

Representative Andrew Stoddard proposes the following substitute bill:

CRIMINAL THREAT OR INTERFERENCE AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Andrew Stoddard

Senate Sponsor: Todd D. Weiler

LONG TITLE

General Description:

This bill concerns criminal offenses conducted against a public servant, party official, or voter.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies the elements and penalties for certain criminal offenses perpetrated

against:

- a public servant, party official, or voter;
- an immediate family member of the public servant, party official, or voter;
- an individual who resides in the household of a public servant, party official, or

voter; or

- an individual or entity in whose welfare the public servant, party official, or

voter is interested;

▶ expands the scope of the offense of a threat against a public servant or party official to apply to a former public servant or party official;

▶ clarifies provisions regarding the offense of interference with a public servant's performance of an official function;



- 26 ▶ amends the scope of criminal offenses concerning a juror and clarifies the
- 27 applicability of the separate offense of tampering with a juror;
- 28 ▶ modifies provisions concerning the offense of denial of a public servant's use of
- 29 public property;
- 30 ▶ consolidates and repeals overlapping provisions concerning threatening elected
- 31 officials; and
- 32 ▶ makes technical and conforming changes.

33 **Money Appropriated in this Bill:**

34 None

35 **Other Special Clauses:**

36 This bill provides coordination clauses.

37 **Utah Code Sections Affected:**

38 AMENDS:

- 39 **53-10-403**, as last amended by Laws of Utah 2023, Chapters 328, 457
- 40 **76-3-203.3**, as last amended by Laws of Utah 2023, Chapter 111
- 41 **76-8-104**, as last amended by Laws of Utah 1991, Chapter 215
- 42 **76-8-301**, as last amended by Laws of Utah 2020, Chapter 165
- 43 **76-10-1602**, as last amended by Laws of Utah 2023, Chapters 34, 111, 139, and 330

44 ENACTS:

- 45 **76-8-301.2**, Utah Code Annotated 1953

46 REPEALS:

- 47 **76-8-313**, as last amended by Laws of Utah 1996, Chapter 45
- 48 **76-8-314**, as last amended by Laws of Utah 1996, Chapter 45
- 49 **76-8-315**, as enacted by Laws of Utah 1983, Chapter 330

50 **Utah Code Sections Affected By Coordination Clause:**

- 51 **53-10-403**, as last amended by Laws of Utah 2023, Chapters 328, 457
- 52 **76-8-104**, as last amended by Laws of Utah 1991, Chapter 215
- 53 **76-8-301**, as last amended by Laws of Utah 2020, Chapter 165
- 54 **76-8-301.2**, as Utah Code Annotated 1953

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

57 *The following section is affected by a coordination clause at the end of this bill.*

58 Section 1. Section **53-10-403** is amended to read:

59 **53-10-403. DNA specimen analysis -- Application to offenders, including minors.**

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

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

64 (b) has pled guilty to or has been convicted by any other state or by the United States
65 government of an offense which if committed in this state would be punishable as one or more
66 of the offenses listed in Subsection (2)(a) or (b) on or after July 1, 2003;

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

69 (d) has been booked:

70 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May 13,
71 2014, through December 31, 2014, under Subsection [53-10-404\(4\)\(b\)](#) for any felony offense; or

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

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

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

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

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

77 (i) for which the court enters a judgment for conviction to a lower degree of offense
78 under Section [76-3-402](#); or

79 (ii) regarding which the court allows the defendant to enter a plea in abeyance as
80 defined in Section [77-2a-1](#); or

81 (c) (i) any violent felony as defined in Section [53-10-403.5](#);

82 (ii) sale or use of body parts, Section [26B-8-315](#);

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

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

87 (v) a felony violation of enticing a minor, Section [76-4-401](#);

