8-409.2** is enacted to read:

3417 **76-8-409.2. Denying a tax assessor or tax or license fee collector access to a**
 3418 **building or place of employment.**

3419 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3420 (2) An actor commits denying a tax assessor or tax or license fee collector access to a
 3421 building or place of employment if the actor refuses to give the assessor or collector access to
 3422 the building or place of employment when access is requested by the assessor or collector.

3423 (3) A violation of Subsection (2) is a class B misdemeanor.

3424 Section 75. Section **76-8-410** is amended to read:

3425 **76-8-410. Doing business without a license.**

3426 ~~[Every person who]~~

3427 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

3428 (2) An actor commits doing business without a license if the actor commences or
 3429 carries on [any] a business, trade, profession, or calling, for [the transaction or carrying on of]
 3430 which a license is required by [any] law, or by [any] county, city, or town ordinance, without
 3431 [taking out the] obtaining the required license [required by law or ordinance is guilty of a class
 3432 B misdemeanor].

3433 (3) A violation of Subsection (2) is a class B misdemeanor.

3434 Section 76. Section **76-8-411** is amended to read:

3435 **76-8-411. Trafficking in warrants.**

3436 ~~[No state,]~~

3437 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3438 (2) An actor commits trafficking in warrants if the actor:

3439 (a) is a state, county, city, town, or district officer; and

3440 (b) ~~[shall, either directly or indirectly, contract for or purchase any]~~ directly or
3441 indirectly contracts for or purchases a warrant or order issued by the state, county, city, town,
3442 or district of which ~~[he]~~ the actor is an officer, at any discount whatever upon the sum due on
3443 the warrant or order~~[, and, if any state, county, city, town, or district officer shall so contract for~~
3444 or purchase any such order or warrant on a discount, he is guilty of a class B misdemeanor].

3445 (3) A violation of Subsection (2) is a class B misdemeanor.

3446 Section 77. Section **76-8-412** is amended to read:

3447 **76-8-412. Stealing, destroying or mutilating public records by custodian.**

3448 ~~[Every officer having the custody of any record, map, or book, or of any paper or~~
3449 ~~proceedings of any court, filed or deposited in any public office, or placed in his hands for any~~
3450 ~~purpose, who is guilty of stealing, willfully destroying, mutilating, defacing, altering,~~
3451 ~~falsifying, removing, or secreting the whole or any part thereof, or who permits any other~~
3452 ~~person so to do, is guilty of a felony of the third degree.]~~

3453 (1) (a) As used in this section, "public record" means the following records filed or
3454 deposited in a public office:

3455 (i) a record;

3456 (ii) a map;

3457 (iii) a book; or

3458 (iv) a paper or proceeding of a court.

3459 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3460 (2) An actor commits stealing, destroying, or mutilating a public record by a custodian
3461 if the actor:

3462 (a) is a government officer who has custody of a public record; and

3463 (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secrets the
3464 whole or a part of the public record or permits another individual to do so.

3465 (3) A violation of Subsection (2) is a third degree felony.

3466 Section 78. Section **76-8-413** is amended to read:

3467 **76-8-413. Stealing, destroying or mutilating public records by one not custodian.**

3468 [~~Every person, not an officer such as is referred to in the preceding section, who is~~
3469 ~~guilty of any of the acts specified in that section is guilty of a class A misdemeanor.~~]

3470 (1) (a) As used in this section, "public record" means the same as that term is defined
3471 in Section 76-8-412.

3472 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3473 (2) An actor commits stealing, destroying, or mutilating a public record by a
3474 noncustodian if the actor:

3475 (a) does not have lawful custody of a public record; and

3476 (b) steals, willfully destroys, mutilates, defaces, alters, falsifies, removes, or secretes the
3477 whole or a part of the public record or permits another individual to do so.

3478 (3) A violation of Subsection (2) is a class A misdemeanor.

3479 Section 79. Section **76-8-414** is amended to read:

3480 **76-8-414. Recording a false or forged instrument.**

3481 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3482 (2) [~~Every person who~~] An actor commits recording a false or forged instrument if the
3483 actor knowingly procures or offers [~~any~~] a false or forged instrument to be filed, registered, or
3484 recorded in [~~any~~] a public office, which instrument, if genuine, might be filed or registered or
3485 recorded under [~~any~~] a law of this state or of the United States[~~, is guilty of a felony of the third~~
3486 degree].

3487 (3) A violation of Subsection (2) is a third degree felony.

3488 Section 80. Section **76-8-415** is amended to read:

3489 **76-8-415. Damaging or removing a monument of an official survey.**

3490 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3491 (2) [~~Every person who~~] An actor commits damaging or removing a monument of an
3492 official survey if the actor willfully injures, defaces, or removes [~~any~~] a signal, monument,
3493 building, or appurtenance thereto, placed, erected, or used by persons engaged in the United
3494 States or state survey [~~is guilty of a class B misdemeanor~~].

3495 (3) A violation of Subsection (2) is a class B misdemeanor.

3496 Section 81. Section **76-8-416** is amended to read:

3497 **76-8-416. Taking a toll or maintaining a road, bridge, or ferry without authority.**

3498 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3499 (2) ~~[Any person who]~~ An actor commits taking a toll or maintaining a road, bridge, or
 3500 ferry without authority if the actor, without authority:

3501 (a) demands or receives compensation for the use of ~~[any]~~ a bridge or ferry~~;~~; or ~~[who]~~

3502 (b) sets up or keeps ~~[any]~~ a road, bridge, ~~[or]~~ ferry, or constructed ford, for the purpose
 3503 of receiving remuneration for ~~[its]~~ the road's, bridge's, ferry's, or constructed ford's use ~~[without~~
 3504 authority of law; and any person who refuses to pay on demand the compensation or fee
 3505 authorized to be collected for use of a licensed toll road, bridge, ferry, or constructed ford after
 3506 having used it is guilty of a class B misdemeanor].

3507 (3) A violation of Subsection (2) is a class B misdemeanor.

3508 Section 82. Section ~~76-8-416.2~~ is enacted to read:

3509 **76-8-416.2. Refusal to pay a lawful toll.**

3510 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3511 (2) An actor commits refusal to pay a lawful toll if the actor, after having used a
 3512 licensed toll road, bridge, ferry, or constructed ford, refuses to pay on demand the
 3513 compensation or fee authorized to be collected for use of the licensed toll road, bridge, ferry, or
 3514 constructed ford.

3515 (3) A violation of Subsection (2) is a class B misdemeanor.

3516 Section 83. Section ~~76-8-417~~ is amended to read:

3517 **76-8-417. Tampering with an official notice or proclamation.**

3518 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3519 (2) ~~[Every person who]~~ An actor commits tampering with an official notice or
 3520 proclamation if the actor intentionally defaces, obliterates, tears down, or destroys:

3521 (a) ~~[any]~~ a copy, ~~[or]~~ transcript, or extract from or of ~~[any]~~ a law of the United States or
 3522 of this state~~;~~; or

3523 (b) ~~[any]~~ a proclamation, advertisement, or notice, set up ~~[at any place]~~ in this state by
 3524 authority of ~~[any]~~ a law of the United States or of this state, or by order of ~~[any]~~ a court or of
 3525 ~~[any]~~ a public officer, before the expiration of the time for which the ~~[same]~~ proclamation,
 3526 advertisement, or notice was to remain set up~~;~~ is guilty of an infraction].

3527 (3) A violation of Subsection (2) is an infraction.

3528 Section 84. Section ~~76-8-418~~ is amended to read:

3529 **76-8-418. Damaging a jail or other place of confinement.**

3530 (1) (a) As used in this section:

3531 ~~[(a)]~~ (i) "Child" means the same as that term is defined in Section 80-1-102.

3532 ~~[(b)]~~ (ii) "Detention facility" means the same as that term is defined in Section

3533 80-1-102.

3534 ~~[(c)]~~ (iii) "Secure care facility" means the same as that term is defined in Section

3535 80-1-102.

3536 ~~[(d)]~~ (iv) "Shelter facility" means the same as that term is defined in Section 80-1-102.

3537 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3538 (2) ~~[A person who]~~ An actor commits damaging a jail or other place of confinement if

3539 the actor willfully and intentionally breaks down, pulls down, destroys, floods, or otherwise

3540 damages [any] a public jail or other place of confinement, including a detention facility, a

3541 shelter facility, or a secure care facility~~[, is guilty of a felony of the third degree].~~

3542 (3) A violation of Subsection (2) is a third degree felony.

3543 ~~[(3)]~~ (4) This section is applicable to a child who willfully and intentionally commits

3544 an offense against a public jail, a detention facility, a shelter facility, or a secure care facility.

3545 Section 85. Section 76-8-419 is amended to read:

3546 **76-8-419. Damaging a highway or bridge.**

3547 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3548 (2) ~~[Every person who]~~ An actor commits damaging a highway or bridge if the actor

3549 intentionally, knowingly, or recklessly digs up, removes, displaces, breaks, or otherwise

3550 damages or destroys [any public highway, or any] a public highway or private way laid out by

3551 authority of law, or [any] a bridge upon the highway or private way ~~[is guilty of a class A~~

3552 misdemeanor].

3553 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a third degree

3554 felony.

3555 ~~[(2)]~~ (4) If the violation of this section constitutes an offense subject to a greater

3556 penalty under another provision of Title 76, Utah Criminal Code, than is provided under this

3557 section, this section does not prohibit the prosecution and sentencing for the offense subject to

3558 a greater penalty.

3559 Section 86. Section 76-8-420 is amended to read:

3560 **76-8-420. Removing or damaging a road sign.**

3561 ~~[Every person who intentionally or knowingly removes or injures any milepost or~~
3562 ~~milestone or guidepost or any inscription on them, erected upon any highway, is guilty of a~~
3563 ~~class B misdemeanor.]~~

3564 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

3565 (2) An actor commits removing or damaging a road sign if the actor intentionally or
3566 knowingly removes or damages:

3567 (a) a milepost, milestone, or guidepost erected on a highway; or

3568 (b) an inscription on a milepost, milestone, or guidepost.

3569 (3) A violation of Subsection (2) is a class B misdemeanor.

3570 Section 87. Section **76-8-501** is amended to read:

3571 **76-8-501. Definitions.**

3572 As used in this part:

3573 (1) "False statement" includes a false unsworn declaration~~[- with "unsworn declaration"~~
3574 ~~being defined in Section 78B-18a-102].~~

3575 (2) "Material" means capable of affecting the course or outcome of an official
3576 proceeding, unless the ~~[person]~~ individual who made the statement or provided the information
3577 retracts the statement or information before the earlier of:

3578 (a) the end of the official proceeding in which the statement was made or the
3579 information was provided;

3580 (b) when it becomes manifest that the false or misleading nature of the statement or
3581 information has been or will be exposed; or

3582 (c) when the statement or information substantially affects the proceeding.

3583 (3) "Official proceeding" means:

3584 (a) ~~[any]~~ a proceeding before:

3585 (i) a legislative, judicial, administrative, or other governmental body or official
3586 authorized by law to take evidence under oath or affirmation;

3587 (ii) a notary; or

3588 (iii) ~~[a person that]~~ an individual who takes evidence in connection with a proceeding
3589 described in Subsection (3)(a)(i);

3590 (b) ~~[any]~~ a civil or administrative action, trial, examination under oath, administrative

3591 proceeding, or other civil or administrative adjudicative process; or

3592 (c) an investigation or audit conducted by:

3593 (i) the Legislature, or a house, committee, subcommittee, or task force of the
3594 Legislature; or

3595 (ii) an employee or independent contractor of an entity described in Subsection
3596 (3)(c)(i), at or under the direction of an entity described in Subsection (3)(c)(i).

3597 (4) "Unsworn declaration" means the same as that term is defined in Section
3598 78B-18a-102.

3599 Section 88. Section **76-8-502** is amended to read:

3600 **76-8-502. Making a false or inconsistent material statement.**

3601 [~~A person is guilty of a felony of the second degree if in any official proceeding:~~]

3602 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3603 section.

3604 (2) [~~He~~] An actor commits making a false or inconsistent material statement if the
3605 actor:

3606 (a) makes a false material statement under oath or affirmation or swears or affirms the
3607 truth of a material statement previously made and [~~he~~] the actor does not believe the statement
3608 to be true; or

3609 [(2)] (b) [~~He~~] makes inconsistent material statements under oath or affirmation, both
3610 within the period of limitations, one of which is false and [~~not believed by him~~] the actor does
3611 not believe to be true.

3612 (3) A violation of Subsection (2) is a second degree felony.

3613 (4) It is not a defense to prosecution under this section that the oath or affirmation was
3614 administered or taken in an irregular manner.

3615 (5) (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's
3616 statement may not be established solely through contradiction by the testimony of a single
3617 witness.

3618 (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or
3619 proved which of the statements are false but only that one or the other statement is false and
3620 not believed by the actor to be true.

3621 Section 89. Section **76-8-503** is amended to read:

3622 **76-8-503. Making a false or inconsistent statement.**

3623 (1) ~~[Except as provided in Subsection (2), a person is guilty of a class B misdemeanor~~
3624 ~~if:]~~ Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this section.

3625 ~~[(a)]~~ (2) [the person] Except as provided in Subsection (6), an actor commits making a
3626 false or inconsistent statement if the actor:

3627 (a) makes a false statement under oath or affirmation or swears or affirms the truth of
3628 the statement previously made and the [person] actor does not believe the statement to be true
3629 if:

3630 (i) the falsification occurs in an official proceeding, or is made with a purpose to
3631 mislead a public servant in performing the public servant's official functions; or

3632 (ii) the statement is one that is authorized by law to be sworn or affirmed before a
3633 notary or other [person] individual authorized to administer oaths; or

3634 (b) ~~[the person]~~ makes inconsistent statements under oath or affirmation, both within
3635 the period of limitations, one of which is false and not believed by the [person] actor to be true.

3636 (3) A violation of Subsection (2) is a class B misdemeanor.

3637 (4) (a) It is not a defense to prosecution under this section that the oath or affirmation
3638 was administered or taken in an irregular manner.

3639 (b) It is a defense to prosecution under this section that the actor retracted the false
3640 statement before it became manifest that the falsity of the statement had been or would be
3641 exposed.

3642 (5) (a) In a prosecution for a violation of Subsection (2)(a), the falsity of an actor's
3643 statement may not be established solely through contradiction by the testimony of a single
3644 witness.

3645 (b) In a prosecution for a violation of Subsection (2)(b), it need not be alleged or
3646 proved which of the statements are false but only that one or the other statement is false and
3647 not believed by the actor to be true.

3648 ~~[(2)]~~ (6) Subsection [(1)] (2) does not include obstructing a legislative proceeding, as
3649 described in Section 36-12-9.5.

3650 ~~[(3) A person is not guilty under this section if the person retracts the falsification~~
3651 ~~before it becomes manifest that the falsification has been or will be exposed.]~~

3652 Section 90. Section **76-8-504** is amended to read:

3653 **76-8-504. Making a written false statement.**

3654 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3655 section.

3656 (2) An actor commits ~~[the offense of]~~ making a written false statement if:

3657 (a) the actor makes a statement that the actor does not believe to be true on or under a
3658 form bearing a notification authorized by law to the effect that ~~[false statements made therein~~
3659 ~~are punishable]~~ a false statement made therein is punishable; or

3660 (b) with intent to deceive a public servant in the performance of the public servant's
3661 official function, the actor:

3662 (i) makes a written false statement that the actor does not believe to be true;

3663 (ii) knowingly creates a false impression in a written application for a pecuniary or
3664 other benefit by omitting information necessary to prevent a statement in the application from
3665 being misleading;

3666 (iii) submits or invites reliance on a writing that the actor knows to be lacking in
3667 authenticity; or

3668 (iv) submits or invites reliance on a sample, specimen, map, boundary mark, or other
3669 object that the actor knows to be false.

3670 ~~[(2)]~~ (3) (a) Except as provided in Subsection ~~[(2)(b);]~~ (3)(b), a violation of Subsection
3671 ~~[(1)]~~ (2) is a class B misdemeanor.

3672 (b) A violation of Subsection ~~[(1)]~~ (2) is a third degree felony if the false statement is
3673 on a financial declaration described in Section 77-38b-204.

3674 ~~[(3) It is not an offense under this section if the actor retracts the falsification before it~~
3675 ~~becomes manifest that the falsification was or would be exposed.]~~

3676 (4) (a) An actor does not violate this section if the actor retracted the false statement
3677 before it became manifest that the falsity of the statement had been or would be exposed.

3678 (b) It is not a defense to prosecution under this section that, if applicable, an oath or
3679 affirmation was administered or taken in an irregular manner.

3680 Section 91. Section 76-8-504.5 is amended to read:

3681 **76-8-504.5. Making a false statement to be used in a preliminary hearing.**

3682 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3683 section.

3684 (2) ~~[A person is guilty of a class A misdemeanor if the person]~~ An actor commits
3685 making a false statement to be used in a preliminary hearing if the actor makes a false
3686 statement that:

3687 (a) ~~[which the person]~~ the actor does not believe to be true;

3688 (b) ~~[that the person]~~ the actor has reason to believe will be used in a preliminary
3689 hearing; and

3690 (c) the actor made after having been notified either verbally or in writing that:

3691 (i) the statement may be used in a preliminary hearing before a magistrate or a judge;

3692 and

3693 (ii) if the ~~[person]~~ actor makes a false statement after having received this notification,
3694 ~~[he]~~ the actor is subject to a criminal penalty.

3695 (3) A violation of Subsection (2) is a class A misdemeanor.

3696 (4) It is not a defense to prosecution under this section that, if applicable, an oath or
3697 affirmation was administered or taken in an irregular manner.

3698 ~~[(2)]~~ (5) ~~[Notification]~~ A notification under Subsection ~~[(1)]~~ (2)(c) is sufficient if [it]
3699 the notification is verbal or written and is in substantially the following form: "You are notified
3700 that statements you are about to make may be presented to a magistrate or a judge in lieu of
3701 your sworn testimony at a preliminary examination. Any false statement you make and that
3702 you do not believe to be true may subject you to criminal punishment as a class A
3703 misdemeanor."

3704 Section 92. Section **76-8-504.6** is amended to read:

3705 **76-8-504.6. Providing false or misleading information.**

3706 (1) (a) As used in this section, "officer of the court" means:

3707 (i) a prosecutor;

3708 (ii) a judge;

3709 (iii) a court clerk;

3710 (iv) an interpreter;

3711 (v) a presentence investigator;

3712 (vi) a probation officer;

3713 (vii) a parole officer; or

3714 (viii) an individual reasonably believed to be gathering information for a criminal

3715 proceeding.

