

ECONOMIC INTERRUPTION AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Matt MacPherson

Senate Sponsor: _____

LONG TITLE

General Description:

This bill addresses the economic interruption of a business or governmental entity due to property damage or theft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a crime for property damage resulting in economic interruption of a business or governmental entity;
- ▶ creates a sentencing enhancement for property damage resulting in economic interruption of a business or governmental entity when the defendant has previous convictions of that same offense;
- ▶ creates a crime for theft resulting in economic interruption of a business or governmental entity; and
- ▶ creates a sentencing enhancement for theft resulting in economic interruption of a business or governmental entity when the defendant has previous convictions of that same offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None



28 **Utah Code Sections Affected:**

29 ENACTS:

30 **76-6-113**, Utah Code Annotated 1953

31 **76-6-414**, Utah Code Annotated 1953



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

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

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

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

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

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

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

45 (A) prevents employees of the business or governmental entity from engaging in
46 operations as usual resulting a loss in:

47 (I) compensation, wages, or income for employees of the business or governmental
48 entity; or

49 (II) revenue to the business or governmental entity; or

50 (B) results in wasted resources or serious delays for the business or governmental
51 entity due to the inability of the business or governmental entity to conduct operations as usual.

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

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

54 (a) the actor damages, defaces, or destroys a business's or governmental entity's
55 property; and

56 (b) the cost of the economic interruption caused by the actor's actions under Subsection
57 (2)(a) exceed the value of the property.

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

59 (a) a class A misdemeanor if the cost of the economic interruption is or exceeds \$600
60 but is less than \$2,000;

61 (b) a third degree felony if the cost of the economic interruption is or exceeds \$2,000
62 but is less than \$10,000; and

63 (c) a second degree felony if the cost of the economic interruption is or exceeds
64 \$10,000.

65 (4) It is not a defense under this section that:

66 (a) the actor committing the offense did not intend for the business or governmental
67 entity to incur the cost of the economic interruption; or

68 (b) the actor did not know that the victim is a business or governmental entity.

69 (5) If the trier of facts finds that the actor committed a violation of Subsection (2) and
70 the actor was convicted on at least two prior occasions of a violation of Subsection (2) within
71 five years before the day on which the actor committed the most recent violation of Subsection
72 (2), the actor is guilty of:

73 (a) a third degree felony if the actor is charged with a class A misdemeanor for a
74 violation of Subsection (2);

75 (b) a second degree felony if the actor is charged with a third degree felony for a
76 violation of Subsection (2); or

77 (c) a first degree felony if the actor is charged with a second degree felony for a
78 violation of Subsection (2).

79 (6) The prosecuting attorney, or the grand jury if an indictment is returned, shall
80 include notice in the information or indictment that the offense is subject to an enhancement
81 under Subsection (5).

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

83 **76-6-414. Theft resulting in economic interruption -- Enhanced penalties.**

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

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

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

87 (iii) "Economic interruption" means the same as that term is defined in Section
88 [76-6-113](#).

89 (b) Terms defined in Sections [76-1-101.5](#) and [76-6-401](#) apply to this section.

90 (2) An actor commits theft resulting in economic interruption if:
91 (a) the actor obtains or exercises unauthorized control over a business's or
92 governmental entity's property with the intent to deprive the business or governmental entity of
93 the property; and
94 (b) the cost of the economic interruption caused by the actor's actions under Subsection
95 (2)(a) exceed the value of the property.
96 (3) A violation of Subsection (2) is:
97 (a) a class A misdemeanor if the cost of the economic interruption is or exceeds \$600
98 but is less than \$2,000;
99 (b) a third degree felony if the cost of the economic interruption is or exceeds \$2,000
100 but is less than \$10,000; and
101 (c) a second degree felony if the cost of the economic interruption is or exceeds
102 \$10,000.
103 (4) It is not a defense under this section that:
104 (a) the actor committing the offense did not intend for the business or governmental
105 entity to incur the cost of the economic interruption; or
106 (b) the actor did not know that the victim is a business or governmental entity.
107 (5) If the trier of facts finds that the actor committed a violation of Subsection (2) and
108 the actor was convicted on at least two prior occasions of a violation of Subsection (2) within
109 five years before the day on which the actor committed the most recent violation of Subsection
110 (2), the actor is guilty of:
111 (a) a third degree felony if the actor is charged with a class A misdemeanor for a
112 violation of Subsection (2);
113 (b) a second degree felony if the actor is charged with a third degree felony for a
114 violation of Subsection (2); or
115 (c) a first degree felony if the actor is charged with a second degree felony for a
116 violation of Subsection (2).
117 (6) The prosecuting attorney, or the grand jury if an indictment is returned, shall
118 include notice in the information or indictment that the offense is subject to an enhancement
119 under Subsection (5).

120 Section 3. **Effective date.**

121

This bill takes effect on May 1, 2024.