- 88 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 89 (vii) a felony violation of propelling a substance or object at a correctional officer, a
- 90 peace officer, or an employee or a volunteer, including health care providers, Section
- 91 76-5-102.6;
- 92 (viii) negligently operating a vehicle resulting in death, Subsection 76-5-207(2)(b);
- 93 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human
- 94 smuggling, Section 76-5-310.1;
- 95 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 96 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 97 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 98 (xiii) sale of a child, Section 76-7-203;
- 99 (xiv) aggravated escape, Subsection 76-8-309(2);
- 100 (xv) a felony violation [~~of assault on an elected official, Section 76-8-315~~] of threat
- 101 against a public servant, party official, or voter, Section 76-8-104, if the victim is an elected
- 102 official;
- 103 (xvi) influencing, impeding, or retaliating against a judge or member of the Board of
- 104 Pardons and Parole, Section 76-8-316;
- 105 (xvii) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 106 (xviii) assembly for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 107 (xix) a felony violation of sexual battery, Section 76-9-702.1;
- 108 (xx) a felony violation of lewdness involving a child, Section 76-9-702.5;
- 109 (xxi) a felony violation of abuse or desecration of a dead human body, Section
- 110 76-9-704;
- 111 (xxii) manufacture, possession, sale, or use of a weapon of mass destruction, Section
- 112 76-10-402;
- 113 (xxiii) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
- 114 Section 76-10-403;
- 115 (xxiv) possession of a concealed firearm in the commission of a violent felony,
- 116 Subsection 76-10-504(4);
- 117 (xxv) assault with the intent to commit bus hijacking with a dangerous weapon,
- 118 Subsection 76-10-1504(3);

119 (xxvi) commercial obstruction, Subsection 76-10-2402(2);
120 (xxvii) a felony violation of failure to register as a sex or kidnap offender, Section
121 77-41-107;

122 (xxviii) repeat violation of a protective order, Subsection 77-36-1.1(4); or

123 (xxix) violation of condition for release after arrest under Section 78B-7-802.

124 (3) A minor under Subsection (1) is a minor 14 years old or older who is adjudicated
125 by the juvenile court due to the commission of any offense described in Subsection (2), and
126 who:

127 (a) committed an offense under Subsection (2) within the jurisdiction of the juvenile
128 court on or after July 1, 2002; or

129 (b) is in the legal custody of the Division of Juvenile Justice and Youth Services on or
130 after July 1, 2002, for an offense under Subsection (2).

131 Section 2. Section 76-3-203.3 is amended to read:

132 **76-3-203.3. Penalty for hate crimes -- Civil rights violation.**

133 As used in this section:

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

135 (2) (a) ~~[A person]~~ An actor who commits any primary offense with the intent to
136 intimidate or terrorize another ~~[person]~~ individual or with reason to believe that ~~[his]~~ the actor's
137 action would intimidate or terrorize that ~~[person]~~ individual is subject to Subsection (2)(b).

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

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

140 (3) (a) "Intimidate or terrorize" means an act which causes the ~~[person]~~ individual to
141 fear for ~~[his]~~ the individual's physical safety or damages the property of that ~~[person]~~ individual
142 or another individual.

143 (b) The act must be accompanied with the intent to cause or has the effect of causing ~~[a~~
144 ~~person]~~ an individual to reasonably fear to freely exercise or enjoy any right secured by the
145 Constitution or laws of the state or by the Constitution or laws of the United States.

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

147 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106,
148 76-5-107, and 76-5-108;

149 (b) any misdemeanor property destruction offense under Sections 76-6-102 and

150 76-6-104, and Subsection 76-6-106(2)(a);

151 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;

152 (d) any misdemeanor theft offense under Section 76-6-412;

153 (e) any offense of obstructing government operations under Sections 76-8-301,

154 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, and 76-8-308~~[, and 76-8-313]~~;

155 (f) any offense of interfering or intending to interfere with activities of colleges and
156 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;

157 (g) any misdemeanor offense against public order and decency as defined in Title 76,
158 Chapter 9, Part 1, Breaches of the Peace and Related Offenses;

159 (h) any telephone abuse offense under Title 76, Chapter 9, Part 2, Electronic
160 Communication and Telephone Abuse;

161 (i) any cruelty to animals offense under Section 76-9-301;

162 (j) any weapons offense under Section 76-10-506; or

163 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.