3716 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this

3717 section.

3718 ~~(2) [A person is guilty of a class B misdemeanor if the person;]~~ An actor commits

3719 providing false or misleading information if the actor, not under oath or affirmation,

3720 intentionally or knowingly provides false or misleading material information to:

3721 (a) an officer of the court for the purpose of influencing a criminal proceeding; or

3722 (b) the Bureau of Criminal Identification for the purpose of obtaining a certificate of

3723 eligibility for:

3724 (i) expungement; or

3725 (ii) removal of the person's name from the White Collar Crime Registry created in Title

3726 77, Chapter 42, Utah White Collar Crime Offender Registry.

3727 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a class B

3728 misdemeanor.

3729 ~~[(2) For the purposes of this section "officer of the court" means:]~~

3730 ~~[(a) prosecutor;]~~

3731 ~~[(b) judge;]~~

3732 ~~[(c) court clerk;]~~

3733 ~~[(d) interpreter;]~~

3734 ~~[(e) presentence investigator;]~~

3735 ~~[(f) probation officer;]~~

3736 ~~[(g) parole officer; and]~~

3737 ~~[(h) any other person reasonably believed to be gathering information for a criminal~~

3738 ~~proceeding.]~~

3739 ~~[(3)]~~ (4) This section does not apply under circumstances amounting to Section

3740 76-8-306 or any other provision of this code carrying a greater penalty.

3741 Section 93. Section **76-8-506** is amended to read:

3742 **76-8-506. Providing false information to a law enforcement officer, government**

3743 **agency, or specified professional.**

3744 ~~[A person is guilty of a class B misdemeanor if he:]~~

3745 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this

3746 section.

3747 (2) An actor commits providing false information to a law enforcement officer,
 3748 government agency, or specified professional if the actor knowingly gives or causes to be
 3749 given:

3750 (a) false information to [any] a peace officer or [any] state or local government agency
 3751 or personnel with a purpose of inducing the recipient of the information to believe that another
 3752 person has committed an offense;

3753 ~~[(2)]~~ (b) [knowingly gives or causes to be given to any] information concerning the
 3754 commission of an offense to a peace officer, [any] a state or local government agency or
 3755 personnel, or to [any person] an individual licensed in this state to practice social work,
 3756 psychology, or marriage and family therapy, [information concerning the commission of an
 3757 offense;] knowing that the offense did not occur or knowing that [he] the actor has no
 3758 information relating to the offense or danger; or

3759 ~~[(3)]~~ (c) [knowingly gives or causes to be given] false information to [any] a state or
 3760 local government agency or personnel with a purpose of inducing a change in the [person's]
 3761 actor's licensing or certification status or the licensing or certification status of another person.

3762 (3) A violation of Subsection (2) is a class B misdemeanor.

3763 Section 94. Section **76-8-507** is amended to read:

3764 **76-8-507. Providing false personal information to a peace officer.**

3765 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this
 3766 section.

3767 ~~(2) [A person commits a class C misdemeanor if;]~~ An actor commits providing false
 3768 personal information to a peace officer if the actor knowingly:

3769 (a) with intent of misleading a peace officer as to the [person's] actor's identity, birth
 3770 date, or place of residence, [the person knowingly] gives a false name, birth date, or address to
 3771 [a] the peace officer in the lawful discharge of the peace officer's official duties[.]; or

3772 ~~[(2)]~~ (b) [A person commits a class A misdemeanor if;] with the intent of leading a
 3773 peace officer to believe that the [person] actor is another actual [person, he] individual, gives
 3774 the name, birth date, or address of another [person to a] individual to the peace officer acting in
 3775 the lawful discharge of the peace officer's official duties.

3776 (3) (a) A violation of Subsection (2)(a) is a class C misdemeanor.

3777 (b) A violation of Subsection (2)(b) is a class A misdemeanor.

3778 Section 95. Section **76-8-508** is amended to read:

3779 **76-8-508. Tampering with a witness.**

3780 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this
3781 section.

3782 ~~(2) [A person is guilty of the third degree felony of]~~ An actor commits tampering with
3783 a witness if[;] the actor:

3784 (a) (i) [believing] believes that an official proceeding or investigation is pending or
3785 about to be instituted[;]; or

3786 (ii) [with the intent] intends to prevent an official proceeding or investigation[;]; and

3787 (b) [he] attempts to induce or otherwise cause another [person] individual to:

3788 ~~(a)~~ (i) testify or inform falsely;

3789 ~~(b)~~ (ii) withhold [any] testimony, information, a document, or an item;

3790 ~~(c)~~ (iii) elude legal process summoning [him] the individual to provide evidence; or

3791 ~~(d)~~ (iv) absent [himself] the individual from [any] a proceeding or investigation to
3792 which ~~[he]~~ the individual has been summoned.

3793 ~~[(2) A person is guilty of the third degree felony of soliciting or receiving a bribe as a~~
3794 ~~witness if he solicits, accepts, or agrees to accept any benefit in consideration of his doing any~~
3795 ~~of the acts specified under Subsection (1).]~~

3796 (3) A violation of Subsection (2) is a third degree felony.

3797 ~~[(3)]~~ (4) [The offense of tampering with a witness or soliciting or receiving a bribe] A
3798 violation under this section does not merge with [any other] another substantive offense
3799 committed in the course of ~~[committing any offense under]~~ violating this section.

3800 Section 96. Section **76-8-508.3** is amended to read:

3801 **76-8-508.3. Retaliation against a witness, victim, or informant.**

3802 ~~[(1) As used in this section:]~~

3803 (1) (a) [A person is "closely associated"] As used in this section, "an individual closely
3804 associated with a witness, victim, or informant ~~[if the person]~~ "means an individual who is a
3805 member of the witness', victim's, or informant's family, has a close personal or business
3806 relationship with the witness or victim, or resides in the same household with the witness,
3807 victim, or informant.

3808 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3809 section.

3810 ~~[(b) "Harm" means physical, emotional, or economic injury or damage to a person or to~~
3811 ~~his property, reputation, or business interests.]~~

3812 ~~[(2) A person is guilty of the third degree felony of retaliation against a witness, victim,~~
3813 ~~or informant if, believing that an official proceeding or investigation is pending, is about to be~~
3814 ~~instituted, or has been concluded, he:]~~

3815 ~~[(a) (i) makes a threat of harm; or]~~

3816 ~~[(ii) causes harm; and]~~

3817 ~~[(b) directs the threat or action:]~~

3818 ~~[(i) against a witness or an informant regarding any official proceeding, a victim of any~~
3819 ~~crime, or any person closely associated with a witness, victim, or informant; and]~~

3820 ~~[(ii) as retaliation or retribution against the witness, victim, or informant.]~~

3821 ~~[(3)]~~ (2) An actor commits retaliation against a witness, victim, or informant if the
3822 actor:

3823 (a) believes that an official proceeding or investigation is pending, is about to be
3824 brought, or has been concluded;

3825 (b) makes a threat of harm or causes harm; and

3826 (c) directs the threat or action causing harm as retaliation or retribution against a
3827 witness or an informant involved in an official proceeding, a victim of a crime, or an individual
3828 closely associated with a witness, victim, or informant.

3829 (3) [This section does not prohibit any person from seeking any legal redress to which
3830 the person is otherwise entitled.] A violation of Subsection (2) is a third degree felony.

3831 (4) [The offense of retaliation against a witness, victim, or informant] A violation
3832 under this section does not merge with [any other] another substantive offense committed in
3833 the course of [committing any offense under] violating this section.

3834 (5) This section does not prohibit an individual from seeking other legal redress to
3835 which the individual is otherwise entitled.

3836 Section 97. Section **76-8-508.5** is amended to read:

3837 **76-8-508.5. Tampering or retaliating against a juror.**

3838 (1) (a) As used in this section, "juror" means ~~[a person]~~ an individual:

3839 ~~[(a)]~~ (i) summoned for jury duty; or
 3840 ~~[(b)]~~ (ii) serving as or having served as a juror or alternate juror in any court or as a
 3841 juror on any grand jury of the state.

3842 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
 3843 section.

3844 (2) ~~[A person is guilty of tampering with a juror if he]~~ An actor commits tampering or
 3845 retaliating against a juror if the actor:

3846 (a) attempts to or actually influences a juror in the discharge of the juror's service by:

3847 ~~[(a)]~~ (i) communicating with the juror by any means, directly or indirectly, except for
 3848 ~~[attorneys]~~ an attorney in the lawful discharge of ~~[their]~~ the attorney's duties in open court;

3849 ~~[(b)]~~ (ii) offering, conferring, or agreeing to confer any benefit upon the juror; or

3850 ~~[(c)]~~ (iii) communicating to the juror a threat that a reasonable person would believe to
 3851 be a threat to injure:

3852 ~~[(i)]~~ (A) the juror's person or property; or

3853 ~~[(ii)]~~ (B) the person or property of ~~[any other person]~~ another individual in whose
 3854 welfare the juror is interested~~[-];~~ or

3855 ~~[(3)]~~ (b) ~~[A person is guilty of tampering with a juror if he commits any]~~ commits an
 3856 unlawful act in retaliation for ~~[anything done]~~ an action taken by the juror in the discharge of
 3857 the juror's service:

3858 ~~[(a)]~~ (i) to the juror's person or property; or

3859 ~~[(b)]~~ (ii) to the person or property of ~~[any other person]~~ another individual in whose
 3860 welfare the juror is interested.

3861 ~~[(4)]~~ (3) ~~[Tampering with a juror]~~ A violation of Subsection (2) is a third degree
 3862 felony.

3863 Section 98. Section **76-8-508.7** is enacted to read:

3864 **76-8-508.7. Receiving or soliciting a bribe as a witness.**

3865 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
 3866 section.

3867 (2) An actor commits receiving or soliciting a bribe as a witness if the actor:

3868 (a) believes that an official proceeding or investigation is pending or about to be
 3869 instituted; and

3870 (b) solicits, accepts, or agrees to accept a benefit in consideration of the actor:
3871 (i) testifying or informing falsely;
3872 (ii) withholding testimony, information, a document, or an item;
3873 (iii) eluding legal process summoning the actor to provide evidence; or
3874 (iv) absenting the actor from a proceeding or investigation to which the actor has been
3875 summoned.

3876 (3) A violation of Subsection (2) is a third degree felony.

3877 (4) A violation under this section does not merge with another substantive offense
3878 committed in the course of violating this section.

3879 Section 99. Section **76-8-509** is amended to read:

3880 **76-8-509. Extortion or bribery to dismiss a criminal proceeding.**

3881 (1) (a) As used in this section, "victim" includes a child or other individual under the
3882 care or custody of a parent or guardian.

3883 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this
3884 section.

3885 (2) [A person is guilty of a felony of the second degree if by] An actor commits
3886 extortion or bribery to dismiss a criminal proceeding if the actor attempts to induce an alleged
3887 victim of a crime to take an action to secure the dismissal or to prevent the filing of a criminal
3888 complaint, indictment, or information by:

3889 (a) the use of force; or

3890 (b) [by any threat which would constitute a means of committing the crime of theft by
3891 extortion under this code, if the threat were employed to obtain property, or by promise of any
3892 reward or pecuniary benefits, he attempts to induce an alleged victim of a crime to secure the
3893 dismissal of or to prevent the filing of a criminal complaint, indictment, or information.] a
3894 threat that would constitute a means of committing the offense of theft by extortion under
3895 Section [76-6-406](#) if the threat were employed to obtain property or by promise of a reward or
3896 pecuniary benefit

3897 (3) A violation of Subsection (2) is a second degree felony.

3898 [(2) "Victim," as used in this section, includes a child or other person under the care or
3899 custody of a parent or guardian.]

3900 Section 100. Section **76-8-510.5** is amended to read:

3901 **76-8-510.5. Tampering with evidence.**

3902 (1) (a) As used in this section, "thing or item" includes any document, record book,
3903 paper, file, electronic compilation, or other evidence.

3904 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3905 section.

3906 (2) ~~[A person is guilty of]~~ An actor commits tampering with evidence if~~[, believing]~~
3907 the actor:

3908 (a) (i) believes that an official proceeding or investigation is pending or about to be
3909 instituted~~[,];~~ or ~~[with the intent]~~

3910 (ii) intends to prevent an official proceeding or investigation or to prevent the
3911 production of ~~[any]~~ a thing or item which reasonably would be anticipated to be evidence in the
3912 official proceeding or investigation~~[, the person];~~ and

3913 (b) knowingly or intentionally:

3914 ~~[(a)]~~ (i) alters, destroys, conceals, or removes ~~[any]~~ a thing or item with the purpose of
3915 impairing the veracity or availability of the thing or item in the proceeding or investigation; or

3916 ~~[(b)]~~ (ii) makes, presents, or uses ~~[any]~~ a thing or item which the ~~[person]~~ actor knows
3917 to be false with the purpose of deceiving a public servant or ~~[any]~~ other party who is or may be
3918 engaged in the proceeding or investigation.

3919 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
3920 A misdemeanor.

3921 (b) A violation of Subsection (2) is a third degree felony if the offense is committed in
3922 conjunction with an official proceeding.

3923 ~~[(3)]~~ (4) Subsection (2) does not apply to any offense that amounts to a violation of
3924 Section 76-8-306.

3925 ~~[(4)(a) Tampering with evidence is a third degree felony if the offense is committed in~~
3926 ~~conjunction with an official proceeding.]~~

3927 ~~[(b) Any violation of this section except under Subsection (4)(a) is a class A~~
3928 ~~misdemeanor.]~~

3929 Section 101. Section 76-8-511 is amended to read:

3930 **76-8-511. Falsification or alteration of a government record.**

3931 [~~A person is guilty of a class B misdemeanor~~]

3932 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3933 section.

3934 (2) An actor commits falsification or alteration of a government record if, under
3935 circumstances not amounting to an offense subject to a greater penalty under Title 76, Chapter
3936 6, Part 5, Fraud, [~~the person~~] the actor:

3937 [(1)] (a) knowingly makes a false entry in or false alteration of anything belonging to,
3938 received, or kept by the government for information or record, or required by law to be kept for
3939 information of the government;

3940 [(2)] (b) presents or uses anything knowing it to be false and with a purpose that it be
3941 taken as a genuine part of information or [~~records~~] record referred to in Subsection [(1)] (2)(a);
3942 or

3943 [(3)] (c) intentionally destroys, conceals, or otherwise impairs the verity or availability
3944 of the information or [~~records~~] record, knowing that the destruction, concealment, or
3945 impairment is unlawful.

3946 (d) Except as provided in Subsection (4), a violation of Subsection (2) is a class B
3947 misdemeanor.

3948 Section 102. Section **76-8-512** is amended to read:

3949 **76-8-512. Impersonation of officer.**

3950 [~~A person is guilty of a class B misdemeanor who:~~]

3951 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this
3952 section.

3953 [(1)] (2) An actor commits impersonation of an officer if the actor:

3954 (a) impersonates a public servant or a peace officer with intent to deceive another
3955 individual or with intent to induce another individual to submit to [~~his~~] the actor's pretended
3956 official authority or to rely upon [~~his~~] the actor's pretended official act;

3957 [(2)] (b) falsely states [~~he~~] that the actor is a public servant or a peace officer with
3958 intent to deceive another individual or to induce another individual to submit to [~~his~~] the actor's
3959 pretended official authority or to rely upon [~~his~~] the actor's pretended official act; or

3960 [(3)] (c) displays or possesses without authority [~~any~~] a badge, identification card,
3961 other form of identification, [~~any~~] a restraint device, [~~or~~] the uniform of [~~any~~] a state or local

3962 governmental entity, or a reasonable facsimile of any of these items, with the intent to deceive
3963 another individual or with the intent to induce another individual to submit to [his] the actor's
3964 pretended official authority or to rely upon [his] the actor's pretended official act.

3965 (3) A violation of Subsection (2) is a class B misdemeanor.

3966 Section 103. Section **76-8-513** is amended to read:

3967 **76-8-513. Sending a false judicial or official notice.**

3968 [~~A person is guilty of a class B misdemeanor who, with a purpose to procure the~~
3969 ~~compliance of another with a request made by the person, knowingly sends, mails, or delivers~~
3970 ~~to the person a notice or other writing which has no judicial or other sanction but which in its~~
3971 ~~format or appearance simulates a summons, complaint, court order, or process, or an insignia,~~
3972 ~~seal, or printed form of a federal, state, or local government or an instrumentality thereof, or is~~
3973 ~~otherwise calculated to induce a belief that it does have a judicial or other official sanction.]~~

3974 (1) (a) As used in this section:

3975 (i) "Official document" means:

3976 (A) a summons, complaint, court order, or process; or

3977 (B) an insignia, seal, or printed form of a federal, state, or local governmental entity or
3978 an instrumentality of a federal, state, or local governmental entity.

3979 (ii) (A) "False official document" means a document that has the appearance or format
3980 of an official document but that has not been sanctioned by the relevant governmental entity.

3981 (B) "False official document" includes a document calculated to induce an individual
3982 to believe that the document is an official document of the relevant governmental entity.

3983 (b) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-501](#) apply to this
3984 section.

3985 (2) An actor commits sending a false judicial or official notice if the actor knowingly
3986 sends, mails, or delivers to an individual a false official document with the purpose to procure
3987 the compliance of the individual.

3988 (3) A violation of Subsection (2) is a class B misdemeanor.

3989 Section 104. Section **76-8-515** is amended to read:

3990 **76-8-515. Impersonation of a utility officer or employee.**

3991 (1) (a) As used in this section:

3992 (i) "Critical infrastructure facility" means the same as that term is defined in Section

3993 76-6-106.3.

3994 (ii) "Sabotage" means the same as that term is defined in Section 76-8-901.

3995 (iii) "Terrorism" means the same as that term is defined in Section 53-2a-102.

3996 (iv) "Utility" means a private or governmental entity operating a critical infrastructure
3997 facility.

3998 (b) Terms defined [~~in Section 76-1-101.5 apply to this section~~] in Sections 76-1-101.5,
3999 76-8-101, and 76-8-501 apply to this section.

