

**Senator Daniel McCay** proposes the following substitute bill:

**THREAT OF VIOLENCE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephanie Gricius**

Senate Sponsor: Daniel McCay

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**LONG TITLE**

**General Description:**

This bill amends the threat of violence offense.

**Highlighted Provisions:**

This bill:

▶ adds threatening to commit certain sexual offenses to the conduct that qualifies as the threat of violence offense;

▶ repeals a provision regarding reimbursement and restitution; and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

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

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

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



26 **76-5-107. Threat of violence -- Penalty.**

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

28 (2) ~~[(a)]~~ An actor commits a threat of violence if the actor:

29 ~~[(i)]~~ (a) ~~[(A)]~~ (i) threatens to commit an offense:

30 (A) under Chapter 5, Part 4, Sexual Offenses; or

31 (B) involving bodily injury, death, or substantial property damage; and

32 ~~[(B)]~~ (ii) acts with intent to place an individual in fear of ~~[imminent]~~:

33 (A) an imminent offense under Chapter 5, Part 4, Sexual Offenses, being committed

34 against the individual; or

35 (B) imminent serious bodily injury, substantial bodily injury, or death; or

36 ~~[(i)]~~ (b) makes a threat, accompanied by a show of immediate force or violence, to do  
37 bodily injury to an individual.

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

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

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

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

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

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

51 **Section 2. Effective date.**

52 This bill takes effect on May 1, 2024.