164 (5) This section does not affect or limit any individual's constitutional right to the
165 lawful expression of free speech or other recognized rights secured by the Constitution or laws
166 of the state or by the Constitution or laws of the United States.

167 *The following section is affected by a coordination clause at the end of this bill.*

168 Section 3. Section 76-8-104 is amended to read:

169 **76-8-104. Threat against a public servant, party official, or voter to influence or**
170 **retaliate against an official action or a political action.**

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

172 (i) (A) "Emotional distress" means significant mental or psychological suffering,
173 whether or not medical or other professional treatment or counseling is required.

174 (B) "Emotional distress" includes significant mental or psychological suffering
175 resulting from harm to an animal.

176 (ii) "Harm" means emotional distress or a physical or economic injury to an individual
177 or an individual's property, reputation, or business interests.

178 (iii) "Immediate family member" means a parent, stepparent, spouse, sibling, child,
179 stepchild, grandparent, or grandchild.

180 (iv) (A) "Party official" means the same as that term is defined in Section 76-8-101.

181 (B) "Party official" includes an individual who was but no longer is a party official.
182 (v) (A) "Public servant" means the same as that term is defined in Section 76-1-101.5.
183 (B) "Public servant" includes an individual who was but no longer is a public servant.
184 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
185 (2) [A person is guilty of a class A misdemeanor if he threatens any harm to a public
186 servant, party official, or voter with a purpose of influencing his action, decision, opinion,
187 recommendation, nomination, vote, or other exercise of discretion.] An actor commits threat to
188 influence or retaliate against an official action or a political action if:
189 (a) the actor threatens harm to:
190 (i) a public servant, party official, or voter;
191 (ii) an immediate family member of a public servant, party official, or voter;
192 (iii) an individual who resides in the household of a public servant, party official, or
193 voter; or
194 (iv) an individual or entity in whose welfare a public servant, party official, or voter is
195 interested;
196 (b) the actor's threat described in Subsection (2)(a) is for the purpose of influencing or
197 retaliating against:
198 (i) the public servant's or party official's action, decision, opinion, recommendation,
199 nomination, vote, or other exercise of discretion made in the public servant's or party official's
200 capacity as a public servant or party official; or
201 (ii) the voter's vote or other action in relation to voting; and
202 (c) the actor is reckless as to whether the actor's threat described in Subsection (2)(a)
203 would be considered to be threatening by a reasonable person who received the threat.
204 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
205 A misdemeanor.
206 (b) A violation of Subsection (2) is a third degree felony if the actor's conduct:
207 (i) includes an attempt to inflict bodily injury; or
208 (ii) results in bodily injury.
209 (4) This section does not apply under circumstances amounting to tampering with a
210 juror under Section 76-8-508.5, tampering with juror.
211 [~~(2) As used in this section:~~]

212 ~~[(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including~~
213 ~~disadvantage or injury to any other person or entity in whose welfare the public servant, party~~
214 ~~official, or voter is interested.]~~

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

216 *The following section is affected by a coordination clause at the end of this bill.*

217 Section 4. Section **76-8-301** is amended to read:

218 **76-8-301. Interference with a public servant's performance of an official**
219 **function.**

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

221 (2) ~~[An individual is guilty of]~~ An actor commits interference with a public ~~[servant]~~
222 servant's performance of an official function if [the individual]:

223 (a) (i) the actor uses force, violence, intimidation, or engages in any other unlawful act
224 with a purpose to interfere with a public servant performing or purporting to perform an official
225 function; and

226 (ii) if the conduct described in Subsection (2)(a)(i) is solely a communication, the actor
227 is reckless as to whether the actor's communication would be considered to be threatening or
228 intimidating by a reasonable person who received the communication; or

229 (b) the actor obstructs, hinders, conceals, or prevents the lawful service of any civil or
230 criminal legal process~~[- civil or criminal, by any]~~ by a sheriff, constable, deputy sheriff, deputy
231 constable, peace officer, private investigator, or any other person authorized to serve legal
232 process~~[- or].~~