4000 (2) An actor commits impersonation of a utility officer or employee if the actor,
4001 without authority from a utility:

4002 (a) intends to lead an individual to believe that the actor is acting on behalf of the
4003 utility in an official capacity; and

4004 (b) attempts to act on behalf of the utility.

4005 (3) (a) [~~A~~] Except as provided in Subsection (3)(b), a violation of Subsection (2) is a
4006 class A misdemeanor.

4007 (b) [~~Notwithstanding Subsection (3)(a), a~~] A violation of Subsection (2) is a third
4008 degree felony if the actor, while taking the action described in Subsection (2), intends to
4009 commit an act of terrorism or sabotage.

4010 Section 105. Section **76-8-601** is amended to read:

4011 **76-8-601. Wrongful commencement of an action in justice court.**

4012 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4013 (2) An actor commits wrongful commencement of an action in justice court if the
4014 actor:

4015 (a) is:

4016 (i) a party to a suit or a proceeding; or

4017 (ii) an agent or attorney for a party to a suit or proceeding; and

4018 (b) [~~Any party to any suit or proceeding, and any attorney or agent for the party, who~~
4019 knowingly commences, prosecutes, or maintains any action, suit, or proceeding in any justice
4020 court other than as provided in Sections ~~78A-7-105~~ and ~~78A-7-106~~, is guilty of a class B
4021 misdemeanor.] except as provided in Section 78A-7-105 or 78A-7-106, knowingly
4022 commences, prosecutes, or maintains an action, suit, or proceeding in a justice court.

4023 (3) A violation of Subsection (2) is a class B misdemeanor.

4024 Section 106. Section **76-8-602** is amended to read:

4025 **76-8-602. Wrongfully conferring jurisdiction upon a justice court.**

4026 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4027 (2) [~~Any person who binds himself, or~~] An actor commits wrongfully conferring
4028 jurisdiction upon a justice court if the actor, for the purpose of conferring jurisdiction of a
4029 cause upon a justice court in a precinct or city that would be without jurisdiction except for the
4030 liability of the joint obligor, binds the actor's self, voluntarily becomes liable jointly or jointly
4031 and severally with [~~any other person, for the purpose of conferring jurisdiction of any cause~~
4032 upon any justice court judge in any precinct or city that would be without jurisdiction except
4033 for the liability of the joint obligor, and any person who induces a person to assume the liability
4034 for the purpose of conferring jurisdiction upon the justice court judge, is guilty of] another
4035 person, or induces a person to assume a liability.

4036 (3) A violation of Subsection (2) is a class B misdemeanor.

4037 Section 107. Section **76-8-603** is amended to read:

4038 **76-8-603. Wrongfully issued writ of attachment by a justice court judge.**

4039 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4040 (2) [~~It is unlawful for any~~] An actor commits wrongfully issued writ of attachment by a
4041 justice court judge if the actor:

4042 (a) is a justice court judge [~~to issue any~~]; and

4043 (b) issues a writ of attachment[~~, and for any party, agent, or attorney of the party, to~~
4044 advise, induce, or procure the issuance thereof, in any] in an action, suit, or proceeding:

4045 (i) before the affidavit is filed[~~;~~]; or

4046 (ii) [~~where~~] in which the affidavit filed does not conform substantially with the
4047 requirements of Rule 64C of the Utah Rules of Civil Procedure.

4048 (3) [~~Any person violating any of the provisions of this section is guilty of~~] A violation
4049 of Subsection (2) is a class B misdemeanor [~~and shall be~~].

4050 (4) In addition to the penalty under Subsection (3), an actor is liable to the person
4051 whose property, credits, money, or earnings are attached for:

4052 (a) double the value of the attached property[~~, together with~~];

4053 (b) all costs paid by [~~him,~~] the person; and

4054 (c) all damages incurred in the attachment proceedings.

4055 Section 108. Section **76-8-604** is enacted to read:

4056 **76-8-604. Wrongful inducement to receive writ of attachment.**

4057 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4058 (2) An actor commits wrongful inducement to receive writ of attachment if the actor:

4059 (a) is:

4060 (i) a party to an action, suit, or proceeding;

4061 (ii) an agent of a party to an action, suit, or proceeding; or

4062 (iii) an attorney of a party to an action, suit, or proceeding; and

4063 (b) advises, induces, or procures the issuance of a writ of attachment in the action, suit

4064 or proceeding:

4065 (i) before the affidavit is filed; or

4066 (ii) in which the affidavit filed does not conform substantially with the requirements of

4067 Rule 64C of the Utah Rules of Civil Procedure.

4068 (3) A violation of Subsection (2) is a class B misdemeanor.

4069 (4) In addition to the penalty under Subsection (3), an actor is liable to the person

4070 whose property, credits, money, or earnings are attached for:

4071 (a) double the value of the attached property;

4072 (b) all costs paid by the person; and

4073 (c) all damages incurred in the attachment proceedings.

4074 Section 109. Section **76-8-703** is amended to read:

4075 **76-8-703. Criminal trespass upon an institution of higher education.**

4076 (1) (a) As used in this section:

4077 (i) "Chief administrative officer" means the same as that term is defined in Section

4078 [53B-20-107](#).

4079 (ii) "Enters" means intrusion of the entire body.

4080 (iii) "Institution of higher education" means the same as that term is defined in Section

4081 [53B-20-107](#).

4082 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4083 (2) An actor commits criminal trespass upon an institution of higher education if the

4084 actor enters or remains on property that is owned, operated, or controlled by an institution of

4085 higher education:

- 4086 (a) after being ordered to leave by the chief administrative officer; or
 4087 (b) without authorization if notice against entry or remaining has been given by:
 4088 (i) personal communication to the person by the chief administrative officer or a person
 4089 with apparent authority to act for the institution of higher education;
 4090 (ii) the posting of signs reasonably likely to come to the attention of a trespasser;
 4091 (iii) fencing or other enclosure obviously designed to exclude a trespasser; or
 4092 (iv) a current order of suspension or expulsion.

4093 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
 4094 B misdemeanor.

4095 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously
 4096 been convicted two or more times of a violation of Subsection (2).

4097 ~~[(a) A chief administrative officer may order a person to leave property that is owned,~~
 4098 ~~operated, or controlled by an institution of higher education if the person:]~~

4099 ~~[(i) acts or if the chief administrative officer has reasonable cause to believe that the~~
 4100 ~~person intends to act to:]~~

4101 ~~[(A) cause injury to a person;]~~

4102 ~~[(B) cause damage to property;]~~

4103 ~~[(C) commit a crime;]~~

4104 ~~[(D) interfere with the peaceful conduct of the activities of the institution;]~~

4105 ~~[(E) violate any rule or regulation of the institution if that rule or regulation is not in~~
 4106 ~~conflict with state law; or]~~

4107 ~~[(F) disrupt the institution, its pupils, or the institution's activities; or]~~

4108 ~~[(ii) is reckless as to whether the person's actions will cause fear for the safety of~~
 4109 ~~another.]]~~

4110 ~~[(b) A person is guilty of criminal trespass upon an institution of higher education if~~
 4111 ~~the person enters or remains on property that is owned, operated, or controlled by an institution~~
 4112 ~~of higher education after being ordered to leave under Subsection (1)(a).]]~~

4113 ~~[(c)]~~ (4) The mere carrying or possession of a firearm on the campus of a state
 4114 institution of higher education, as defined in Section [53B-3-102](#), does not warrant an order to
 4115 leave under Subsection ~~[(1)(a) if the person]~~ (2)(a) if the individual carrying or possessing the
 4116 firearm is otherwise complying with all state laws regulating the possession and use of a

4117 firearm.

4118 ~~[(2) A person is guilty of criminal trespass upon an institution of higher education if~~
 4119 ~~the person enters or remains without authorization upon property that is owned, operated, or~~
 4120 ~~controlled by an institution of higher education if notice against entry or remaining has been~~
 4121 ~~given by:]~~

4122 ~~[(a) personal communication to the person by the chief administrative officer or a~~
 4123 ~~person with apparent authority to act for the institution;]~~

4124 ~~[(b) the posting of signs reasonably likely to come to the attention of trespassers;]~~

4125 ~~[(c) fencing or other enclosure obviously designed to exclude trespassers, or]~~

4126 ~~[(d) a current order of suspension or expulsion.]~~

4127 ~~[(3)]~~ (5) If an employee or student of an institution of higher education is ordered to
 4128 leave under Subsection ~~[(1)]~~ (2)(a) or receives a notice against entry or remaining under
 4129 Subsection ~~[(2)]~~ (2)(b), the institution of higher education shall afford the employee or student
 4130 the process required by the institution of higher education's rules and regulations.

4131 ~~[(4) A person who violates this section shall be punished as provided in Section~~
 4132 ~~76-8-717.]~~

4133 Section 110. Section **76-8-705** is amended to read:

4134 **76-8-705. Willful interference with lawful activities of students or faculty.**

4135 (1) (a) As used in this section, "institution" means the same as that term is defined in
 4136 Section 53B-20-107.

4137 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4138 (2) ~~[A person is guilty of a class C misdemeanor if;]~~ An actor commits willful
 4139 interference with lawful activities of students or faculty if the actor, while on property that is
 4140 owned, operated, or controlled by an institution ~~[of higher education, the person]~~, willfully:

4141 ~~[(1)]~~ (a) denies to a student, school official, employee, or invitee lawful:

4142 ~~[(a)]~~ (i) freedom of movement;

4143 ~~[(b)]~~ (ii) use of the property or facilities; or

4144 ~~[(c)]~~ (iii) ingress or egress to the institution's physical facilities;

4145 ~~[(2)]~~ (b) impedes a faculty or staff member of the institution in the lawful performance
 4146 of the member's duties; or

4147 ~~[(3)]~~ (c) impedes a student of the institution in the lawful pursuit of the student's

4148 educational activities.

4149 (3) A violation of Subsection (2) is a class C misdemeanor.

4150 Section 111. Section **76-8-802** is amended to read:

4151 **76-8-802. Destruction of property to interfere with preparations for defense or**

4152 **war.**

4153 [~~Whoever~~]

4154 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4155 (2) An actor commits destruction of property to interfere with preparations for defense

4156 or war if the actor:

4157 (a) intentionally destroys, impairs, injures, interferes, or tampers with real or personal
4158 property; and

4159 (b) [~~with~~] has reasonable grounds to believe that the [~~act~~] actor's conduct under
4160 Subsection (2)(a) will hinder, delay, or interfere with the preparation of the United States [~~or of~~
4161 any of the states] government or of a state government for defense or for war, or with the
4162 prosecution of war by the United States[~~, shall be guilty of a felony of the second degree~~]
4163 government.

4164 (3) A violation of Subsection (2) is a second degree felony.

4165 (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's
4166 conduct under Subsection (2) or the name of the actor may not be made public.

4167 Section 112. Section **76-8-803** is amended to read:

4168 **76-8-803. Causing or omitting to note defects in articles used in preparation for**
4169 **defense or war.**

4170 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4171 (2) [~~Whoever~~] An actor commits causing or omitting to note defects in articles used in
4172 preparation for defense or war if the actor:

4173 (a) intentionally makes or causes to be made or omits to note on inspection [~~any~~] a
4174 defect in [~~any~~] an article or thing; and

4175 (b) [~~with~~] has reasonable grounds to believe that the article or thing is intended to be
4176 used in connection with the preparation of the United States [~~or any of the states~~] government
4177 or of a state government for defense or for war, or for the prosecution of war by the United
4178 States[~~, or that the article or thing is one of a number of similar articles or things, some of~~]

4179 ~~which are intended so to be used, shall be guilty of a felony of the third degree.] government.~~

4180 (3) A violation of Subsection (2) is a third degree felony.

4181 (4) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's
4182 conduct under Subsection (2) or the name of the actor may not be made public.

4183 Section 113. Section **76-8-804** is amended to read:

4184 **76-8-804. Attempts to commit crimes of sabotage.**

4185 ~~[Whoever attempts to commit any of the crimes defined by this part shall be punishable~~
4186 ~~for the attempt as prescribed in Section 76-4-102. In addition to the acts which constitute an~~
4187 ~~attempt to commit crime under the law of this state, the solicitation or incitement of another to~~
4188 ~~commit any of the crimes defined by this part not allowed by the commission of the crime, the~~
4189 ~~collection or assemblage of any materials with the intent that they are to be used then or at a~~
4190 ~~later time in the commission of the crime, or the entry, with or without permission, of a~~
4191 ~~building, enclosure or other premises of another with the intent to commit any such crime~~
4192 ~~therein or thereon shall constitute an attempt to commit the crime.]~~

4193 (1) (a) An actor that attempts to commit a crime under this part is punishable for the
4194 attempt as prescribed in Section 76-4-102.

4195 (b) In addition to the acts that constitute an attempt to commit a crime under the law of
4196 this state, an actor's conduct constitutes an attempt to commit a crime under this part if the
4197 actor:

4198 (i) solicits or incites another individual to commit a crime under this part;

4199 (ii) collects or assembles materials with the intent to use the materials to commit a
4200 crime under this part; or

4201 (iii) enters, with or without permission, a building, enclosure, or other premises
4202 intending to commit a crime under this part.

4203 (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's
4204 conduct under this section or the name of the actor may not be made public.

4205 Section 114. Section **76-8-805** is amended to read:

4206 **76-8-805. Conspiracy to commit crimes of sabotage.**

4207 (1) (a) If two or more [persons] actors conspire to commit [any crime defined
4208 by] a crime under this part and regardless of whether an additional act is done in furtherance of
4209 the conspiracy, each [of the persons] actor:

4210 (i) is guilty of conspiracy in accordance with Section 76-4-201; and
 4211 (ii) notwithstanding Section 76-4-202, is subject to the same punishment as if ~~[he]~~ the
 4212 actor had committed the crime ~~[which he]~~ that the actor conspired to commit~~[, whether or not~~
 4213 ~~any act be done in furtherance of the conspiracy. It shall not constitute any]~~

4214 (b) It is not a defense or ground of suspension of judgment, sentence, or punishment
 4215 ~~[on behalf of any person prosecuted]~~ under this section that ~~[any of his]~~ an actor's fellow
 4216 conspirators ~~[has]~~ have been acquitted, ~~[has]~~ have not been arrested or convicted, or ~~[is]~~ are
 4217 amenable to justice or ~~[has]~~ have been pardoned or otherwise discharged before or after a
 4218 conviction.

4219 (2) Prior to the filing of a formal criminal complaint, evidence of an alleged actor's
 4220 conduct under Subsection (1)(a) or the name of the actor may not be made public.

4221 Section 115. Section **76-8-807** is amended to read:

4222 **76-8-807. Trespassing at a war or defense facility.**

4223 ~~[(1) Any individual, partnership, association, corporation, municipal corporation, or~~
 4224 ~~state or any political subdivision thereof engaged in, or preparing to engage in, the~~
 4225 ~~manufacture, transportation or storage of any product to be used in the preparation of the~~
 4226 ~~United States or of any of the states for defense or for war or in the prosecution of war by the~~
 4227 ~~United States, or the manufacture, transportation, distribution or storage of gas, oil, coal,~~
 4228 ~~electricity or water, or any natural or artificial persons operating any public utility, whose~~
 4229 ~~property, except where it fronts on water or where there are entrances for railway cars, vehicles,~~
 4230 ~~persons, or things, is surrounded by a fence or wall, or a fence or wall and buildings, may post~~
 4231 ~~around his or its property at each gate, entrance, dock, or railway entrance and every one~~
 4232 ~~hundred feet of water front a sign reading "No Entry Without Permission." The sign shall also~~
 4233 ~~designate a point of entrance or place where application may be made for permission to enter,~~
 4234 ~~and permission shall not be denied to any loyal citizen who has a valid right to enter.]~~

4235 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4236 (2) An actor commits trespassing at a war or defense facility if:

4237 (a) the actor intentionally enters a facility engaged in, or preparing to engage in, the
 4238 manufacture, transportation, or storage of a product to be used in the preparation of the United
 4239 States government or of a state government for defense or for war or in the prosecution of war
 4240 by the United States government;

4241 (b) the actor does not have permission from the owner of the facility to enter; and

4242 (c) the facility has posted signs reading "No Entry Without Permission."

4243 ~~[(2)] (3) [Any person willfully entering property enumerated in Subsection (1), without~~
4244 ~~permission of the owner, shall be guilty of] A violation of Subsection (2) is a class C~~
4245 ~~misdemeanor.~~

4246 (4) (a) A peace officer or individual employed as a watchman, a guard, or in a
4247 supervisory capacity on the premises of a facility under this section may stop an individual
4248 found on the premises and detain the individual for the purpose of demanding the individual's
4249 name, address, and reason for being on the premises.

4250 (b) If the peace officer or individual employed as a watchman, a guard, or in a
4251 supervisory capacity on the premises of a facility under this section has reason to believe that
4252 an individual stopped on the facility's premises has no right to be there, the peace officer or
4253 employee may:

4254 (i) release the individual; or

4255 (ii) arrest the individual without a warrant on the charge of violating this section.

4256 Section 116. Section **76-8-809** is amended to read:

4257 **76-8-809. Closing or restricting use of highways abutting defense or war facilities**
4258 **-- Posting of notices.**

4259 ~~[Any individual, partnership, association, corporation, municipal corporation or state or~~
4260 ~~any political subdivision thereof engaged in or preparing to engage in the manufacture,~~
4261 ~~transportation or storage of any product to be used in the preparation of the United States or~~
4262 ~~any of the states for defense or for war or in the prosecution of war by the United States, or in~~
4263 ~~the manufacture, transportation, distribution or storage of gas, oil, coal, electricity or water, or~~
4264 ~~any of said natural or artificial persons operating any public utility who has property so used~~
4265 ~~which he or it believes will be endangered if public use and travel is not restricted or prohibited~~
4266 ~~on one or more highways or parts thereof upon which the property abuts, may petition the~~
4267 ~~highway commissioners of any city, town, or county to close one or more of the highways or~~
4268 ~~parts thereof to public use and travel or to restrict by order the use and travel upon one or more~~
4269 ~~of the highways or parts thereof.]~~

4270 ~~[Upon receipt of the petition, the highway commissioners shall set a day for hearing and~~
4271 ~~give notice of the hearing, as a class A notice under Section [63G-30-102](#), for the city, town, or~~

4272 county, for at least seven days before the day of the hearing. If, after hearing, the highway
4273 commissioners determine that the public safety and the safety of the property of the petitioner
4274 so require, they shall by suitable order close to public use and travel or reasonably restrict the
4275 use of and travel upon one or more of the highways or parts thereof, provided the highway
4276 commissioners may issue written permits to travel over the highway so closed or restricted to
4277 responsible and reputable persons for a term, under conditions and in a form as the
4278 commissioners may prescribe. Appropriate notices in letters at least three inches high shall be
4279 posted conspicuously at each end of any highway so closed or restricted by an order. The
4280 highway commissioners may at any time revoke or modify any order so made].

