

CRIMINAL MONETARY THRESHOLD AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephanie Pitcher

House Sponsor: Ryan D. Wilcox

LONG TITLE

General Description:

This bill amends the monetary threshold amounts required for certain offenses.

Highlighted Provisions:

This bill:

- ▶ amends the monetary threshold amounts required for certain offenses; and
- ▶ makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

10-3-716, as last amended by Laws of Utah 2006, Chapter 55

10-3-1310, as last amended by Laws of Utah 1989, Chapter 147

23A-5-311, as renumbered and amended by Laws of Utah 2023, Chapter 103

26B-3-1108, as last amended by Laws of Utah 2023, Chapter 111 and renumbered and amended by Laws of Utah 2023, Chapter 306

34A-2-110, as last amended by Laws of Utah 2022, Chapter 430

35A-8-410, as renumbered and amended by Laws of Utah 2012, Chapter 212

53C-2-301, as last amended by Laws of Utah 2020, Chapter 123



28 [63M-7-510](#), as last amended by Laws of Utah 2020, Chapter 149
29 [73-2-27](#), as last amended by Laws of Utah 2023, Chapters 111, 179
30 [76-5-111.4](#), as enacted by Laws of Utah 2022, Chapter 181
31 [76-6-102](#), as last amended by Laws of Utah 2023, Chapter 111
32 [76-6-104](#), as last amended by Laws of Utah 2023, Chapter 111
33 [76-6-104.5](#), as last amended by Laws of Utah 2023, Chapter 111
34 [76-6-106](#), as last amended by Laws of Utah 2023, Chapters 111, 179 and 330
35 [76-6-106.1](#), as enacted by Laws of Utah 2023, Chapter 111
36 [76-6-107](#), as last amended by Laws of Utah 2023, Chapter 111
37 [76-6-404](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
38 Coordination Clause, Laws of Utah 2023, Chapter 407
39 [76-6-404.5](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
40 Coordination Clause, Laws of Utah 2023, Chapter 407
41 [76-6-404.7](#), as last amended by Laws of Utah 2023, Chapter 111
42 [76-6-405](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
43 Coordination Clause, Laws of Utah 2023, Chapter 407
44 [76-6-406](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
45 Coordination Clause, Laws of Utah 2023, Chapter 407
46 [76-6-407](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
47 Coordination Clause, Laws of Utah 2023, Chapter 407
48 [76-6-408](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
49 Coordination Clause, Laws of Utah 2023, Chapter 407
50 [76-6-409](#), as last amended by Laws of Utah 2023, Chapter 111
51 [76-6-409.3](#), as last amended by Laws of Utah 2023, Chapter 111
52 [76-6-409.6](#), as last amended by Laws of Utah 2023, Chapter 111
53 [76-6-410](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
54 Coordination Clause, Laws of Utah 2023, Chapter 407
55 [76-6-413](#), as last amended by Laws of Utah 2023, Chapter 111
56 [76-6-505](#), as last amended by Laws of Utah 2023, Chapter 111
57 [76-6-506.2](#), as last amended by Laws of Utah 2023, Chapter 111
58 [76-6-506.6](#), as last amended by Laws of Utah 2023, Chapter 111

- 59 [76-6-506.8](#), as enacted by Laws of Utah 2023, Chapter 111
- 60 [76-6-506.9](#), as enacted by Laws of Utah 2023, Chapter 111
- 61 [76-6-513](#), as last amended by Laws of Utah 2023, Chapter 111
- 62 [76-6-518](#), as last amended by Laws of Utah 2023, Chapter 111
- 63 [76-6-521](#), as last amended by Laws of Utah 2023, Chapter 111
- 64 [76-6-602](#), as last amended by Laws of Utah 2023, Chapter 111 and last amended by
- 65 Coordination Clause, Laws of Utah 2023, Chapter 407
- 66 [76-6-608](#), as last amended by Laws of Utah 2023, Chapter 111
- 67 [76-6-703](#), as last amended by Laws of Utah 2023, Chapter 111
- 68 [76-6-703.3](#), as enacted by Laws of Utah 2023, Chapter 111
- 69 [76-6-801](#), as last amended by Laws of Utah 2023, Chapter 111
- 70 [76-6-803](#), as last amended by Laws of Utah 2023, Chapter 111
- 71 [76-6-803.30](#), as last amended by Laws of Utah 2023, Chapter 111
- 72 [76-6-902](#), as last amended by Laws of Utah 2023, Chapter 111
- 73 [76-6-902.1](#), as enacted by Laws of Utah 2023, Chapter 111
- 74 [76-6-902.2](#), as enacted by Laws of Utah 2023, Chapter 111
- 75 [76-6-1002](#), as last amended by Laws of Utah 2023, Chapter 111
- 76 [76-6-1102](#), as last amended by Laws of Utah 2023, Chapter 111
- 77 [76-6-1203](#), as last amended by Laws of Utah 2023, Chapter 111
- 78 [76-8-103](#), as last amended by Laws of Utah 1998, Chapter 92
- 79 [76-8-105](#), as repealed and reenacted by Laws of Utah 1998, Chapter 92
- 80 [76-8-402](#), as last amended by Laws of Utah 2020, Chapter 61
- 81 [76-8-1206](#), as last amended by Laws of Utah 2012, Chapter 41
- 82 [76-8-1301](#), as last amended by Laws of Utah 2010, Chapter 193
- 83 [76-10-1801](#), as last amended by Laws of Utah 2010, Chapter 193