233 ~~[(c) on property that is owned, operated, or controlled by the state or a political~~
234 ~~subdivision of the state, willfully denies to a public servant lawful:]~~

235 ~~[(i) freedom of movement;]~~

236 ~~[(ii) use of the property or facilities, or]~~

237 ~~[(iii) entry into or exit from the facilities.]~~

238 ~~[(2) Interference with a public servant:]~~

239 ~~[(a) under Subsection (1)(a) or (b) is a class B misdemeanor; and]~~

240 ~~[(b) under Subsection (1)(c) is a class C misdemeanor.]~~

241 (3) ~~[For purposes of this section, "public servant" does not include jurors.]~~

242 (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A

243 misdemeanor.

244 (b) A violation of Subsection (2) is a third degree felony if the actor's conduct:

245 (i) includes an attempt to inflict bodily injury; or

246 (ii) results in bodily injury.

247 (4) This section does not apply under circumstances amounting to tampering with a
248 juror under Section [76-8-508.5](#), tampering with juror.

249 *The following section is affected by a coordination clause at the end of this bill.*

250 Section 5. Section **76-8-301.2** is enacted to read:

251 **76-8-301.2. Denial of public servant's use of public property.**

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

253 (2) An actor commits denial of public servant's use of public property if the actor,
254 while on public property, willfully denies to a public servant lawful:

255 (a) freedom of movement;

256 (b) use of the property or facility; or

257 (c) entry into or exit from the facility.

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

259 (4) This section does not apply under circumstances amounting to unlawful detention
260 under Section [76-5-304](#), unlawful detention and unlawful detention of a minor.

261 Section 6. Section **76-10-1602** is amended to read:

262 **76-10-1602. Definitions.**

263 As used in this part:

264 (1) "Enterprise" means any individual, sole proprietorship, partnership, corporation,
265 business trust, association, or other legal entity, and any union or group of individuals
266 associated in fact although not a legal entity, and includes illicit as well as licit entities.

267 (2) "Pattern of unlawful activity" means engaging in conduct which constitutes the
268 commission of at least three episodes of unlawful activity, which episodes are not isolated, but
269 have the same or similar purposes, results, participants, victims, or methods of commission, or
270 otherwise are interrelated by distinguishing characteristics. Taken together, the episodes shall
271 demonstrate continuing unlawful conduct and be related either to each other or to the
272 enterprise. At least one of the episodes comprising a pattern of unlawful activity shall have
273 occurred after July 31, 1981. The most recent act constituting part of a pattern of unlawful

274 activity as defined by this part shall have occurred within five years of the commission of the
275 next preceding act alleged as part of the pattern.

276 (3) "Person" includes any individual or entity capable of holding a legal or beneficial
277 interest in property, including state, county, and local governmental entities.

278 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request,
279 command, encourage, or intentionally aid another person to engage in conduct which would
280 constitute any offense described by the following crimes or categories of crimes, or to attempt
281 or conspire to engage in an act which would constitute any of those offenses, regardless of
282 whether the act is in fact charged or indicted by any authority or is classified as a misdemeanor
283 or a felony:

284 (a) any act prohibited by the criminal provisions of Title 13, Chapter 10, Unauthorized
285 Recording Practices Act;

286 (b) any act prohibited by the criminal provisions of Title 19, Environmental Quality
287 Code, Sections 19-1-101 through 19-7-109;

288 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary
289 purpose of sale, trade, or other pecuniary gain, in violation of Title 23A, Wildlife Resources
290 Act, or Section 23A-5-311;

291 (d) false claims for medical benefits, kickbacks, and any other act prohibited by Title
292 26B, Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;

293 (e) any act prohibited by the criminal provisions of Title 32B, Chapter 4, Criminal
294 Offenses and Procedure Act;

295 (f) any act prohibited by the criminal provisions of Title 57, Chapter 11, Utah Uniform
296 Land Sales Practices Act;

297 (g) any act prohibited by the criminal provisions of Title 58, Chapter 37, Utah
298 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances Act,
299 Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58, Chapter 37d,
300 Clandestine Drug Lab Act;