4281 (1) As used in this section:

4282 (a) "Highway" means a place used for travel to or from property, including a private or
4283 public street or way.

4284 (b) "Highway commissioner" means an individual, a board, or other body having
4285 authority to restrict or close the highway to public use and travel.

4286 (c) "Public utility" means a system owned or operated for public use, including:

4287 (i) a pipeline system;

4288 (ii) a system for gas, electric, heat, water, oil, sewer, telephone, telegraph, radio,
4289 railway, or transportation communication;

4290 (iii) a railroad; or

4291 (iv) an airplane.

4292 (2) An individual, a partnership, an association, a corporation, a municipal corporation,
4293 the state, or a political subdivision of the state, may petition the highway commissioner of a
4294 city, town, or county to close or restrict travel upon a highway if the individual, partnership,
4295 association, corporation, municipal corporation, state, or political subdivision is:

4296 (a) engaged in or preparing to engage in the manufacture, transportation, or storage of a
4297 product to be used in the preparation of the United States government or a state government for
4298 defense, for war, or in the prosecution of war by the United States government; or

4299 (b) (i) (A) manufacturing, transporting, distributing, or storing gas, oil, coal, electricity,
4300 or water; or

4301 (B) operating a public utility; and

4302 (ii) believes the gas, oil, electricity, water, or public utility will be endangered if public

4303 use and travel is not restricted or prohibited on a highway abutting the property involved in
4304 operating the public utility or manufacturing, transporting, distributing, or storing the gas, oil,
4305 coal, electricity, or water.

4306 (3) Upon receiving a petition described in Subsection (2), the highway commissioner
4307 shall set a day for a public hearing and give notice of the hearing at least seven days before the
4308 day on which the hearing will be held, as a class A notice under Section [63G-30-102](#), for the
4309 city, town, or county.

4310 (4) (a) Subject to Subsection (5), after holding the hearing described in Subsection (3),
4311 the highway commissioner may, after determining that public safety and the safety of the
4312 property of the petitioner require the closure or restricted use of the highway, issue an order to:

4313 (i) close the highway to all public use and travel; or

4314 (ii) reasonably restrict travel on the highway for the safety of the petitioner's property.

4315 (b) Visible notices at least three inches tall detailing the closure or restriction shall be
4316 posted at each end of a highway closed or restricted under this Subsection (4).

4317 (5) A highway commissioner issuing an order under Subsection (4) may issue a permit
4318 to a responsible and reputable individual to travel on a closed or restricted highway under
4319 conditions set by the highway commissioner.

4320 Section 117. Section **76-8-810** is amended to read:

4321 **76-8-810. Violation of an order closing or restricting a highway.**

4322 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-809](#) apply to this
4323 section.

4324 (2) An actor commits violation of an order closing or restricting a highway if the actor
4325 violates an order issued by a highway commissioner closing or restricting a highway under
4326 Section [76-8-809](#).

4327 (3) ~~[Whoever violates any order made under the immediate preceding section shall be~~
4328 guilty of] A violation of Subsection (2) is a class C misdemeanor.

4329 Section 118. Section **76-8-811** is amended to read:

4330 **76-8-811. Bargaining rights of employees not impaired by sabotage prevention**
4331 **laws.**

4332 Nothing in this part shall be construed to impair, curtail, or destroy the rights of
4333 employees and ~~[their]~~ the employees' representatives to self organize, to form, join, or assist

4334 labor organizations, to bargain collectively through representatives of [their] the employees'
 4335 own choosing, and to engage in concerted activities, for the purpose of collective bargaining or
 4336 other mutual aid or protection as provided by state or federal laws.

4337 Section 119. Section **76-8-901** is amended to read:

4338 **76-8-901. Definitions.**

4339 [~~For the purpose of~~] As used in this part:

4340 (1) "Criminal syndicalism" [~~is~~] means the doctrine [~~which~~] that advocates crime,
 4341 violence, force, arson, destruction of property, sabotage, or other unlawful acts or methods, as a
 4342 means of accomplishing or effecting industrial or political ends, or as a means of effecting
 4343 industrial or political revolution.

4344 (2) "Sabotage" means the unlawful and intentional damage or injury to, or destruction
 4345 of, real or personal property, [~~in any form whatsoever, of any~~] of an employer or owner by [~~his~~
 4346 ~~employees, or by any employer, or by any person at the instance of any employer, or at the~~
 4347 ~~instance, request, or instigation of employees, or any other person~~] an individual.

4348 Section 120. Section **76-8-902** is amended to read:

4349 **76-8-902. Advocating criminal syndicalism or sabotage.**

4350 [~~Any person who by word of mouth or writing advocates, suggests, or teaches the duty,~~
 4351 ~~necessity, propriety, or expediency of crime, criminal syndicalism or sabotage, or who~~
 4352 ~~advocates, suggests or teaches the duty, necessity, propriety, or expediency or doing any act of~~
 4353 ~~violence, the destruction of or damage to any property, the bodily injury to any person, or the~~
 4354 ~~commission of any crime or unlawful act as a means of accomplishing or effecting any~~
 4355 ~~industrial or political ends, change or revolution, or who prints, publishes, edits, or issues, or~~
 4356 ~~knowingly circulates, sells, or distributes, or publicly displays, any books, pamphlets, paper,~~
 4357 ~~handbill, poster, document, or written or printed matter in any form whatsoever, containing,~~
 4358 ~~advocating, advising, suggesting, or teaching crime, criminal syndicalism, sabotage, the doing~~
 4359 ~~of any act of violence, the destruction of or damage to any property, the injury to any person, or~~
 4360 ~~the commission of any crime or unlawful act, as a means of accomplishing, effecting, or~~
 4361 ~~bringing about any industrial or political ends or change, or as a means of accomplishing,~~
 4362 ~~effecting, or bringing about any industrial or political revolution, or who openly or at all~~
 4363 ~~attempts to justify by word of mouth or writing the commission or the attempt to commit~~
 4364 ~~sabotage, any act of violence, the destruction of or damage to any property, the injury of any~~

4365 ~~person, or the commission of any crime or unlawful act, with the intent to exemplify, spread, or~~
4366 ~~teach or suggest criminal syndicalism, or organizes, or helps to organize, or becomes a member~~
4367 ~~of, or voluntarily assembles with, any society or assemblage of persons formed to teach or~~
4368 ~~advocate, or which teaches, advocates, or suggests the doctrine of criminal syndicalism or~~
4369 ~~sabotage, or the necessity, propriety, or expediency of doing any act of violence or the~~
4370 ~~commission of any crime or unlawful act as a means of accomplishing or effecting any~~
4371 ~~industrial or political ends, change or revolution, is guilty of a felony of the third degree].~~

4372 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this
4373 section.

4374 (2) An actor commits advocating criminal syndicalism or sabotage if the actor:

4375 (a) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of
4376 crime, criminal syndicalism, or sabotage;

4377 (b) as a means of accomplishing or effecting industrial or political ends, change, or
4378 revolution:

4379 (i) advocates, suggests, or teaches the duty, necessity, propriety, or expediency of
4380 performing an act of violence, destroying or damaging property, causing bodily injury to an
4381 individual, or committing a crime or unlawful act;

4382 (ii) prints, publishes, edits, or issues, or knowingly circulates, sells, distributes, or
4383 publicly displays a book, pamphlet, paper, handbill, poster, document, or written or printed
4384 matter in any form, containing, advocating, advising, suggesting, or teaching crime, criminal
4385 syndicalism, sabotage, performing an act of violence, the destruction of or damage to property,
4386 the injury to an individual, or the commission of a crime or unlawful act; or

4387 (iii) organizes or becomes a member of, or voluntarily assembles with, a society or
4388 assemblage of individuals formed to teach or advocate the doctrine of criminal syndicalism or
4389 sabotage, or the necessity, propriety, or expediency of doing an act of violence or the
4390 commission of a crime or unlawful act; or

4391 (c) with the intent to exemplify, spread, or teach or suggest criminal syndicalism,
4392 attempts to justify sabotage, an act of violence, the destruction of or damage to property, the
4393 injury of an individual, or the commission of a crime or unlawful act.

4394 (3) A violation of Subsection (2) is a third degree felony.

4395 Section 121. Section **76-8-903** is amended to read:

4396 **76-8-903. Assembling for advocating criminal syndicalism or sabotage.**

4397 [~~The assembly or consorting of two or more persons~~]

4398 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this
4399 section.

4400 (2) An actor commits assembling for advocating criminal syndicalism or sabotage if
4401 the actor, as a means of accomplishing or effecting industrial or political ends, change, or
4402 revolution:

4403 (a) assembles with two or more individuals; and

4404 (b) assembles for the purpose of advocating, teaching, or suggesting;

4405 (i) the doctrine of criminal syndicalism[~~, or to advocate, teach, suggest or encourage~~
4406 sabotage, or]; or

4407 (ii) the duty, necessity, propriety, or expediency of [~~doing any~~] performing an act of
4408 violence, [~~the destruction of or damage to any~~] destroying or damaging property, [~~the~~] causing
4409 bodily injury to [~~any person, or the commission of any~~] an individual, or committing a crime or
4410 unlawful act [~~as a means of accomplishing or effecting any industrial or political ends, change~~
4411 or revolution, is hereby declared unlawful, and every person voluntarily participating therein,
4412 or by his presence aiding and instigating the same is guilty of a felony of the third degree].

4413 (3) A violation of Subsection (2) is a third degree felony.

4414 Section 122. Section **76-8-904** is amended to read:

4415 **76-8-904. Permitting the use of property for assembly advocating criminal**
4416 **syndicalism or sabotage.**

4417 (1) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-901 apply to this
4418 section.

4419 (2) An actor commits permitting the use of property for assembly advocating criminal
4420 syndicalism or sabotage if the actor:

4421 (a) [~~The~~] is an owner, lessee, agent, superintendent, or [~~person~~] individual in charge or
4422 occupation of [~~any~~] a place, building, room, or structure[~~, who~~]; and

4423 (b) knowingly permits [~~therein any~~] assembly or consorting of [~~persons~~] individuals
4424 prohibited [~~by the provisions of~~] under Section 76-8-903[~~, or who after notification that the~~
4425 place or premises, or any part thereof, is so used, permits such use to be continued, is guilty of
4426 a class B misdemeanor].

4427 (3) A violation of Subsection (2) is a class B misdemeanor.

4428 Section 123. Section **76-8-1201** is amended to read:

4429 **76-8-1201. Definitions.**

4430 As used in this part:

4431 (1) "Client" means a person who receives or has received public assistance.

4432 (2) "Overpayment" [~~has the same meaning as~~] means the same as that term is defined
4433 in Section 35A-3-102.

4434 (3) "Provider" [~~has the same meaning as defined in Section 26B-9-101~~] means a person
4435 or entity that receives compensation from any public assistance program for goods or services
4436 provided to a public assistance recipient.

4437 (4) "Public assistance" [~~has the same meaning as~~] means the same as that term is
4438 defined in Section 35A-1-102.

4439 Section 124. Section **76-8-1203** is amended to read:

4440 **76-8-1203. Required disclosures by an applicant, a recipient, or a provider of**
4441 **public assistance.**

4442 (1) [~~Each person~~] An individual who is 18 years old or older and applies for public
4443 assistance, or who is 18 years old or older and currently receives public assistance, shall
4444 disclose to the state agency administering the public assistance each fact that may materially
4445 affect the [~~determination of the person's~~] individual's eligibility to receive or continue to
4446 receive public assistance, including the [~~person's~~] individual's current:

4447 (a) marital status;

4448 (b) household composition;

4449 (c) employment;

4450 (d) earned and unearned income, as defined by rule;

4451 (e) receipt of monetary and in-kind gifts that may affect the [~~person's~~] individual's
4452 eligibility;

4453 (f) assets that may affect the [~~person's~~] individual's eligibility; and

4454 (g) any other material fact or change in circumstance that may affect the determination
4455 of [~~that person's~~] the individual's eligibility to receive public assistance benefits, or may affect
4456 the amount of benefits for which the [~~person~~] individual is eligible.

4457 [~~(2) A person applying for public assistance who intentionally, knowingly, or~~

4458 recklessly fails to disclose a material fact required to be disclosed under Subsection (1) is guilty
4459 of public assistance fraud as provided in Section ~~76-8-1206.~~]

4460 [~~(3) With the exception of a client receiving public assistance from the Department of
4461 Workforce Services or the Department of Health, a client who intentionally, knowingly, or
4462 recklessly fails to disclose to the state agency administering the public assistance a change in a
4463 material fact required to be disclosed under Subsection (1), within 10 days after the date of the
4464 change, is guilty of public assistance fraud as provided in Section ~~76-8-1206.~~]~~

4465 [~~(4) A client who intentionally, knowingly, or recklessly fails to disclose to the
4466 Department of Workforce Services or the Department of Health at the time of a review or
4467 recertification, whichever comes first, a change in a material fact required to be disclosed under
4468 Subsection (1) is guilty of public assistance fraud as provided in Section ~~76-8-1206.~~]~~

4469 (2) (a) Subject to Subsection (2)(b), a provider that solicits, requests, or receives,
4470 actually or constructively, a payment or contribution in the form of an assessment, a payment, a
4471 gift, a devise, a bequest, or other means, directly or indirectly, from a client or client's family
4472 shall:

4473 (i) notify the state agency administering the public assistance to the client of the
4474 amount of the payment or contribution the provider received from the client or the client's
4475 family; and

4476 (ii) provide the notification to the state agency in writing within 10 days after the day
4477 on which the payment or contribution was received.

4478 (b) If the payment or contribution described in Subsection (2)(a) is made under an
4479 agreement, written or oral, the provider shall notify the state agency administering the public
4480 assistance to the client of the payment or contribution within 10 days after the day on which the
4481 provider entered into the agreement.

4482 (3) An actor may be charged under Section ~~76-8-1203.1, 76-8-1203.3, or 76-8-1203.5~~
4483 for failing to provide information required under this section.

4484 Section 125. Section ~~76-8-1203.1~~ is enacted to read:

4485 **76-8-1203.1. Public assistance fraud by an applicant for public assistance.**

4486 (1) Terms defined in Sections ~~76-1-101.5, 76-8-101, and 76-8-1201~~ apply to this
4487 section.

4488 (2) An actor commits public assistance fraud by an applicant for public assistance if the

4489 actor intentionally, knowingly, or recklessly:

4490 (a) applies for public assistance; and

4491 (b) fails to disclose a material fact required to be disclosed under Subsection

4492 76-8-1203(1).

4493 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of
4494 payments, assistance, or other benefits received, misappropriated, claimed, or applied:

4495 (a) a second degree felony if the value is or exceeds \$5,000;

4496 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;

4497 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or

4498 (d) a class B misdemeanor if the value is less than \$500.

4499 (4) It is not a defense to prosecution under this section that the actor repaid the funds or
4500 benefits obtained in violation of this section.

4501 (5) (a) In determining the value of payments, assistance, or other benefits received to
4502 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated
4503 by aggregating the values of each instance of public assistance fraud committed by the actor as
4504 part of the same facts and circumstances or a related series of facts and circumstances.

4505 (b) The value of a benefit received by an individual is the ordinary or usual charge for
4506 similar benefits in the private sector.

4507 (6) The provisions of Section 35A-1-503 apply to a prosecution brought under this
4508 section.

4509 Section 126. Section 76-8-1203.3 is enacted to read:

4510 **76-8-1203.3. Public assistance fraud by a recipient of public assistance.**

4511 (1) (a) As used in this section, "SNAP benefit" means the same as that term is defined
4512 in Section 35A-1-102.

4513 (b) Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-1201 apply to this
4514 section.

4515 (2) An actor commits public assistance fraud by a recipient of public assistance if the
4516 actor:

4517 (a) (i) except as provided in Subsection (2)(b), is receiving public assistance
4518 administered by a state agency; and

4519 (ii) intentionally, knowingly, or recklessly fails to disclose to the state agency

4520 administering the public assistance to the actor of a change of a material fact required to be
4521 disclosed under Subsection 76-8-1203(1) within 10 days after the day on which the change
4522 occurred;

4523 (b) (i) is receiving public assistance from the Department of Workforce Services or the
4524 Department of Health and Human Services; and

4525 (ii) at the time of a review or recertification, whichever comes first, intentionally,
4526 knowingly, or recklessly fails to disclose a change of a material fact required to be disclosed
4527 under Subsection 76-8-1203(1);

4528 (c) in a manner not allowed by law, intentionally, knowingly, or recklessly uses,
4529 transfers, acquires, traffics in, falsifies, or possesses:

4530 (i) SNAP benefits;

4531 (ii) a SNAP benefit identification card;

4532 (iii) a certificate of eligibility for medical services;

4533 (iv) a Medicaid identification card;

4534 (v) a fund transfer instrument;

4535 (vi) a payment instrument; or

4536 (vii) a public assistance warrant;

4537 (d) (i) is receiving public assistance;

4538 (ii) acquires income or resources in excess of the amount the actor previously reported
4539 to the state agency administering the public assistance to the actor; and

4540 (iii) fails to notify the state agency to which the actor previously reported within 10
4541 days after the day on which the actor acquired the excess income or resources;

4542 (e) (i) fails to disclose a material fact required to be disclosed under Subsection
4543 76-8-1203(1) or notify a state agency under Subsection 76-8-1203(2); and

4544 (ii) (A) intends to obtain or help another individual obtain an overpayment; or

4545 (B) obtains an overpayment, unauthorized payment, or benefit; or

4546 (f) receives an unauthorized payment or benefit as a result of unlawful acts described in
4547 this section, Section 76-8-1203.3, Section 76-8-1203.5, or Section 76-8-1203.7.