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

86 Section 1. Section **10-3-716** is amended to read:

87 **10-3-716. Fines and forfeitures -- Disposition.**

88 All fines, penalties, and forfeitures for the violation of any ordinance, when collected,
89 shall be paid in accordance with Section [51-4-2](#). A violation of this section constitutes a class

90 C misdemeanor. The retention or use of any fine, penalty, or forfeiture by any person for
91 personal use or benefit constitutes a class B misdemeanor, except that if the amount or amounts
92 exceed [~~\$1,000~~] \$2,000 the offense is a class A misdemeanor as defined in the Utah Criminal
93 Code.

94 Section 2. Section **10-3-1310** is amended to read:

95 **10-3-1310. Penalties for violation -- Dismissal from employment or removal from**
96 **office.**

97 In addition to any penalty contained in any other provision of law, any person who
98 knowingly and intentionally violates this part, with the exception of Sections [10-3-1306](#),
99 [10-3-1307](#), [10-3-1308](#), and [10-3-1309](#), shall be dismissed from employment or removed from
100 office and is guilty of:

101 (1) a felony of the second degree if the total value of the compensation, conflict of
102 interest, or assistance exceeds [~~\$1,000~~] \$2,000;

103 (2) a felony of the third degree if:

104 (a) the total value of the compensation, conflict of interest, or assistance is more than
105 [~~\$250~~] \$500 but not more than [~~\$1,000~~] \$2,000; or

106 (b) the elected or appointed officer or municipal employee has been twice before
107 convicted of violation of this chapter and the value of the conflict of interest, compensation, or
108 assistance was [~~\$250~~] \$500 or less;

109 (3) a class A misdemeanor if the value of the compensation or assistance was more
110 than [~~\$100~~] \$200 but does not exceed [~~\$250~~] \$500; or

111 (4) a class B misdemeanor if the value of the compensation or assistance was [~~\$100~~]
112 \$200 or less.

113 Section 3. Section **23A-5-311** is amended to read:

114 **23A-5-311. Wanton destruction of protected wildlife -- Criminal penalty.**

115 (1) A person is guilty of wanton destruction of protected wildlife if that person:

116 (a) commits an act in violation of:

117 (i) Section [23A-5-302](#);

118 (ii) Section [23A-5-304](#);

119 (iii) Sections [23A-9-302](#) through [23A-9-305](#);

120 (iv) Section [23A-11-201](#); or

- 121 (v) Subsection 23A-5-309(1);
- 122 (b) captures, injures, or destroys protected wildlife; and
- 123 (c) (i) does so with intentional, knowing, or reckless conduct as defined in Section
- 124 76-2-103;
- 125 (ii) intentionally abandons protected wildlife or a carcass;
- 126 (iii) commits the offense at night with the use of a weapon;
- 127 (iv) is under a court or division revocation of a license, tag, permit, or certificate of
- 128 registration; or
- 129 (v) acts for pecuniary gain.
- 130 (2) A person who commits wanton destruction of wildlife is guilty of:
- 131 (a) a third degree felony if:
- 132 (i) the aggregate value of the protected wildlife determined by the values in Subsection
- 133 (3) is more than [~~\$500~~] \$1,000; or
- 134 (ii) a trophy animal was captured, injured, or destroyed;
- 135 (b) a class A misdemeanor if the aggregate value of the protected wildlife, determined
- 136 by the values established in Subsection (3) is more than [~~\$250~~] \$500, but does not exceed
- 137 [~~\$500~~] \$1,000; and
- 138 (c) a class B misdemeanor if the aggregate value of the protected wildlife determined
- 139 by the values established in Subsection (3) is [~~\$250~~] \$500 or less.
- 140 (3) Regardless of the restitution amounts imposed under Subsection 23A-5-312(2), the
- 141 following values are assigned to protected wildlife for the purpose of determining the offense
- 142 for wanton destruction of wildlife:
- 143 (a) [~~\$1,000~~] \$2,000 per animal for:
- 144 (i) bison;
- 145 (ii) bighorn sheep;
- 146 (iii) rocky mountain goat;
- 147 (iv) moose;
- 148 (v) bear;
- 149 (vi) peregrine falcon;
- 150 (vii) bald eagle; or
- 151 (viii) endangered species;