301 (h) any act prohibited by the criminal provisions of Title 61, Chapter 1, Utah Uniform
302 Securities Act;

303 (i) any act prohibited by the criminal provisions of Title 63G, Chapter 6a, Utah
304 Procurement Code;

- 305 (j) assault or aggravated assault, Sections 76-5-102 and 76-5-103;
- 306 (k) a threat of terrorism, Section 76-5-107.3;
- 307 (l) a criminal homicide offense, as described in Section 76-5-201;
- 308 (m) kidnapping or aggravated kidnapping, Sections 76-5-301 and 76-5-302;
- 309 (n) human trafficking, human trafficking of a child, human smuggling, or aggravated
- 310 human trafficking, Sections 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-309, and
- 311 76-5-310;
- 312 (o) sexual exploitation of a minor or aggravated sexual exploitation of a minor,
- 313 Sections 76-5b-201 and 76-5b-201.1;
- 314 (p) arson or aggravated arson, Sections 76-6-102 and 76-6-103;
- 315 (q) causing a catastrophe, Section 76-6-105;
- 316 (r) burglary or aggravated burglary, Sections 76-6-202 and 76-6-203;
- 317 (s) burglary of a vehicle, Section 76-6-204;
- 318 (t) manufacture or possession of an instrument for burglary or theft, Section 76-6-205;
- 319 (u) robbery or aggravated robbery, Sections 76-6-301 and 76-6-302;
- 320 (v) theft, Section 76-6-404;
- 321 (w) theft by deception, Section 76-6-405;
- 322 (x) theft by extortion, Section 76-6-406;
- 323 (y) receiving stolen property, Section 76-6-408;
- 324 (z) theft of services, Section 76-6-409;
- 325 (aa) forgery, Section 76-6-501;
- 326 (bb) fraudulent use of a credit card, Sections 76-6-506.2, 76-6-506.3,, and 76-6-506.6;
- 327 (cc) deceptive business practices, Section 76-6-507;
- 328 (dd) bribery or receiving bribe by person in the business of selection, appraisal, or
- 329 criticism of goods, Section 76-6-508;
- 330 (ee) bribery of a labor official, Section 76-6-509;
- 331 (ff) defrauding creditors, Section 76-6-511;
- 332 (gg) acceptance of deposit by insolvent financial institution, Section 76-6-512;
- 333 (hh) unlawful dealing with property by fiduciary, Section 76-6-513;
- 334 (ii) bribery or threat to influence contest, Section 76-6-514;
- 335 (jj) making a false credit report, Section 76-6-517;

- 336 (kk) criminal simulation, Section 76-6-518;
- 337 (ll) criminal usury, Section 76-6-520;
- 338 (mm) insurance fraud, Section 76-6-521;
- 339 (nn) retail theft, Section 76-6-602;
- 340 (oo) computer crimes, Section 76-6-703;
- 341 (pp) identity fraud, Section 76-6-1102;
- 342 (qq) mortgage fraud, Section 76-6-1203;
- 343 (rr) sale of a child, Section 76-7-203;
- 344 (ss) bribery to influence official or political actions, Section 76-8-103;
- 345 (tt) ~~[threats]~~ threat against a public servant, party official, or voter to influence or
- 346 retaliate against an official action or a political action, Section 76-8-104;
- 347 (uu) receiving bribe or bribery by public servant, Section 76-8-105;
- 348 (vv) receiving bribe or bribery for endorsement of person as public servant, Section
- 349 76-8-106;
- 350 (ww) official misconduct, Sections 76-8-201 and 76-8-202;
- 351 (xx) obstruction of justice, Section 76-8-306;
- 352 (yy) acceptance of bribe or bribery to prevent criminal prosecution, Section 76-8-308;
- 353 (zz) false or inconsistent material statements, Section 76-8-502;
- 354 (aaa) false or inconsistent statements, Section 76-8-503;
- 355 (bbb) written false statements, Section 76-8-504;
- 356 (ccc) tampering with a witness or soliciting or receiving a bribe, Section 76-8-508;
- 357 (ddd) retaliation against a witness, victim, or informant, Section 76-8-508.3;
- 358 (eee) extortion or bribery to dismiss criminal proceeding, Section 76-8-509;
- 359 (fff) tampering with evidence, Section 76-8-510.5;
- 360 (ggg) falsification or alteration of government record, Section 76-8-511, if the record is
- 361 a record described in Title 20A, Election Code, or Title 36, Chapter 11, Lobbyist Disclosure
- 362 and Regulation Act;
- 363 (hhh) public assistance fraud in violation of Section 76-8-1203, 76-8-1204, or
- 364 76-8-1205;
- 365 (iii) unemployment insurance fraud, Section 76-8-1301;
- 366 (jjj) intentionally or knowingly causing one animal to fight with another, Subsection