4548 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of
4549 payments, assistance, or other benefits received, misappropriated, claimed, or applied:

4550 (a) a second degree felony if the value is or exceeds \$5,000;

- 4551 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
4552 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
4553 (d) a class B misdemeanor if the value is less than \$500.
- 4554 (4) It is not a defense to prosecution under this section that the actor repaid the funds or
4555 benefits obtained in violation of this section.
- 4556 (5) (a) In determining the value of payments, assistance, or other benefits received to
4557 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated
4558 by aggregating the values of each instance of public assistance fraud committed by the actor as
4559 part of the same facts and circumstances or a related series of facts and circumstances.
- 4560 (b) The value of a benefit received by an individual is the ordinary or usual charge for
4561 similar benefits in the private sector.
- 4562 (6) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this
4563 section.
- 4564 (7) Incidents of trafficking in SNAP benefits that occur within a six-month period,
4565 committed by an individual or coconspirators, are deemed to be a related series of facts and
4566 circumstances regardless of whether the transactions are conducted with a variety of unrelated
4567 parties.
- 4568 Section 127. Section **76-8-1203.5** is enacted to read:
- 4569 **76-8-1203.5. Public assistance fraud by a provider.**
- 4570 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this
4571 section.
- 4572 (2) An actor commits public assistance fraud by a provider if the actor:
- 4573 (a) is a provider; and
- 4574 (b) intentionally, knowingly, or recklessly:
- 4575 (i) receives a payment after failing to comply with the requirements in Subsection
4576 [76-8-1203\(1\)](#) or [76-8-1203\(2\)](#);
- 4577 (ii) files a claim for payment under a state or federally funded public assistance
4578 program for goods or services not provided to or for a client under that program;
- 4579 (iii) files or falsifies a claim, report, or document required by a state or federal law, a
4580 rule, or a provider agreement for goods or services not authorized under the state or federally
4581 funded public assistance program for which the goods or services were provided;

- 4582 (iv) fails to credit the state for payments received from other sources;
4583 (v) bills a client, or the client's family, for:
4584 (A) goods or services not provided; or
4585 (B) an amount greater than that allowed by law or rule; or
4586 (vi) fails to comply with the notification requirements under Subsection [76-8-1203](#)(2).
4587 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of
4588 payments, assistance, or other benefits received, misappropriated, claimed, or applied:
4589 (a) a second degree felony if the value is or exceeds \$5,000;
4590 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
4591 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
4592 (d) a class B misdemeanor if the value is less than \$500.
4593 (4) It is not a defense to prosecution under this section that the actor repaid the funds or
4594 benefits obtained in violation of this section.
4595 (5) (a) In determining the value of payments, assistance, or other benefits received to
4596 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated
4597 by aggregating the values of each instance of public assistance fraud committed by the actor as
4598 part of the same facts and circumstances or a related series of facts and circumstances.
4599 (b) The value of a benefit received by an individual is the ordinary or usual charge for
4600 similar benefits in the private sector.
4601 (6) This section does not apply to offenses by providers under the state's Medicaid
4602 program that are actionable under Title 26B, Chapter 3, Part 11, Utah False Claims Act.
4603 (7) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this
4604 section.
4605 Section 128. Section **76-8-1203.7** is enacted to read:
4606 **76-8-1203.7. Fraudulently misappropriating public assistance funds.**
4607 (1) Terms defined in Sections [76-1-101.5](#), [76-8-101](#), and [76-8-1201](#) apply to this
4608 section.
4609 (2) An actor commits fraudulently misappropriating public assistance funds if the
4610 actor:
4611 (a) (i) is an administrator of a state or federally funded public assistance program; and
4612 (ii) while performing the actor's duties as an administrator, intentionally, knowingly, or

- 4613 recklessly fraudulently misappropriates funds exchanged for:
- 4614 (A) SNAP benefits;
- 4615 (B) an identification card;
- 4616 (C) a certificate of eligibility for medical services;
- 4617 (D) a Medicaid identification card; or
- 4618 (E) other public assistance the actor has been entrusted with or that has come into the
- 4619 actor's possession as a result of the actor's duties; or
- 4620 (b) (i) is an individual entrusted with:
- 4621 (A) SNAP benefits;
- 4622 (B) an identification card;
- 4623 (C) a certificate of eligibility for medical services;
- 4624 (D) a Medicaid identification card; or
- 4625 (E) other public assistance with which the individual has been entrusted; and
- 4626 (ii) intentionally, knowingly, or recklessly fraudulently misappropriates funds
- 4627 exchanged for a benefit described in Subsection (2)(b)(i) with which the individual has been
- 4628 entrusted.
- 4629 (3) Subject to Subsection (5), a violation of Subsection (2) is, based on the value of
- 4630 payments, assistance, or other benefits received, misappropriated, claimed, or applied:
- 4631 (a) a second degree felony if the value is or exceeds \$5,000;
- 4632 (b) a third degree felony if the value is or exceeds \$1,500 but is less than \$5,000;
- 4633 (c) a class A misdemeanor if the value is or exceeds \$500 but is less than \$1,500; or
- 4634 (d) a class B misdemeanor if the value is less than \$500.
- 4635 (4) It is not a defense to prosecution under this section that the actor repaid the funds or
- 4636 benefits obtained in violation of this section.
- 4637 (5) (a) In determining the value of payments, assistance, or other benefits received to
- 4638 determine the penalty level of an actor's conduct under Subsection (3), the value is calculated
- 4639 by aggregating the values of each instance of public assistance fraud committed by the actor as
- 4640 part of the same facts and circumstances or a related series of facts and circumstances.
- 4641 (b) The value of a benefit received by an individual is the ordinary or usual charge for
- 4642 similar benefits in the private sector.
- 4643 (6) The provisions of Section [35A-1-503](#) apply to a prosecution brought under this

4644 section.

4645 Section 129. Section **76-8-1207** is amended to read:

4646 **76-8-1207. Evidence in criminal actions for public assistance fraud.**

4647 In ~~[any]~~ a criminal action ~~[pursuant to]~~ under this part:

4648 (1) a paid state warrant made to the order of ~~[a party]~~ an individual or a payment made
4649 through an electronic benefit card issued to ~~[a party]~~ an individual constitutes prima facie
4650 evidence that the ~~[party]~~ individual received financial assistance from the state; and

4651 (2) all of the records in the custody of the ~~[department]~~ state agency administering
4652 public assistance relating to the application for, verification of, issuance of, receipt of, and use
4653 of public assistance constitute records of regularly conducted activity within the meaning of the
4654 exceptions to the hearsay rule of evidence[;].

4655 ~~[(3) the value of the benefits received shall be based on the ordinary or usual charge for~~
4656 ~~similar benefits in the private sector; and]~~

4657 ~~[(4) the repayment of funds or other benefits obtained in violation of the provisions of~~
4658 ~~this part constitutes no defense to, or ground for dismissal of, that action.]~~

4659 Section 130. Section **76-8-1301** is amended to read:

4660 **76-8-1301. False statement to obtain or increase unemployment compensation.**

4661 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4662 ~~[(a) A person who makes a false statement or representation knowing it to be false or~~
4663 ~~knowingly fails to disclose a material fact,]~~

4664 (2) An actor commits false statement to obtain or increase unemployment
4665 compensation if the actor, to obtain or increase a benefit or other payment under Title 35A,
4666 Chapter 4, Employment Security Act, or under the Unemployment Compensation Law of any
4667 state or of the federal government ~~[for any person is guilty of unemployment insurance fraud.]:~~

4668 (a) makes a false statement or representation, knowing the representation is false; or

4669 (b) knowingly fails to disclose a material fact.

4670 ~~[(b)]~~ (3) (a) A violation of Subsection ~~[(1)(a)]~~ (2) is:

4671 (i) a class B misdemeanor ~~[when]~~ if the value of the money obtained or sought to be
4672 obtained is less than \$500;

4673 (ii) a class A misdemeanor ~~[when]~~ if the value of the money obtained or sought to be
4674 obtained is or exceeds \$500 but is less than \$1,500;

4675 (iii) a third degree felony [~~when~~] if the value of the money obtained or sought to be
4676 obtained is or exceeds \$1,500 but is less than \$5,000; or

4677 (iv) a second degree felony [~~when~~] if the value of the money obtained or sought to be
4678 obtained is or exceeds \$5,000.

4679 ~~[(c)]~~ (b) The determination of the degree of an offense under Subsection ~~[(1)(b) shall~~
4680 ~~be]~~ (3)(a) is measured by the total value of all money obtained or sought to be obtained by the
4681 unlawful conduct.

4682 ~~[(2)(a) An officer or agent of an employing unit as defined in Section 35A-4-202 or~~
4683 ~~any other person who makes a false statement or representation knowing it to be false, or who~~
4684 ~~knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment~~
4685 ~~compensation benefits to an individual entitled to those benefits, or to avoid becoming or~~
4686 ~~remaining a subject employer or to avoid or reduce any contribution or other payment required~~
4687 ~~from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the~~
4688 ~~Unemployment Compensation Law of any state or of the federal government, or who willfully~~
4689 ~~fails or refuses to make a contribution or other payment or to furnish any report required in~~
4690 ~~Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or~~
4691 ~~copying of records as required under that chapter is guilty of unemployment insurance fraud.]~~

4692 ~~[(b) A violation of Subsection (2)(a) is:]~~

4693 ~~[(i) a class B misdemeanor when the value of the money obtained or sought to be~~
4694 ~~obtained is less than \$500;]~~

4695 ~~[(ii) a class A misdemeanor when the value of the money obtained or sought to be~~
4696 ~~obtained is or exceeds \$500 but is less than \$1,500;]~~

4697 ~~[(iii) a third degree felony when the value of the money obtained or sought to be~~
4698 ~~obtained is or exceeds \$1,500 but is less than \$5,000; or]~~

4699 ~~[(iv) a second degree felony when the value of the money obtained or sought to be~~
4700 ~~obtained is or exceeds \$5,000;]~~

4701 ~~[(3)(a) A person who willfully violates any provision of Title 35A, Chapter 4,~~
4702 ~~Employment Security Act, or any order made under that chapter, the violation of which is made~~
4703 ~~unlawful or the observance of which is required under the terms of that chapter, and for which~~
4704 ~~a penalty is neither prescribed in that chapter nor provided by any other applicable statute is~~
4705 ~~guilty of a class A misdemeanor;]~~

4706 ~~[(b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.]~~

4707 ~~[(4) A person is guilty of a class C misdemeanor if:]~~

4708 ~~[(a) as an employee of the Department of Workforce Services, in willful violation of~~
4709 ~~Section 35A-4-312, the employee makes a disclosure of information obtained from an~~
4710 ~~employing unit or individual in the administration of Title 35A, Chapter 4, Employment~~
4711 ~~Security Act; or]~~

4712 ~~[(b) the person has obtained a list of applicants for work or of claimants or recipients of~~
4713 ~~benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of~~
4714 ~~the list for any political purpose.]~~

4715 Section 131. Section **76-8-1302** is enacted to read:

4716 **76-8-1302. False statement to prevent or reduce unemployment compensation or**
4717 **liability.**

4718 (1) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4719 (2) An actor commits false statement to prevent or reduce unemployment
4720 compensation or liability if the actor, to prevent or reduce the payment of unemployment
4721 compensation benefits to an individual entitled to those benefits, or to avoid becoming or
4722 remaining a subject employer, or to avoid or reduce a contribution or other payment required
4723 from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the
4724 Unemployment Compensation Law of a state or of the federal government:

4725 (a) makes a false statement or representation, knowing the representation is false; or

4726 (b) knowingly fails to disclose a material fact.

4727 (3) A violation of Subsection (2) is:

4728 (a) a class B misdemeanor if the value of the money obtained or sought to be obtained
4729 is less than \$500;

4730 (b) a class A misdemeanor if the value of the money obtained or sought to be obtained
4731 is or exceeds \$500 but is less than \$1,500;

4732 (c) a third degree felony if the value of the money obtained or sought to be obtained is
4733 or exceeds \$1,500 but is less than \$5,000; or

4734 (d) a second degree felony if the value of the money obtained or sought to be obtained
4735 is or exceeds \$5,000.

4736 (4) An actor under this section may include an officer or agent of an employing unit as

4737 defined under Section 35A-4-202.

4738 Section 132. Section **76-8-1303** is enacted to read:

4739 **76-8-1303. Unlawful failure to comply with Employment Security Act**
4740 **requirement.**

4741 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4742 (2) An actor commits unlawful failure to comply with Employment Security Act
4743 requirements if the actor willfully:

4744 (a) fails or refuses:

4745 (i) to make a contribution or other payment required under Title 35A, Chapter 4,
4746 Employment Security Act;

4747 (ii) to furnish a report required under Title 35A, Chapter 4, Employment Security Act;

4748 or

4749 (iii) to produce or permit the inspection or copying of records required under Title
4750 35A, Chapter 4, Employment Security Act; or

4751 (b) violates a provision of Title 35A, Chapter 4, Employment Security Act, or an order
4752 made under that chapter, for which the violation:

4753 (i) is made unlawful or the observance of which is required under the terms of Title
4754 35A, Chapter 4, Employment Security Act;

4755 (ii) does not have a prescribed penalty in Title 35A, Chapter 4, Employment Security
4756 Act, or another applicable statute; and

4757 (iii) is for conduct not described in Subsection (2)(a).

4758 (3) (a) A violation of Subsection (2)(a) is:

4759 (i) a class B misdemeanor if the value of the money obtained or sought to be obtained
4760 is less than \$500;

4761 (ii) a class A misdemeanor if the value of the money obtained or sought to be obtained
4762 is or exceeds \$500 but is less than \$1,500;

4763 (iii) a third degree felony if the value of the money obtained or sought to be obtained is
4764 or exceeds \$1,500 but is less than \$5,000; or

4765 (iv) a second degree felony if the value of the money obtained or sought to be obtained
4766 is or exceeds \$5,000.

4767 (b) A violation of Subsection (2)(b) is a class A misdemeanor.

4768 (4) An actor under this section may include an officer or agent of an employing unit as
4769 defined under Section 35A-4-202.

4770 Section 133. Section **76-8-1304** is enacted to read:

4771 **76-8-1304. Unlawful use or disclosure of employment information.**

4772 (1) (a) As used in this section, "employing unit" means the same as that term is defined
4773 in Section 35A-4-202.

4774 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4775 (2) An actor commits unlawful use or disclosure of employment information if the
4776 actor:

4777 (a) (i) is an employee of the Department of Workforce Services; and

4778 (ii) willfully violates Section 35A-4-312 by making a disclosure of information
4779 obtained from an employing unit or individual in the administration of Title 35A, Chapter 4,
4780 Employment Security Act; or

4781 (b) (i) obtains a list of applicants for work or of claimants or recipients of benefits
4782 under Title 35A, Chapter 4, Employment Security Act; and

4783 (ii) uses or permits the use of the list described in Subsection (2)(b)(i) for a political
4784 purpose.

4785 (3) A violation of Subsection (2) is a class C misdemeanor.

4786 Section 134. Section **76-8-1402** is amended to read:

4787 **76-8-1402. Disruption of activity in or near school building.**

4788 (1) (a) As used in this section:

4789 (i) (A) "Chief administrator" means the principal of a school or the chief administrator
4790 of a school that does not have a principal.

4791 (B) "Chief administrator" includes the chief administrator's designee or representative.

4792 (ii) "School" means a public or private kindergarten, elementary, or secondary school
4793 through grade 12.

4794 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

4795 (2) In the absence of a local ordinance or other controlling law governing the conduct
4796 described in this Subsection [~~(1), a person is guilty of an offense under Subsection (2) who,~~
4797 (2), an actor commits disruption of activity in or near school building if the actor, while on a
4798 street, sidewalk, or public way adjacent to [~~any~~] a school building or ground:

4799 (a) ~~[by his or her presence or acts,]~~ materially disrupts the peaceful conduct of school
4800 activities by the actor's presence or act; and

4801 (b) remains upon the place under Subsection ~~[(1)(a)]~~ (2)(a) after being asked to leave
4802 by the chief administrator of that school.

4803 ~~[(2)(a) A violation of Subsection (1) is subject to the penalties under Subsection (2)(b)~~
4804 ~~unless the violation constitutes another offense subject to a greater penalty.]~~

4805 ~~[(b)(i) The]~~

4806 (3) (a) Except as provided under Subsection (4), a first [and] or second violation of
4807 Subsection ~~[(1)are]~~ (2) is a class B [misdemeanors] misdemeanor.

4808 ~~[(ii) A third and any subsequent violations of Subsection (1) are class A~~
4809 ~~misdemeanors]~~

4810 (b) Except as provided under Subsection (4), a third or subsequent violation of
4811 Subsection (2) is a class A misdemeanor.

4812 (4) If an actor's conduct violates Subsection (2) and the actor's conduct also amounts to
4813 a violation of another offense with a greater penalty, the offense with the greater penalty
4814 applies.

4815 Section 135. Section **76-8-1403** is amended to read:

4816 **76-8-1403. Unlawful evasion of law enforcement by entering school property--**
4817 **Restitution.**

4818 (1) (a) As used in this section:

4819 ~~[(a)]~~ (i) "School" means ~~[any]~~ a public or private kindergarten, elementary, or
4820 secondary school through grade 12, including all buildings and property of the school.

4821 ~~[(b)]~~ (ii) "School property" means real property:

4822 ~~[(i)]~~ (A) that is owned or occupied by a public or private school; or

4823 ~~[(ii)]~~ (B) ~~[(A)]~~ (I) that is temporarily occupied by students for a school-related activity
4824 or program; and

4825 ~~[(B)]~~ (II) regarding which, during the time the activity or program is being conducted,
4826 the main use of the real property is allocated to participants in the activity or program.

4827 (b) Terms defined in Sections [76-1-101.5](#) and [76-8-101](#) apply to this section.

4828 (2) ~~[A person is guilty of the class A misdemeanor of evading]~~ An actor commits
4829 unlawful evasion of law enforcement ~~[while on]~~ by entering school property[, if the person] if

4830 the actor enters onto school property when:

4831 (a) students are attending the school or students are participating in any school-related
4832 activity or program on school property; and

4833 (b) the ~~[person]~~ actor is in the act of fleeing or evading, or attempting to flee or evade,
4834 pursuit or apprehension by ~~[any]~~ a peace officer.

4835 (3) A violation of Subsection (2) is a class A misdemeanor.

4836 ~~[(3)]~~ (4) It is not a defense to a violation of this section that the ~~[person]~~ actor did not
4837 know that the ~~[person]~~ actor had entered onto school property.