- 152 (b) [~~\$750~~] \$1,500 per animal for:
- 153 (i) elk; or
- 154 (ii) threatened species;
- 155 (c) [~~\$500~~] \$1,000 per animal for:
- 156 (i) cougar;
- 157 (ii) golden eagle;
- 158 (iii) river otter; or
- 159 (iv) gila monster;
- 160 (d) [~~\$400~~] \$800 per animal for:
- 161 (i) pronghorn antelope; or
- 162 (ii) deer;
- 163 (e) [~~\$350~~] \$700 per animal for bobcat;
- 164 (f) [~~\$100~~] \$200 per animal for:
- 165 (i) swan;
- 166 (ii) sandhill crane;
- 167 (iii) turkey;
- 168 (iv) pelican;
- 169 (v) loon;
- 170 (vi) egrets;
- 171 (vii) herons;
- 172 (viii) raptors, except those that are threatened or endangered;
- 173 (ix) Utah milk snake; or
- 174 (x) Utah mountain king snake;
- 175 (g) [~~\$35~~] \$70 per animal for furbearers, except:
- 176 (i) bobcat;
- 177 (ii) river otter; and
- 178 (iii) threatened or endangered species;
- 179 (h) [~~\$25~~] \$50 per animal for trout, char, salmon, grayling, tiger muskellunge, walleye,
- 180 largemouth bass, smallmouth bass, and wiper;
- 181 (i) [~~\$15~~] \$30 per animal for game birds, except:
- 182 (i) turkey;

- 183 (ii) swan; and
- 184 (iii) sandhill crane;
- 185 (j) [~~\$10~~] \$20 per animal for game fish not listed in Subsection (3)(h);
- 186 (k) [~~\$8~~] \$16 per pound dry weight of processed brine shrimp including eggs; and
- 187 (l) [~~\$5~~] \$10 per animal for protected wildlife not listed.
- 188 (4) For purposes of sentencing for a violation under this section, a person who has been
- 189 convicted of a third degree felony under Subsection (2)(a) is not subject to the mandatory
- 190 sentencing requirements prescribed in Subsection 76-3-203.8(4).
- 191 (5) As part of a sentence imposed, the court shall impose a sentence of incarceration of
- 192 not less than 20 consecutive days for a person convicted of a third degree felony under
- 193 Subsection (2)(a)(ii) who captured, injured, or destroyed a trophy animal for pecuniary gain.
- 194 (6) If a person has already been convicted of a third degree felony under Subsection
- 195 (2)(a)(ii) once, each separate additional offense under Subsection (2)(a)(ii) is punishable by, as
- 196 part of a sentence imposed, a sentence of incarceration of not less than 20 consecutive days.
- 197 (7) The court may not sentence a person subject to Subsection (5) or (6) to less than 20
- 198 consecutive days of incarceration or suspend the imposition of the sentence unless the court
- 199 finds mitigating circumstances justifying lesser punishment and makes that finding a part of the
- 200 court record.
- 201 (8) Subsection (1) does not apply to actions taken in accordance with:
- 202 (a) Title 4, Chapter 14, Utah Pesticide Control Act;
- 203 (b) Title 4, Chapter 23, Agricultural and Wildlife Damage Prevention Act; or
- 204 (c) Section 23A-8-403.
- 205 Section 4. Section **26B-3-1108** is amended to read:
- 206 **26B-3-1108. Criminal penalties.**
- 207 (1) (a) Except as provided in Subsection (1)(b) the culpable mental state required for a
- 208 criminal violation of this part is knowingly, intentionally, or recklessly as defined in Section
- 209 76-2-103.
- 210 (b) The culpable mental state required for a criminal violation of this part for kickbacks
- 211 and bribes under Section 26B-3-1103 is knowingly and intentionally as defined in Section
- 212 76-2-103.
- 213 (2) The punishment for a criminal violation of any provision of this part, except as

214 provided under Section 26B-3-1104, is determined by the cumulative value of the funds or
215 other benefits received or claimed in the commission of all violations of a similar nature, and
216 not by each separate violation.