367 76-9-301(2)(d) or (e), or Section 76-9-301.1;
368 (kkk) possession, use, or removal of explosives, chemical, or incendiary devices or
369 parts, Section 76-10-306;
370 (lll) delivery to common carrier, mailing, or placement on premises of an incendiary
371 device, Section 76-10-307;
372 (mmm) possession of a deadly weapon with intent to assault, Section 76-10-507;
373 (nnn) unlawful marking of pistol or revolver, Section 76-10-521;
374 (ooo) alteration of number or mark on pistol or revolver, Section 76-10-522;
375 (ppp) forging or counterfeiting trademarks, trade name, or trade device, Section
376 76-10-1002;
377 (qqq) selling goods under counterfeited trademark, trade name, or trade devices,
378 Section 76-10-1003;
379 (rrr) sales in containers bearing registered trademark of substituted articles, Section
380 76-10-1004;
381 (sss) selling or dealing with article bearing registered trademark or service mark with
382 intent to defraud, Section 76-10-1006;
383 (ttt) gambling, Section 76-10-1102;
384 (uuu) gambling fraud, Section 76-10-1103;
385 (vvv) gambling promotion, Section 76-10-1104;
386 (www) possessing a gambling device or record, Section 76-10-1105;
387 (xxx) confidence game, Section 76-10-1109;
388 (yyy) distributing pornographic material, Section 76-10-1204;
389 (zzz) inducing acceptance of pornographic material, Section 76-10-1205;
390 (aaaa) dealing in harmful material to a minor, Section 76-10-1206;
391 (bbbb) distribution of pornographic films, Section 76-10-1222;
392 (cccc) indecent public displays, Section 76-10-1228;
393 (dddd) prostitution, Section 76-10-1302;
394 (eeee) aiding prostitution, Section 76-10-1304;
395 (ffff) exploiting prostitution, Section 76-10-1305;
396 (gggg) aggravated exploitation of prostitution, Section 76-10-1306;
397 (hhhh) communications fraud, Section 76-10-1801;

398 (iii) any act prohibited by the criminal provisions of Part 19, Money Laundering and
399 Currency Transaction Reporting Act;
400 (jjjj) vehicle compartment for contraband, Section 76-10-2801;
401 (kkkk) any act prohibited by the criminal provisions of the laws governing taxation in
402 this state; and
403 (llll) any act illegal under the laws of the United States and enumerated in 18 U.S.C.
404 Sec. 1961(1)(B), (C), and (D).

405 Section 7. **Repealer.**

406 This bill repeals:

407 Section 76-8-313, **Threatening elected officials -- Assault.**

408 Section 76-8-314, **Threatening elected officials -- "Elected official" defined.**

409 Section 76-8-315, **Threatening elected officials -- Penalties for assault.**

410 Section 8. **Effective date.**

411 This bill takes effect on May 1, 2024.

412 Section 9. **Coordinating H.B. 83 with H.B. 15.**

413 If this H.B. 83, Criminal Threat or Interference Amendments, and H.B. 15, Criminal
414 Code Recodification and Cross References, both pass and become law, the Legislature intends
415 that, on May 1, 2024:

416 (1) the amendments to Subsection 53-10-403(2)(c)(xv) in H.B. 83 supersede the
417 amendments to Subsection 53-10-403(2)(c)(xv) in H.B. 15;

418 (2) Section 76-8-104 be amended to read:

419 "76-8-104. [~~Threats~~] Threat against a public servant, party official, or voter to
420 influence or retaliate against an official action or a political action.