4838 ~~[(4)]~~ (5) As a part of the sentence for violation of this section, the court shall order the
4839 ~~[defendant]~~ actor to reimburse the school for costs incurred by the school in responding to the
4840 ~~[defendant's]~~ actor's presence on the school property.

4841 ~~[(5)]~~ (6) The offense under this section ~~[of evading law enforcement while on school~~
4842 ~~property]~~ is a separate offense from a violation of:

4843 (a) ~~[Section 41-6a-210, regarding]~~ failure to respond to ~~[an]~~ officer's signal to stop
4844 under Section 41-6a-210; or

4845 (b) ~~[Section 76-8-305.5, regarding]~~ failure to stop at the command of a peace officer
4846 under Section 76-8-305.5.

4847 Section 136. Section **76-9-802** is amended to read:

4848 **76-9-802. Definitions.**

4849 As used in this part:

4850 (1) "Criminal street gang" means an organization, association in fact, or group of three
4851 or more persons, whether operated formally or informally:

4852 (a) that is currently in operation;

4853 (b) that has as one of its primary activities the commission of one or more predicate
4854 gang crimes;

4855 (c) that has, as a group, an identifying name or identifying sign or symbol, or both; and

4856 (d) whose members, acting individually or in concert with other members, engage in or
4857 have engaged in a pattern of criminal gang activity.

4858 (2) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of
4859 harm for the purpose of causing an individual to act or refrain from acting.

4860 (3) "Minor" means a person younger than 18 years old.

- 4861 (4) "Pattern of criminal gang activity" means:
- 4862 (a) committing, attempting to commit, conspiring to commit, or soliciting the
- 4863 commission of two or more predicate gang crimes within five years;
- 4864 (b) the predicate gang crimes are:
- 4865 (i) committed by two or more persons; or
- 4866 (ii) committed by an individual at the direction of, or in association with a criminal
- 4867 street gang; and
- 4868 (c) the criminal activity was committed with the specific intent to promote, further, or
- 4869 assist in any criminal conduct by members of the criminal street gang.
- 4870 (5) (a) "Predicate gang crime" means any of the following offenses:
- 4871 (i) Title 41, Chapter 1a, Motor Vehicle Act:
- 4872 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an
- 4873 identification number;
- 4874 (B) Section 41-1a-1315, regarding false evidence of title and registration;
- 4875 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;
- 4876 (D) Section 41-1a-1317, regarding selling or buying a motor vehicle without an
- 4877 identification number; or
- 4878 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification number;
- 4879 (ii) any criminal violation of the following provisions:
- 4880 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 4881 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 4882 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
- 4883 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 4884 (iii) Sections 76-5-102 through 76-5-103.5, which address assault offenses;
- 4885 (iv) Title 76, Chapter 5, Part 2, Criminal Homicide;
- 4886 (v) Sections 76-5-301 through 76-5-304, which address kidnapping and related
- 4887 offenses;
- 4888 (vi) ~~any~~ a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;
- 4889 (vii) Title 76, Chapter 6, Part 1, Property Destruction;
- 4890 (viii) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
- 4891 (ix) Title 76, Chapter 6, Part 3, Robbery;

4892 (x) ~~[any]~~ a felony offense under Title 76, Chapter 6, Part 4, Theft, or under Title 76,
 4893 Chapter 6, Part 6, Retail Theft, except Sections [76-6-404.5](#), [76-6-405](#), [76-6-407](#), [76-6-408](#),
 4894 [76-6-409](#), [76-6-409.1](#), [76-6-409.3](#), [76-6-409.6](#), [76-6-409.7](#), [76-6-409.8](#), [76-6-409.9](#), [76-6-410](#),
 4895 and [76-6-410.5](#);

4896 (xi) Title 76, Chapter 6, Part 5, Fraud, except Sections [76-6-504](#), [76-6-505](#), [76-6-507](#),
 4897 [76-6-508](#), [76-6-509](#), [76-6-510](#), [76-6-511](#), [76-6-512](#), [76-6-513](#), [76-6-514](#), [76-6-516](#), [76-6-517](#),
 4898 [76-6-518](#), and [76-6-520](#);

4899 (xii) Title 76, Chapter 6, Part 11, Identity Fraud Act;

4900 (xiii) Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except
 4901 Sections [76-8-302](#), [76-8-303](#), [76-8-307](#), [76-8-308](#), and [76-8-312](#);

4902 (xiv) [~~Section [76-8-508](#), which includes~~] tampering with a witness under Section
 4903 [76-8-508](#);

4904 (xv) [~~Section [76-8-508.3](#), which includes~~] retaliation against a witness [~~or~~], victim, or
 4905 informant under Section [76-8-509.3](#);

4906 (xvi) receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);

4907 [~~(xvi)~~] (xvii) [~~Section [76-8-509](#), which includes~~] extortion or bribery to dismiss a
 4908 criminal proceeding under Section [76-8-509](#);

4909 [~~(xvii)~~] (xviii) a misdemeanor violation of disorderly conduct under Section [76-9-102](#),
 4910 if the violation occurs at an official meeting;

4911 [~~(xviii)~~] (xix) Title 76, Chapter 10, Part 3, Explosives;

4912 [~~(xix)~~] (xx) Title 76, Chapter 10, Part 5, Weapons;

4913 [~~(xx)~~] (xxi) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;

4914 [~~(xxi)~~] (xxii) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

4915 [~~(xxii)~~] (xxiii) [~~Section [76-10-1801](#), which addresses~~] communications fraud under
 4916 Section [76-10-1801](#);

4917 [~~(xxiii)~~] (xxiv) Title 76, Chapter 10, Part 19, Money Laundering and Currency
 4918 Transaction Reporting Act; or

4919 [~~(xxiv)~~] (xxv) [~~Section [76-10-2002](#), which addresses~~] burglary of a research facility
 4920 under Section [76-10-2002](#).

4921 (b) "Predicate gang crime" also includes:

4922 (i) any state or federal criminal offense that by its nature involves a substantial risk that

4923 physical force may be used against another in the course of committing the offense; and

4924 (ii) any felony violation of a criminal statute of any other state, the United States, or
4925 any district, possession, or territory of the United States which would constitute a violation of
4926 any offense in Subsection (4)(a) if committed in this state.

4927 Section 137. Section **76-9-902** is amended to read:

4928 **76-9-902. Definitions.**

4929 As used in this part:

4930 (1) "Criminal street gang" means an organization, association in fact, or group of three
4931 or more persons, whether operated formally or informally:

4932 (a) that is currently in operation;

4933 (b) that has as one of its substantial activities the commission of one or more predicate
4934 gang crimes;

4935 (c) that has, as a group, an identifying name or an identifying sign or symbol, or both;
4936 and

4937 (d) whose members, acting individually or in concert with other members, engage in or
4938 have engaged in a pattern of criminal gang activity.

4939 (2) "Gang loitering" means a person remains in one place under circumstances that
4940 would cause a reasonable person to believe that the purpose or effect of that behavior is to
4941 enable or facilitate a criminal street gang to:

4942 (a) establish control over one or more identifiable areas;

4943 (b) intimidate others from entering those areas; or

4944 (c) conceal illegal activities.

4945 (3) "Pattern of criminal gang activity" means committing, attempting to commit,
4946 conspiring to commit, or soliciting the commission of two or more predicate gang crimes
4947 within five years, if the predicate gang crimes are committed:

4948 (a) (i) by two or more persons; or

4949 (ii) by an individual at the direction of or in association with a criminal street gang; and

4950 (b) with the specific intent to promote, further, or assist in any criminal conduct by
4951 members of a criminal street gang.

4952 (4) (a) "Predicate gang crime" means any of the following offenses:

4953 (i) [~~any~~] a criminal violation of:

- 4954 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 4955 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 4956 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
- 4957 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 4958 (ii) Sections [76-5-102](#) through [76-5-103.5](#), which address assault offenses;
- 4959 (iii) Title 76, Chapter 5, Part 2, Criminal Homicide;
- 4960 (iv) Sections [76-5-301](#) through [76-5-304](#), which address kidnapping and related
- 4961 offenses;
- 4962 (v) ~~[any]~~ a felony offense under Title 76, Chapter 5, Part 4, Sexual Offenses;
- 4963 (vi) Title 76, Chapter 6, Part 1, Property Destruction;
- 4964 (vii) Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass;
- 4965 (viii) Title 76, Chapter 6, Part 3, Robbery;
- 4966 (ix) ~~[any]~~ a felony offense under Title 76, Chapter 6, Part 4, Theft, except Sections
- 4967 [76-6-404.5](#), [76-6-405](#), [76-6-407](#), [76-6-408](#), [76-6-409](#), [76-6-409.1](#), [76-6-409.3](#), [76-6-409.6](#),
- 4968 [76-6-409.7](#), [76-6-409.8](#), [76-6-409.9](#), [76-6-410](#), and [76-6-410.5](#);
- 4969 (x) Title 76, Chapter 6, Part 5, Fraud, except Sections [76-6-504](#), [76-6-505](#), [76-6-507](#),
- 4970 [76-6-508](#), [76-6-509](#), [76-6-510](#), [76-6-511](#), [76-6-512](#), [76-6-513](#), [76-6-514](#), [76-6-516](#), [76-6-517](#),
- 4971 [76-6-518](#), and [76-6-520](#);
- 4972 (xi) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 4973 (xii) Title 76, Chapter 8, Part 3, Obstructing Governmental Operations, except Sections
- 4974 [76-8-302](#), [76-8-303](#), [76-8-307](#), [76-8-308](#), and [76-8-312](#);
- 4975 (xiii) ~~[Section [76-8-508](#), which includes]~~ tampering with a witness under Section
- 4976 [76-8-508](#);
- 4977 (xiv) ~~[Section [76-8-508.3](#), which includes]~~ retaliation against a witness ~~[or]~~₂ victim, or
- 4978 informant under Section [76-8-508.3](#);
- 4979 (xv) receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);
- 4980 ~~[(xvi)]~~ (xvi) ~~[Section [76-8-509](#), which includes]~~ extortion or bribery to dismiss a
- 4981 criminal proceeding under Section [76-8-509](#);
- 4982 ~~[(xvi)]~~ (xvii) a misdemeanor violation of disorderly conduct under Section [76-9-102](#), if
- 4983 the violation occurs at an official meeting;
- 4984 ~~[(xvii)]~~ (xviii) Title 76, Chapter 10, Part 3, Explosives;

4985 [~~(xviii)~~] (xix) Title 76, Chapter 10, Part 5, Weapons;

4986 [~~(xix)~~] (xx) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;

4987 [~~(xx)~~] (xxi) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;

4988 [~~(xxi)~~] (xxii) [~~Section 76-10-1801, which addresses~~] communications fraud under

4989 Section 76-10-1801;

4990 [~~(xxii)~~] (xxiii) Title 76, Chapter 10, Part 19, Money Laundering and Currency

4991 Transaction Reporting Act;

4992 [~~(xxiii)~~] (xxiv) [~~Section 76-10-2002, which addresses~~] burglary of a research facility[;

4993 ~~and~~] under Section 76-10-2002; or

4994 [~~(xxiv)~~] (xxv) Title 41, Chapter 1a, Motor Vehicle Act:

4995 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an

4996 identification number;

4997 (B) Section 41-1a-1315, regarding false evidence of title and registration;

4998 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;

4999 (D) Section 41-1a-1317, regarding selling or buying a vehicle without an identification

5000 number; and

5001 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification number.

5002 (b) "Predicate gang crime" also includes:

5003 (i) any state or federal criminal offense that by its nature involves a substantial risk that

5004 physical force may be used against another in the course of committing the offense; and

5005 (ii) any felony violation of a criminal statute of any other state, the United States, or

5006 any district, possession, or territory of the United States which would constitute any offense in

5007 Subsection (4)(a) if committed in this state.

5008 (5) (a) "Public place" means any location or structure to which the public or a

5009 substantial group of the public has access, and includes:

5010 (i) a sidewalk, street, or highway;

5011 (ii) a public park, public recreation facility, or any other area open to the public;

5012 (iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or

5013 playhouse, or the parking lot or structure adjacent to any of these; and

5014 (iv) the common areas of schools, hospitals, apartment houses, office buildings,

5015 transport facilities, and businesses.

5016 (b) "Public place" includes the lobbies, hallways, elevators, restaurants and other
5017 dining areas, and restrooms of any of the locations or structures under Subsection (5)(a).

5018 Section 138. Section **76-9-1008** is amended to read:

5019 **76-9-1008. Proof of immigration status required to receive public benefits.**

5020 (1) (a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.
5021 1621 shall comply with Section [63G-12-402](#) and shall also comply with this section, except:

5022 (i) as provided in Subsection [63G-12-402](#)(3)(g) or (k); or

5023 (ii) when compliance is exempted by federal law or when compliance could reasonably
5024 be expected to be grounds for the federal government to withhold federal Medicaid funding.

5025 (b) The agency shall verify a person's lawful presence in the United States by requiring
5026 that the applicant under this section sign a certificate under penalty of perjury, stating that the
5027 applicant:

5028 (i) is a United States citizen; or

5029 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.

5030 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer
5031 that providing false information subjects the signer to penalties for perjury.

5032 (d) The signature under this Subsection (1) may be executed in person or
5033 electronically.

5034 (e) When an applicant who is a qualified alien has executed the certificate under this
5035 section, the applicant's eligibility for benefits shall be verified by the agency through the federal
5036 SAVE program or an equivalent program designated by the United States Department of
5037 Homeland Security.

5038 (2) Any person who knowingly and willfully makes a false, fictitious, or fraudulent
5039 statement of representation in a certificate executed under this section is guilty of public
5040 assistance fraud by an applicant for public assistance under Section [~~76-8-1205~~] [76-8-1203.1](#).

5041 (3) If the certificate constitutes a false claim of United States citizenship under 18
5042 U.S.C. Sec. 911, the agency requiring the certificate shall file a complaint with the United
5043 States Attorney for the applicable federal judicial district based upon the venue in which the
5044 certificate was executed.

5045 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations
5046 to the requirements of the provisions of this section that provide for adjudication of unique

5047 individual circumstances where the verification procedures in this section would impose
5048 unusual hardship on a legal resident of this state.

5049 (5) If an agency under Subsection (1) receives verification that a person making an
5050 application for any benefit, service, or license is not a qualified alien, the agency shall provide
5051 the information to the local law enforcement agency for enforcement of [~~Section 76-8-1205~~]
5052 public assistance fraud by an applicant for public assistance under Section 76-8-1203.1 unless
5053 prohibited by federal mandate.

5054 Section 139. Section **76-10-1602** is amended to read:

5055 **76-10-1602. Definitions.**

5056 As used in this part:

5057 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
5058 business trust, association, or other legal entity, and any union or group of individuals
5059 associated in fact although not a legal entity, and includes illicit as well as licit entities.

5060 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
5061 commission of at least three episodes of unlawful activity, which episodes are not isolated, but
5062 have the same or similar purposes, results, participants, victims, or methods of commission, or
5063 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
5064 demonstrate continuing unlawful conduct and be related either to each other or to the
5065 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
5066 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful
5067 activity as defined by this part shall have occurred within five years of the commission of the
5068 next preceding act alleged as part of the pattern.

5069 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
5070 interest in property, including state, county, and local governmental entities.

5071 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
5072 command, encourage, or intentionally aid another person to engage in conduct which would
5073 constitute any offense described by the following crimes or categories of crimes, or to attempt
5074 or conspire to engage in an act which would constitute any of those offenses, regardless of
5075 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
5076 or a felony:

5077 (a) [~~any~~] an act prohibited by the criminal provisions [~~of~~] under Title 13, Chapter 10,

5078 Unauthorized Recording Practices Act;

5079 (b) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 19,

5080 Environmental Quality Code, Sections 19-1-101 through 19-7-109;

5081 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary

5082 purpose of sale, trade, or other pecuniary gain~~[-in violation of]~~ under Title 23A, Wildlife

5083 Resources Act, or Section 23A-5-311;

5084 (d) false claims for medical benefits, kickbacks, ~~[and any]~~ or other ~~[act]~~ acts prohibited

5085 ~~[by]~~ under Title 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through

5086 26B-3-1112;

5087 (e) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 32B, Chapter 4,

5088 Criminal Offenses and Procedure Act;

5089 (f) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 57, Chapter 11,

5090 Utah Uniform Land Sales Practices Act;

5091 (g) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 58, Chapter 37,

5092 Utah Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances

5093 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,

5094 Clandestine Drug Lab Act;

5095 (h) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 61, Chapter 1,

5096 Utah Uniform Securities Act;

5097 (i) ~~[any]~~ an act prohibited by the criminal provisions ~~[of]~~ under Title 63G, Chapter 6a,

5098 Utah Procurement Code;

5099 (j) assault ~~[or aggravated assault, Sections]~~ under Section 76-5-102 ~~[and]~~;

5100 ~~(k)~~ (k) aggravated assault under Section 76-5-103;

5101 ~~(l)~~ (l) a threat of terrorism~~[-]~~ under Section 76-5-107.3;

5102 ~~(m)~~ (m) a criminal homicide offense~~[-as described in]~~ under Section 76-5-201;

5103 ~~(n)~~ (n) kidnapping ~~[or aggravated kidnapping, Sections]~~ under Section 76-5-301

5104 ~~[and]~~;

5105 (o) aggravated kidnapping under Section 76-5-302;

5106 ~~(p)~~ (p) human trafficking~~[-]~~ for labor under Section 76-5-308;

5107 (q) human trafficking for sexual exploitation under Section 76-5-308.1;

5108 (r) human smuggling under Section 76-5-308.3;

