

HB0584S01 compared with HB0584

~~text~~ shows text that was in HB0584 but was deleted in HB0584S01.

inserted text shows text that was not in HB0584 but was inserted into HB0584S01.

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Representative Matt MacPherson proposes the following substitute bill:

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

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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

Utah Code Sections Affected:

ENACTS:

76-6-113, Utah Code Annotated 1953

76-6-414, Utah Code Annotated 1953

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

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

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

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

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

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

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

~~(A) prevents}~~ results in:

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

(B) the employees of the business or governmental entity ~~from engaging in operations~~ as usual resulting a loss in:

~~(1) compensation, wages, or income for employees of the business or governmental entity; or~~

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~~(H) revenue to the business or governmental entity; or~~
~~(B) results in wasted resources or serious delays; being unable to perform labor~~ for the business or governmental entity ~~{due to the inability of the business or governmental entity to conduct operations as usual}~~ for at least one day.

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

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

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

(b) the ~~{cost of the economic interruption caused by the }~~actor's actions under Subsection (2)(a) ~~{exceed}~~ cause an economic interruption for the ~~{value of the property}~~ business or governmental entity.

(3) A violation of Subsection (2) is ~~+~~

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

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

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

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

(a) the actor committing the offense did not intend ~~{for}~~ to cause economic interruption to the business or governmental entity ~~{ to incur the cost of the economic interruption}~~; or

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

(5) If the trier of facts finds that the actor committed a violation of Subsection (2) ~~{and the actor was convicted on at least two prior occasions of}~~ , the actor is guilty of:

(a) a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2) ~~{, the actor is guilty of}~~

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

(b) a second degree felony if the actor ~~{is charged with a third degree felony}~~ has at least three prior convictions for a violation of Subsection (2) ~~{, or~~

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~~(c) a first degree felony if the actor is charged with a second degree felony for a~~
within five years before the day on which the actor committed the most recent violation of
Subsection (2).

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

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

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

~~(6)7~~ The prosecuting attorney, or the grand jury if an indictment is returned, shall
include notice in the information or indictment that the offense is subject to an enhancement
under Subsection (5).

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

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

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

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

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

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

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

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

(a) the actor obtains or exercises unauthorized control over a business's or
governmental entity's property with the intent to deprive the business or governmental entity of
the property; and

(b) the ~~cost of the economic interruption caused by the~~ actor's actions under
Subsection (2)(a) ~~exceed~~ cause an economic interruption for the ~~value of the~~
property ~~business or governmental entity.~~

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

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

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

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

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

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

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

(5) If the trier of facts finds that the actor committed a violation of Subsection (2) ~~and the actor was convicted on at least two prior occasions of~~, the actor is guilty of:

(a) a third degree felony if the actor has two prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2) ~~;~~, the actor is guilty of:

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

~~(b) a second degree felony if the actor ~~is charged with a third degree felony~~ has at least three prior convictions for a violation of Subsection (2) ~~;~~ or~~

~~(c) a first degree felony if the actor is charged with a second degree felony for a ~~;~~ within five years before the day on which the actor committed the most recent violation of Subsection (2).~~

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

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

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

~~(6)7~~ The prosecuting attorney, or the grand jury if an indictment is returned, shall include notice in the information or indictment that the offense is subject to an enhancement under Subsection (5).

Section 3. **Effective date.**

This bill takes effect on May 1, 2024.