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

422 (i) (A) "Emotional distress" means significant mental or psychological suffering,
423 whether or not medical or other professional treatment or counseling is required.

424 (B) "Emotional distress" includes significant mental or psychological suffering
425 resulting from harm to an animal.

426 (ii) "Harm" means emotional distress or a physical or economic injury to an individual
427 or an individual's property, reputation, or business interests.

428 (iii) "Immediate family member" means a parent, stepparent, spouse, sibling, child,

429 stepchild, grandparent, or grandchild.

430 (iv) (A) "Party official" means the same as that term is defined in Section 76-8-101.

431 (B) "Party official" includes an individual who was but no longer is a party official.

432 (v) (A) "Public servant" means the same as that term is defined in Section 76-1-101.5.

433 (B) "Public servant" includes an individual who was but no longer is a public servant.

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

435 (2) [A person is guilty of a class A misdemeanor if he threatens any harm to a public

436 servant, party official, or voter with a purpose of influencing his action, decision, opinion,

437 recommendation, nomination, vote, or other exercise of discretion.] An actor commits threat to

438 influence or retaliate against an official action or a political action if:

439 (a) the actor threatens harm to:

440 (i) a public servant, party official, or voter;

441 (ii) an immediate family member of a public servant, party official, or voter;

442 (iii) an individual who resides in the household of a public servant, party official, or

443 voter; or

444 (iv) an individual or entity in whose welfare a public servant, party official, or voter is

445 interested;

446 (b) the actor's threat described in Subsection (2)(a) is for the purpose of influencing or

447 retaliating against:

448 (i) the public servant's or party official's action, decision, opinion, recommendation,

449 nomination, vote, or other exercise of discretion made in the public servant's or party official's

450 capacity as a public servant or party official; or

451 (jj) the voter's vote or other action in relation to voting; and

452 (c) the actor is reckless as to whether the actor's threat described in Subsection (2)(a)

453 would be considered to be threatening by a reasonable person who received the threat.

454 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class

455 A misdemeanor.

456 (b) (A) violation of Subsection (2) is a third degree felony if the actor's conduct:

457 (i) includes an attempt to inflict bodily injury; or

458 (ii) results in bodily injury.

459 (4) This section does not apply under circumstances amounting to tampering or

460 retaliating against a juror under Section 76-8-508.5, tampering or retaliating against a juror.

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

462 ~~[(a) "Harm" means any disadvantage or injury, pecuniary or otherwise, including~~
463 ~~disadvantage or injury to any other person or entity in whose welfare the public servant, party~~
464 ~~official, or voter is interested.]~~

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

466 (3) Section 76-8-301 in H.B. 83 supersede the amendments to Section 76-8-301 in
467 H.B. 15; and

468 (4) Section 76-8-301.2 in H.B. 15 not be enacted.

469 **Section 10. Coordinating H.B. 83 with H.B. 27.**

470 If this H.B. 83, Criminal Threat or Interference Amendments, and H.B. 27, Criminal
471 Code Amendments, both pass and become law, the Legislature intends that, on May 1, 2024,
472 the amendments to Section 76-8-301 in H.B. 83 supersede the amendments to Section
473 76-8-301 in H.B. 27.

474 **Section 11. Coordinating H.B. 83 with H.B. 15 and H.B. 27 if all pass and become**
475 **law.**

476 If this H.B. 83, Criminal Threat or Interference Amendments, H.B. 15, Criminal Code
477 Recodification and Cross References, and H.B. 27, Criminal Code Amendments, all pass and
478 become law, the Legislature intends that, on May 1, 2024, the amendments to Section 76-8-301
479 in H.B. 83 supersede the amendments to Section 76-8-301 in H.B. 15 and in H.B. 27.