5109 (s) human trafficking of a child~~[, human smuggling, or aggravated human trafficking,~~
5110 ~~Sections 76-5-308, 76-5-308.1, 76-5-308.3,]~~ under Section 76-5-308.5[;];
5111 (t) benefiting from trafficking and human smuggling under Section 76-5-309[; and];
5112 (u) aggravated human trafficking under Section 76-5-310;
5113 ~~(v)~~ (v) sexual exploitation of a minor ~~[or]~~ under Section 76-5b-201;
5114 (w) aggravated sexual exploitation of a minor~~[, Sections 76-5b-201 and]~~ under Section
5115 76-5b-201.1;
5116 ~~(x)~~ (x) arson under Section 76-6-102;
5117 (y) ~~[or]~~ aggravated arson~~[, Sections 76-6-102 and]~~ under Section 76-6-103;
5118 ~~(z)~~ (z) causing a catastrophe~~;~~ under Section 76-6-105;
5119 ~~(aa)~~ (aa) burglary under Section 76-6-202;
5120 (bb) ~~[or]~~ aggravated burglary~~[, Sections 76-6-202 and]~~ under Section 76-6-203;
5121 ~~(s)~~ (cc) burglary of a vehicle~~;~~ under Section 76-6-204;
5122 ~~(t)~~ (dd) manufacture or possession of an instrument for burglary or theft~~;~~ under
5123 Section 76-6-205;
5124 ~~(u)~~ (ee) robbery under Section 76-6-301;
5125 (ff) ~~[or]~~ aggravated robbery~~[, Sections 76-6-301 and]~~ under Section 76-6-302;
5126 ~~(v)~~ (gg) theft~~;~~ under Section 76-6-404;
5127 ~~(w)~~ (hh) theft by deception~~;~~ under Section 76-6-405;
5128 ~~(x)~~ (ii) theft by extortion~~;~~ under Section 76-6-406;
5129 ~~(y)~~ (jj) receiving stolen property~~;~~ under Section 76-6-408;
5130 ~~(z)~~ (kk) theft of services~~;~~ under Section 76-6-409;
5131 ~~(aa)~~ (ll) forgery~~;~~ under Section 76-6-501;
5132 ~~(bb)~~ (mm) ~~[fraudulent use of a credit card, Sections]~~ unlawful use of financial
5133 transaction card under Section 76-6-506.2[;];
5134 (nn) unlawful acquisition, possession, or transfer of financial transaction card under
5135 Section 76-6-506.3[; and];
5136 (oo) financial transaction card offenses under Section 76-6-506.6;
5137 ~~(cc)~~ (pp) deceptive business practices~~;~~ under Section 76-6-507;
5138 ~~(dd)~~ (qq) bribery or receiving bribe by person in the business of selection, appraisal,
5139 or criticism of goods; under Section 76-6-508;

5140 [~~(ee)~~] (rr) bribery of a labor official[;] under Section [76-6-509](#);

5141 [~~(ff)~~] (ss) defrauding creditors[;] under Section [76-6-511](#);

5142 [~~(gg)~~] (tt) acceptance of deposit by insolvent financial institution[;] under Section

5143 [76-6-512](#);

5144 [~~(hh)~~] (uu) unlawful dealing with property by fiduciary[;] under Section [76-6-513](#);

5145 [~~(ii)~~] (vv) bribery or threat to influence contest[;] under Section [76-6-514](#);

5146 [~~(jj)~~] (ww) making a false credit report[;] under Section [76-6-517](#);

5147 [~~(kk)~~] (xx) criminal simulation[;] under Section [76-6-518](#);

5148 [~~(ll)~~] (yy) criminal usury[;] under Section [76-6-520](#);

5149 [~~(mm)~~] (zz) insurance fraud[;] under Section [76-6-521](#);

5150 [~~(nn)~~] (aaa) retail theft[;] under Section [76-6-602](#);

5151 [~~(oo)~~] (bbb) computer crimes[;] under Section [76-6-703](#);

5152 [~~(pp)~~] (ccc) identity fraud[;] under Section [76-6-1102](#);

5153 [~~(qq)~~] (ddd) mortgage fraud[;] under Section [76-6-1203](#);

5154 [~~(rr)~~] (eee) sale of a child[;] under Section [76-7-203](#);

5155 [~~(ss)~~] (fff) bribery to influence official or political actions[;] under Section [76-8-103](#);

5156 [~~(tt)~~] (ggg) [~~threats~~] threat to influence official or political action[;] under Section

5157 [76-8-104](#);

5158 [~~(uu)~~] (hhh) receiving bribe or bribery by public servant[;] under Section [76-8-105](#);

5159 [~~(vv)~~] (iii) receiving bribe [~~or bribery~~] for endorsement of person as a public servant[;]

5160 under Section [76-8-106](#);

5161 [~~(ww) official misconduct, Sections]~~

5162 (jjj) bribery for endorsement of person as public servant under Section [76-8-106.1](#);

5163 (kkk) official misconduct based on unauthorized act or failure of duty under Section

5164 [76-8-201](#) [~~and~~];

5165 (lll) official misconduct concerning inside information under Section [76-8-202](#);

5166 [~~(xx)~~] (mmm) obstruction of justice[;] in a criminal investigation or proceeding under

5167 Section [76-8-306](#);

5168 [~~(yy)~~] (nnn) acceptance of bribe or bribery to prevent criminal prosecution[;] under

5169 Section [76-8-308](#);

5170 (ooo) harboring or concealing offender who has escaped from official custody under

5171 Section 76-8-309.2;
5172 [(zzz)] (ppp) making a false or inconsistent material [statements,] statement under
5173 Section 76-8-502;
5174 [(aaa)] (qqq) making a false or inconsistent [statements,] statement under Section
5175 76-8-503;
5176 [(bbb)] (rrr) making a written false [statements,] statement under Section 76-8-504;
5177 [(ccc)] (sss) tampering with a witness [or soliciting or receiving a bribe,] under Section
5178 76-8-508;
5179 [(ddd)] (ttt) retaliation against a witness, victim, or informant[;] under Section
5180 76-8-508.3;
5181 (uuu) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
5182 [(eee)] (vvv) extortion or bribery to dismiss a criminal proceeding[;] under Section
5183 76-8-509;
5184 [(fff)] (www) tampering with evidence[;] under Section 76-8-510.5;
5185 [(ggg)] (xxx) falsification or alteration of a government record[;] under Section
5186 76-8-511, if the record is a record described in Title 20A, Election Code, or Title 36, Chapter
5187 11, Lobbyist Disclosure and Regulation Act;
5188 [(hhh)] (yyy) public assistance fraud [in violation of] by an applicant for public
5189 assistance under Section [76-8-1203, 76-8-1204, or 76-8-1205] 76-8-1203.1;
5190 (zzz) public assistance fraud by a recipient of public assistance under Section
5191 76-8-1203.3;
5192 (aaaa) public assistance fraud by a provider under Section 76-8-1203.5;
5193 (bbbb) fraudulently misappropriating public assistance funds under Section
5194 76-8-1203.7;
5195 [(iii)] (cccc) [unemployment insurance fraud,] false statement to obtain or increase
5196 unemployment compensation under Section 76-8-1301;
5197 (dddd) false statement to prevent or reduce unemployment compensation or liability
5198 under Section 76-8-1302;
5199 (eeee) unlawful failure to comply with Employment Security Act requirements under
5200 Section 76-8-1303;
5201 (ffff) unlawful use or disclosure of employment information under Section 76-8-1304;

5202 [(jjj)] (gggg) intentionally or knowingly causing one animal to fight with another[;]
5203 under Subsection 76-9-301(2)(d) or (e), or Section 76-9-301.1;

5204 [(kkk)] (hhhh) possession, use, or removal of explosives, chemical, or incendiary
5205 devices or parts[;] under Section 76-10-306;

5206 [(HH)] (iii) delivery to common carrier, mailing, or placement on premises of an
5207 incendiary device[;] under Section 76-10-307;

5208 [(mmm)] (jjjj) possession of a deadly weapon with intent to assault[;] under Section
5209 76-10-507;

5210 [(mm)] (kkkk) unlawful marking of pistol or revolver[;] under Section 76-10-521;

5211 [(ooo)] (llll) alteration of number or mark on pistol or revolver[;] under Section
5212 76-10-522;

5213 [(ppp)] (mmmm) forging or counterfeiting trademarks, trade name, or trade device[;]
5214 under Section 76-10-1002;

5215 [(qqq)] (nnnn) selling goods under counterfeited trademark, trade name, or trade
5216 devices[;] under Section 76-10-1003;

5217 [(rrr)] (oooo) sales in containers bearing registered trademark of substituted articles[;]
5218 under Section 76-10-1004;

5219 [(sss)] (pppp) selling or dealing with article bearing registered trademark or service
5220 mark with intent to defraud[;] under Section 76-10-1006;

5221 [(ttt)] (qqqq) gambling[;] under Section 76-10-1102;

5222 [(uuu)] (rrrr) gambling fraud[;] under Section 76-10-1103;

5223 [(vvv)] (ssss) gambling promotion[;] under Section 76-10-1104;

5224 [(www)] (tttt) possessing a gambling device or record[;] under Section 76-10-1105;

5225 [(xxx)] (uuuu) confidence game[;] under Section 76-10-1109;

5226 [(yyy)] (vvvv) distributing pornographic material[;] under Section 76-10-1204;

5227 [(zzz)] (www) inducing acceptance of pornographic material[;] under Section
5228 76-10-1205;

5229 [(aaa)] (xxxx) dealing in harmful material to a minor[;] under Section 76-10-1206;

5230 [(bbb)] (yyyy) distribution of pornographic films[;] under Section 76-10-1222;

5231 [(ccc)] (zzzz) indecent public displays[;] under Section 76-10-1228;

5232 [(ddd)] (aaaa) prostitution[;] under Section 76-10-1302;

5233 [~~(eeee)~~] (bbbb) aiding prostitution[;] under Section 76-10-1304;

5234 [~~(ffff)~~] (cccc) exploiting prostitution[;] under Section 76-10-1305;

5235 [~~(gggg)~~] (dddd) aggravated exploitation of prostitution[;] under Section 76-10-1306;

5236 [~~(hhhh)~~] (eeee) communications fraud[;] under Section 76-10-1801;

5237 [~~(iiii)~~] (ffff) [~~any~~] an act prohibited by the criminal provisions of Part 19, Money

5238 Laundering and Currency Transaction Reporting Act;

5239 [~~(jjjj)~~] (ggggg) vehicle compartment for contraband[;] under Section 76-10-2801;

5240 [~~(kkkk)~~] (hhhhh) [~~any~~] an act prohibited by the criminal provisions of the laws

5241 governing taxation in this state; [~~and~~] or

5242 [~~(HHH)~~] (iiii) [~~any~~] an act illegal under the laws of the United States and enumerated in

5243 18 U.S.C. Sec. 1961(1)(B), (C), and (D).

5244 Section 140. Section **77-23a-8** is amended to read:

5245 **77-23a-8. Court order to authorize or approve interception -- Procedure.**

5246 (1) The attorney general of the state, any assistant attorney general specially designated

5247 by the attorney general, any county attorney, district attorney, deputy county attorney, or deputy

5248 district attorney specially designated by the county attorney or by the district attorney, may

5249 authorize an application to a judge of competent jurisdiction for an order for an interception of

5250 wire, electronic, or oral communications by any law enforcement agency of the state, the

5251 federal government or of any political subdivision of the state that is responsible for

5252 investigating the type of offense for which the application is made.

5253 (2) The judge may grant the order in conformity with the required procedures when the

5254 interception sought may provide or has provided evidence of the commission of:

5255 (a) [~~any~~] an act:

5256 (i) prohibited by the criminal provisions of:

5257 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

5258 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or

5259 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and

5260 (ii) punishable by a term of imprisonment of more than one year;

5261 (b) [~~any~~] an act prohibited by the criminal provisions [~~of~~] under Title 61, Chapter 1,

5262 Utah Uniform Securities Act, and punishable by a term of imprisonment of more than one year;

5263 (c) an offense:

- 5264 (i) of:
- 5265 (A) attempt[;] under Section 76-4-101;
- 5266 (B) conspiracy[;] under Section 76-4-201;
- 5267 (C) solicitation[;] under Section 76-4-203; and
- 5268 (ii) punishable by a term of imprisonment of more than one year;
- 5269 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of
- 5270 more than one year[;] under Section 76-5-107.3;
- 5271 (e) (i) aggravated murder[;] under Section 76-5-202;
- 5272 (ii) murder[;] under Section 76-5-203; or
- 5273 (iii) manslaughter[;] under Section 76-5-205;
- 5274 (f) (i) kidnapping[;] under Section 76-5-301;
- 5275 (ii) child kidnapping[;] under Section 76-5-301.1;
- 5276 (iii) aggravated kidnapping[;] under Section 76-5-302;
- 5277 (iv) human trafficking[;] for labor under Section 76-5-308[;];
- 5278 (v) human trafficking for sexual exploitation under Section 76-5-308.1[;];
- 5279 (vi) [~~or~~] human trafficking of a child under Section 76-5-308.5[;,~~or~~];
- 5280 (vii) human smuggling[;] under Section 76-5-308.3; [~~or~~]
- 5281 [~~(v)~~] (viii) aggravated human trafficking[;] under Section 76-5-310[;]; or
- 5282 (ix) aggravated human smuggling[;] under Section 76-5-310.1;
- 5283 (g) (i) arson[;] under Section 76-6-102; or
- 5284 (ii) aggravated arson[;] under Section 76-6-103;
- 5285 (h) (i) burglary[;] under Section 76-6-202; or
- 5286 (ii) aggravated burglary[;] under Section 76-6-203;
- 5287 (i) (i) robbery[;] under Section 76-6-301; or
- 5288 (ii) aggravated robbery[;] under Section 76-6-302;
- 5289 (j) an offense:
- 5290 (i) of:
- 5291 (A) theft[;] under Section 76-6-404;
- 5292 (B) theft by deception[;] under Section 76-6-405; or
- 5293 (C) theft by extortion[;] under Section 76-6-406; and
- 5294 (ii) punishable by a maximum term of imprisonment of more than one year;

- 5295 (k) an offense of receiving stolen property that is punishable by a maximum term of
5296 imprisonment of more than one year[;] under Section 76-6-408;
- 5297 (l) a financial card transaction offense punishable by a maximum term of imprisonment
5298 of more than one year[;] under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 5299 (m) bribery of a labor official[;] under Section 76-6-509;
- 5300 (n) bribery or threat to influence a publicly exhibited contest[;] under Section
5301 76-6-514;
- 5302 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
5303 more than one year[;] under Section 76-6-518;
- 5304 (p) criminal usury[;] under Section 76-6-520;
- 5305 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
5306 year[;] under Section 76-6-521;
- 5307 (r) a violation [~~of~~] under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act,
5308 punishable by a maximum term of imprisonment of more than one year[;] under Section
5309 76-6-703;
- 5310 (s) bribery to influence official or political actions[;] under Section 76-8-103;
- 5311 (t) misusing public money or public property[;] under Section 76-8-402;
- 5312 (u) tampering with a witness [~~or soliciting or receiving a bribe,~~] under Section
5313 76-8-508;
- 5314 (v) retaliation against a witness, victim, or informant[;] under Section 76-8-508.3;
- 5315 (w) tampering [~~with a juror, retaliation~~] or retaliating against a juror[;] under Section
5316 76-8-508.5;
- 5317 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 5318 [~~(x)~~] (y) extortion or bribery to dismiss a criminal proceeding[;] under Section
5319 76-8-509;
- 5320 [~~(y)~~] (z) obstruction of justice[;] in a criminal investigation or proceeding under
5321 Section 76-8-306;
- 5322 (aa) harboring or concealing offender who has escaped from official custody under
5323 Section 76-8-309.2;
- 5324 [~~(z)~~] (bb) destruction of property to interfere with [preparation] preparations for
5325 defense or war[;] under Section 76-8-802;

5326 [~~(aa)~~] (cc) an attempt to commit crimes of sabotage[;] under Section 76-8-804;

5327 [~~(bb)~~] (dd) conspiracy to commit crimes of sabotage[;] under Section 76-8-805;

5328 [~~(cc)~~] (ee) advocating criminal syndicalism or sabotage[;] under Section 76-8-902;

5329 [~~(dd)~~] (ff) [~~assembly~~] assembling for advocating criminal syndicalism or sabotage[;]

5330 under Section 76-8-903;

5331 [~~(ee)~~] (gg) riot punishable by a maximum term of imprisonment of more than one

5332 year[;] under Section 76-9-101;

5333 [~~(ff)~~] (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions

5334 punishable by a maximum term of imprisonment of more than one year[;] under Section

5335 76-9-301.1;

5336 [~~(gg)~~] (ii) possession, use, or removal of an explosive, chemical, or incendiary device

5337 and parts[;] under Section 76-10-306;

5338 [~~(hh)~~] (jj) delivery to a common carrier or mailing of an explosive, chemical, or

5339 incendiary device[;] under Section 76-10-307;

5340 [~~(ii)~~] (kk) exploiting prostitution[;] under Section 76-10-1305;

5341 [~~(jj)~~] (ll) aggravated exploitation of prostitution[;] under Section 76-10-1306;

5342 [~~(kk)~~] (mm) bus hijacking or assault with intent to commit hijacking[;] under Section

5343 76-10-1504;

5344 [~~(ll)~~] (nn) discharging firearms and hurling missiles[;] under Section 76-10-1505;

5345 [~~(mm)~~] (oo) violations [~~of~~] under Title 76, Chapter 10, Part 16, Pattern of Unlawful

5346 Activity Act, and the offenses listed under the definition of unlawful activity in the act,

5347 including the offenses not punishable by a maximum term of imprisonment of more than one

5348 year when those offenses are investigated as predicates for the offenses prohibited by the act[;]

5349 under Section 76-10-1602;

5350 [~~(mm)~~] (pp) communications fraud[;] under Section 76-10-1801;

5351 [~~(oo)~~] (qq) money laundering[;] under Sections 76-10-1903 and 76-10-1904; or

5352 [~~(pp)~~] (rr) reporting by a person engaged in a trade or business when the offense is

5353 punishable by a maximum term of imprisonment of more than one year[;] under Section

5354 76-10-1906.

5355 Section 141. Section 77-36-1 is amended to read:

5356 **77-36-1. Definitions.**

5357 As used in this chapter:

5358 (1) "Cohabitant" means the same as that term is defined in Section [78B-7-102](#).

5359 (2) "Department" means the Department of Public Safety.

5360 (3) "Divorced" means an individual who has obtained a divorce under Title 30, Chapter
5361 3, Divorce.

5362 (4) "Domestic violence" or "domestic violence offense" means any criminal offense
5363 involving violence or physical harm or threat of violence or physical harm, or any attempt,
5364 conspiracy, or solicitation to commit a criminal offense involving violence or physical harm,
5365 when committed by one cohabitant against another. "Domestic violence" or "domestic
5366 violence offense" includes commission or attempt to commit, any of the following offenses by
5367 one cohabitant against another:

5368 (a) aggravated assault~~[, as described in]~~ under Section [76-5-103](#);

5369 (b) aggravated cruelty to an animal~~[, as described in]~~ under Subsection [76-9-301](#)(4),
5370 with the intent to harass or threaten the other cohabitant;

5371 (c) assault~~[, as described in]~~ under Section [76-5-102](#);

5372 (d) criminal homicide~~[, as described in]~~ under Section [76-5-201](#);

5373 (e) harassment~~[, as described in]~~ under Section [76-5-106](#);

5374 (f) electronic communication harassment~~[, as described in]~~ under Section [76-9-201](#);

5375 (g) kidnapping, child kidnapping, or aggravated kidnapping~~[, as described in]~~ under
5376 Sections [76-5-301](#), [76-5-301.1](#), and [76-5-302](#);

5377 (h) mayhem~~[, as described in]~~ under Section [76-5-105](#);

5378 (i) sexual offenses~~[, as described in]~~ under Title 76, Chapter 5, Part 4, Sexual
5379 Offenses~~[, and]~~;

5380 (j) sexual exploitation of a minor ~~[and aggravated sexual exploitation of a minor, as
5381 described in Sections]~~ under Section [76-5b-201](#) ~~[and]~~;

5382 (k) aggravated sexual exploitation of a minor under Section [76-5b-201.1](#);

5383 ~~[(j)]~~ (l) stalking~~[, as described in]~~ under Section [76-5-106.5](#);

5384 ~~[(k)]~~ (m) unlawful detention [or] and unlawful detention of a minor~~[, as described in]~~
5385 under Section [76-5-304](#);

5386 ~~[(l)]~~ (n) violation of a protective order or ex parte protective order~~[, as described in]~~
5387 under Section [76-5-108](#);

5388 ~~[(m)]~~ ~~(o)~~ ~~[any]~~ an offense against property ~~[described in]~~ under Title 76, Chapter 6,
5389 Part 1, Property Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or
5390 Title 76, Chapter 6, Part 3, Robbery;

5391 ~~[(n)]~~ ~~(p)~~ possession of a deadly weapon with criminal intent~~[, as described in]~~ under
5392 Section [76-10-507](#);

5393 ~~[(o)]~~ ~~(q)~~ discharge of a firearm from a vehicle, near a highway, or in the direction of
5394 any person, building, or vehicle~~[, as described in]~~ under Section [76-10-508](#);

5395 ~~[(p)]~~ ~~(r)~~ disorderly conduct~~[, as defined in]~~ under Section [76-9-102](#), if a conviction or
5396 adjudication of disorderly conduct is the result of a plea agreement in which the perpetrator
5397 was originally charged with a domestic violence offense otherwise described in this Subsection
5398 (4), except that a conviction or adjudication of disorderly conduct as a domestic violence
5399 offense, in the manner described in this Subsection (4)(p), does not constitute a misdemeanor
5400 crime of domestic violence under 18 U.S.C. Sec. 921, and is exempt from the federal Firearms
5401 Act, 18 U.S.C. Sec. 921 et seq.;

5402 ~~[(q)]~~ ~~(s)~~ child abuse~~[, as described in]~~ under Section [76-5-114](#);

5403 ~~[(r)]~~ ~~(t)~~ threatening use of a dangerous weapon~~[, as described in]~~ under Section
5404 [76-10-506](#);

5405 ~~[(s)]~~ ~~(u)~~ threatening violence~~[, as described in]~~ under Section [76-5-107](#);

5406 ~~[(t)]~~ ~~(v)~~ tampering with a witness~~[, as described in]~~ under Section [76-8-508](#);

5407 ~~[(u)]~~ ~~(w)~~ retaliation against a witness ~~[or]~~, victim, ~~[as described in]~~ or informant under
5408 Section [76-8-508.3](#);

5409 ~~(x)~~ receiving or soliciting a bribe as a witness under Section [76-8-508.7](#);

5410 ~~[(v)]~~ ~~(y)~~ unlawful distribution of an intimate image~~[, as described in]~~ under Section
5411 [76-5b-203](#)~~[, or]~~;

5412 ~~(z)~~ unlawful distribution of a counterfeit intimate image~~[, as described in]~~ under
5413 Section [76-5b-205](#);

5414 ~~[(w)]~~ ~~(aa)~~ sexual battery~~[, as described in]~~ under Section [76-9-702.1](#);

5415 ~~[(x)]~~ ~~(bb)~~ voyeurism~~[, as described in]~~ under Section [76-9-702.7](#);

5416 ~~[(y)]~~ ~~(cc)~~ damage to or interruption of a communication device~~[, as described in]~~ under
5417 Section [76-6-108](#); or

5418 ~~[(z)]~~ ~~(dd)~~ an offense ~~[described in]~~ under Subsection [78B-7-806\(1\)](#).

- 5419 (5) "Jail release agreement" means the same as that term is defined in Section
5420 78B-7-801.
- 5421 (6) "Jail release court order" means the same as that term is defined in Section
5422 78B-7-801.
- 5423 (7) "Marital status" means married and living together, divorced, separated, or not
5424 married.
- 5425 (8) "Married and living together" means a couple whose marriage was solemnized
5426 under Section 30-1-4 or 30-1-6 and who are living in the same residence.
- 5427 (9) "Not married" means any living arrangement other than married and living together,
5428 divorced, or separated.
- 5429 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 5430 (11) "Pretrial protective order" means a written order:
- 5431 (a) specifying and limiting the contact a person who has been charged with a domestic
5432 violence offense may have with an alleged victim or other specified individuals; and
- 5433 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,
5434 pending trial in the criminal case.
- 5435 (12) "Sentencing protective order" means a written order of the court as part of
5436 sentencing in a domestic violence case that limits the contact an individual who is convicted or
5437 adjudicated of a domestic violence offense may have with a victim or other specified
5438 individuals under Section 78B-7-804.
- 5439 (13) "Separated" means a couple who have had their marriage solemnized under
5440 Section 30-1-4 or 30-1-6 and who are not living in the same residence.
- 5441 (14) "Victim" means a cohabitant who has been subjected to domestic violence.
5442 Section 142. Section 77-36-1.1 is amended to read:
- 5443 **77-36-1.1. Enhancement of offense and penalty for subsequent domestic violence**
5444 **offenses.**
- 5445 (1) As used in this section:
- 5446 (a) (i) "Convicted" means a conviction by plea or verdict of a crime or offense.
- 5447 (ii) "Convicted" includes:
- 5448 (A) a plea of guilty or guilty with a mental condition;
- 5449 (B) a plea of no contest; and

5450 (C) the acceptance by the court of a plea in abeyance under Title 77, Chapter 2a, Pleas
5451 in Abeyance, regardless of whether the charge is subsequently reduced or dismissed in
5452 accordance with the plea in abeyance agreement.

5453 (iii) "Convicted" does not include an adjudication in juvenile court.

5454 (b) "Offense against the person" means commission or attempt to commit an offense
5455 under Title 76, Chapter 5, Part 1, Assault and Related Offenses, Part 2, Criminal Homicide,
5456 Part 3, Kidnapping, Trafficking, and Smuggling, Part 4, Sexual Offenses, or Part 7, Genital
5457 Mutilation, by one cohabitant against another.

5458 (c) "Property damage offense" means the commission or attempt to commit an offense
5459 under Section [76-6-106](#) or [76-6-106.1](#) by one cohabitant against another.

5460 (d) "Qualifying domestic violence offense" means:

5461 (i) a domestic violence offense in Utah; or

5462 (ii) an offense in any other state, or in any district, possession, or territory of the United
5463 States, that would be a domestic violence offense under Utah law.

5464 (2) An individual who is convicted of a domestic violence offense is guilty of a class B
5465 misdemeanor if:

5466 (a) the domestic violence offense described in this Subsection (2) is designated by law
5467 as a class C misdemeanor; and

5468 (b) the individual commits or is convicted of the domestic violence offense described
5469 in this Subsection (2):

5470 (i) within 10 years after the day on which the individual is convicted of a qualifying
5471 domestic violence offense that is not a [~~criminal mischief~~] property damage offense; or

5472 (ii) within five years after the day on which the individual is convicted of a [~~criminal~~
5473 ~~mischief~~] property damage offense.

5474 (3) An individual who is convicted of a domestic violence offense is guilty of a class A
5475 misdemeanor if:

5476 (a) the domestic violence offense described in this Subsection (3) is designated by law
5477 as a class B misdemeanor; and

5478 (b) the individual commits or is convicted of the domestic violence offense described
5479 in this Subsection (3):

5480 (i) within 10 years after the day on which the individual is convicted of a qualifying

5481 domestic violence offense that is not a [~~criminal mischief~~] property damage offense; or

5482 (ii) within five years after the day on which the individual is convicted of a [~~criminal~~
5483 ~~mischief~~] property damage offense.

5484 (4) An individual who is convicted of a domestic violence offense is guilty of a third
5485 degree felony if:

5486 (a) the domestic violence offense described in this Subsection (4) is designated by law
5487 as a class B misdemeanor offense against the person and the individual:

5488 (i) (A) commits or is convicted of the domestic violence offense described in this
5489 Subsection (4) within 10 years after the day on which the individual is convicted of a
5490 qualifying domestic violence offense that is not a [~~criminal mischief~~] property damage offense;
5491 and

5492 (B) is convicted of another qualifying domestic violence offense that is not a [~~criminal~~
5493 ~~mischief~~] property damage offense after the day on which the individual is convicted of the
5494 qualifying domestic violence offense described in Subsection (4)(a)(i)(A) and before the day on
5495 which the individual is convicted of the domestic violence offense described in this Subsection
5496 (4);

5497 (ii) (A) commits or is convicted of the domestic violence offense described in this
5498 Subsection (4) within five years after the day on which the individual is convicted of a
5499 [~~criminal mischief~~] property damage offense; and

5500 (B) is convicted of another [~~criminal mischief~~] property damage offense after the day
5501 on which the individual is convicted of the [~~criminal mischief~~] property damage offense
5502 described in Subsection (4)(a)(ii)(A) and before the day on which the individual is convicted of
5503 the domestic violence offense described in this Subsection (4); or

5504 (iii) commits or is convicted of the domestic violence offense described in this
5505 Subsection (4) within 10 years after the day on which the individual is convicted of a
5506 qualifying domestic violence offense that is not a [~~criminal mischief~~] property damage offense
5507 and within five years after the day on which the individual is convicted of a [~~criminal mischief~~]
5508 property damage offense; and

5509 (b) (i) the domestic violence offense described in this Subsection (4) is designated by
5510 law as a class A misdemeanor; and

5511 (ii) the individual commits or is convicted of the domestic violence offense described

5512 in this Subsection (4):

5513 (A) within 10 years after the day on which the individual is convicted of a qualifying
5514 domestic violence offense that is not a [~~criminal mischief~~] property damage offense; or

5515 (B) within five years after the day on which the individual is convicted of a [~~criminal~~
5516 ~~mischief~~] property damage offense.

5517 Section 143. Section 77-37-3 is amended to read:

5518 **77-37-3. Bill of rights.**

5519 (1) The bill of rights for victims and witnesses is:

5520 (a) Victims and witnesses have a right to be informed as to the level of protection from
5521 intimidation and harm available to them, and from what sources, as they participate in criminal
5522 justice proceedings as designated by Section 76-8-508, regarding [~~witness tampering~~]
5523 tampering with a witness, and Section 76-8-509, regarding [~~threats against a victim~~] extortion
5524 or bribery to dismiss a criminal proceeding. Law enforcement, prosecution, and corrections
5525 personnel have the duty to timely provide this information in a form which is useful to the
5526 victim.

5527 (b) Victims and witnesses, including children and their guardians, have a right to be
5528 informed and assisted as to their role in the criminal justice process. All criminal justice
5529 agencies have the duty to provide this information and assistance.

5530 (c) Victims and witnesses have a right to clear explanations regarding relevant legal
5531 proceedings; these explanations shall be appropriate to the age of child victims and witnesses.
5532 All criminal justice agencies have the duty to provide these explanations.

5533 (d) Victims and witnesses should have a secure waiting area that does not require them
5534 to be in close proximity to defendants or the family and friends of defendants. Agencies
5535 controlling facilities shall, whenever possible, provide this area.

5536 (e) Victims may seek restitution or reparations, including medical costs, as provided in
5537 Title 63M, Chapter 7, Criminal Justice and Substance Abuse, Title 77, Chapter 38b, Crime
5538 Victims Restitution Act, and Section 80-6-710. State and local government agencies that serve
5539 victims have the duty to have a functional knowledge of the procedures established by the
5540 Crime Victim Reparations Board and to inform victims of these procedures.

5541 (f) Victims and witnesses have a right to have any personal property returned as
5542 provided in Chapter 11a, Seizure of Property and Contraband, and Chapter 11d, Lost or

5543 Mislaid Property. Criminal justice agencies shall expeditiously return the property when it is no
5544 longer needed for court law enforcement or prosecution purposes.

5545 (g) Victims and witnesses have the right to reasonable employer intercession services,
5546 including pursuing employer cooperation in minimizing employees' loss of pay and other
5547 benefits resulting from their participation in the criminal justice process. Officers of the court
5548 shall provide these services and shall consider victims' and witnesses' schedules so that
5549 activities which conflict can be avoided. Where conflicts cannot be avoided, the victim may
5550 request that the responsible agency intercede with employers or other parties.

5551 (h) Victims and witnesses, particularly children, should have a speedy disposition of
5552 the entire criminal justice process. All involved public agencies shall establish policies and
5553 procedures to encourage speedy disposition of criminal cases.

5554 (i) Victims and witnesses have the right to timely notice of judicial proceedings they
5555 are to attend and timely notice of cancellation of any proceedings. Criminal justice agencies
5556 have the duty to provide these notifications. Defense counsel and others have the duty to
5557 provide timely notice to prosecution of any continuances or other changes that may be required.

5558 (j) Victims of sexual offenses have the following rights:

5559 (i) the right to request voluntary testing for themselves for HIV infection as provided in
5560 Section [53-10-803](#) and to request mandatory testing of the alleged sexual offender for HIV
5561 infection as provided in Section [53-10-802](#);

5562 (ii) the right to be informed whether a DNA profile was obtained from the testing of
5563 the rape kit evidence or from other crime scene evidence;

5564 (iii) the right to be informed whether a DNA profile developed from the rape kit
5565 evidence or other crime scene evidence has been entered into the Utah Combined DNA Index
5566 System;

5567 (iv) the right to be informed whether there is a match between a DNA profile
5568 developed from the rape kit evidence or other crime scene evidence and a DNA profile
5569 contained in the Utah Combined DNA Index System, provided that disclosure would not
5570 impede or compromise an ongoing investigation; and

5571 (v) the right to designate a person of the victim's choosing to act as a recipient of the
5572 information provided under this Subsection (1)(j) and under Subsections (2) and (3).

5573 (k) Subsections (1)(j)(ii) through (iv) do not require that the law enforcement agency

5574 communicate with the victim or the victim's designee regarding the status of DNA testing,
5575 absent a specific request received from the victim or the victim's designee.

5576 (2) The law enforcement agency investigating a sexual offense may:

5577 (a) release the information indicated in Subsections (1)(j)(ii) through (iv) upon the
5578 request of a victim or the victim's designee and is the designated agency to provide that
5579 information to the victim or the victim's designee;

5580 (b) require that the victim's request be in writing; and

5581 (c) respond to the victim's request with verbal communication, written communication,
5582 or by email, if an email address is available.

5583 (3) The law enforcement agency investigating a sexual offense has the following
5584 authority and responsibilities:

5585 (a) If the law enforcement agency determines that DNA evidence will not be analyzed
5586 in a case where the identity of the perpetrator has not been confirmed, the law enforcement
5587 agency shall notify the victim or the victim's designee.

5588 (b) (i) If the law enforcement agency intends to destroy or dispose of rape kit evidence
5589 or other crime scene evidence from an unsolved sexual assault case, the law enforcement
5590 agency shall provide written notification of that intention and information on how to appeal the
5591 decision to the victim or the victim's designee of that intention.

5592 (ii) Written notification under this Subsection (3) shall be made not fewer than 60 days
5593 prior to the destruction or disposal of the rape kit evidence or other crime scene evidence.

5594 (c) A law enforcement agency responsible for providing information under Subsections
5595 (1)(j)(ii) through (iv), (2), and (3) shall do so in a timely manner and, upon request of the
5596 victim or the victim's designee, shall advise the victim or the victim's designee of any
5597 significant changes in the information of which the law enforcement agency is aware.

5598 (d) The law enforcement agency investigating the sexual offense is responsible for
5599 informing the victim or the victim's designee of the rights established under Subsections
5600 (1)(j)(ii) through (iv) and (2), and this Subsection (3).

5601 (4) Informational rights of the victim under this chapter are based upon the victim
5602 providing the current name, address, telephone number, and email address, if an email address
5603 is available, of the person to whom the information should be provided to the criminal justice
5604 agencies involved in the case.

5605 Section 144. **Repealer.**
5606 This bill repeals:
5607 Section **76-8-314, Threatening elected officials -- "Elected official" defined.**
5608 Section **76-8-315, Threatening elected officials -- Penalties for assault.**
5609 Section **76-8-404, Making profit from or misusing public money or public property**
5610 **-- Disqualification from office -- Criminal penalty.**
5611 Section **76-8-505, False or inconsistent statements -- Proof of falsity of statements --**
5612 **Irregularities no defense.**
5613 Section **76-8-701, Definitions.**
5614 Section **76-8-702, Purpose.**
5615 Section **76-8-707, Assistance by local authorities.**
5616 Section **76-8-709, Enforcement of laws by local agencies not limited.**
5617 Section **76-8-716, Request for assistance from state and local law enforcement**
5618 **authorities.**
5619 Section **76-8-717, Violations -- Classifications of offenses.**
5620 Section **76-8-801, Definitions.**
5621 Section **76-8-806, Facts kept secret until complaint filed.**
5622 Section **76-8-808, Detention and arrest without warrant of unauthorized persons**
5623 **on posted premises.**
5624 Section **76-8-1101, Criminal offenses and penalties relating to revenue and**
5625 **taxation -- Rulemaking authority -- Statute of limitations.**
5626 Section **76-8-1202, Application of part.**
5627 Section **76-8-1204, Disclosure by provider required -- Penalty.**
5628 Section **76-8-1205, Public assistance fraud defined.**
5629 Section **76-8-1206, Penalties for public assistance fraud.**
5630 Section **76-8-1401, Definitions.**
5631 Section 145. **Effective date.**
5632 This bill takes effect on May 1, 2024.