217 (3) Punishment for criminal violation of this part, except as provided under Section
218 26B-3-1104, is:

219 (a) a second degree felony if the value of the property or service is or exceeds [~~\$5,000~~]
220 \$10,000;

221 (b) a third degree felony if the value of the property or service is or exceeds [~~\$1,500~~]
222 \$2,000 but is less than [~~\$5,000~~] \$10,000;

223 (c) a class A misdemeanor if the value of the property or service is or exceeds [~~\$500~~]
224 \$600 but is less than [~~\$1,500~~] \$2,000; or

225 (d) a class B misdemeanor if the value of the property or service is less than [~~\$500~~]
226 \$600.

227 Section 5. Section 34A-2-110 is amended to read:

228 **34A-2-110. Workers' compensation insurance fraud -- Elements -- Penalties --**
229 **Notice.**

230 (1) As used in this section:

231 (a) "Corporation" means the same as that term is defined in Section 76-2-201.

232 (b) "Intentionally" means the same as that term is defined in Section 76-2-103.

233 (c) "Knowingly" means the same as that term is defined in Section 76-2-103.

234 (d) "Person" means the same as that term is defined in Section 76-1-101.5.

235 (e) "Recklessly" means the same as that term is defined in Section 76-2-103.

236 (f) "Thing of value" means one or more of the following obtained under this chapter or
237 Chapter 3, Utah Occupational Disease Act:

238 (i) workers' compensation insurance coverage;

239 (ii) disability compensation;

240 (iii) a medical benefit;

241 (iv) a good;

242 (v) a professional service;

243 (vi) a fee for a professional service; or

244 (vii) anything of value.

245 (2) (a) A person is guilty of workers' compensation insurance fraud if that person
246 intentionally, knowingly, or recklessly:

247 (i) devises a scheme or artifice to do the following by means of a false or fraudulent
248 pretense, representation, promise, or material omission:

249 (A) obtain a thing of value under this chapter or Chapter 3, Utah Occupational Disease
250 Act;

251 (B) avoid paying the premium that an insurer charges, for an employee on the basis of
252 the underwriting criteria applicable to that employee, to obtain a thing of value under this
253 chapter or Chapter 3, Utah Occupational Disease Act; or

254 (C) deprive an employee of a thing of value under this chapter or Chapter 3, Utah
255 Occupational Disease Act; and

256 (ii) communicates or causes a communication with another in furtherance of the
257 scheme or artifice.

258 (b) A violation of this Subsection (2) includes a scheme or artifice to:

259 (i) make or cause to be made a false written or oral statement with the intent to obtain
260 insurance coverage as mandated by this chapter or Chapter 3, Utah Occupational Disease Act,
261 at a rate that does not reflect the risk, industry, employer, or class code actually covered by the
262 insurance coverage;

263 (ii) form a business, reorganize a business, or change ownership in a business with the
264 intent to:

265 (A) obtain insurance coverage as mandated by this chapter or Chapter 3, Utah
266 Occupational Disease Act, at a rate that does not reflect the risk, industry, employer, or class
267 code actually covered by the insurance coverage;

268 (B) misclassify an employee as described in Subsection (2)(b)(iii); or

269 (C) deprive an employee of workers' compensation coverage as required by Subsection
270 [34A-2-103\(8\)](#);

271 (iii) misclassify an employee as one of the following so as to avoid the obligation to
272 obtain insurance coverage as mandated by this chapter or Chapter 3, Utah Occupational
273 Disease Act:

274 (A) an independent contractor;

275 (B) a sole proprietor;

- 276 (C) an owner;
- 277 (D) a partner;
- 278 (E) an officer; or
- 279 (F) a member in a limited liability company;
- 280 (iv) use a workers' compensation coverage waiver issued under Part 10, Workers'
- 281 Compensation Coverage Waivers Act, to deprive an employee of workers' compensation
- 282 coverage under this chapter or Chapter 3, Utah Occupational Disease Act; or
- 283 (v) collect or make a claim for temporary disability compensation as provided in
- 284 Section 34A-2-410 while working for gain.

285 (3) (a) Workers' compensation insurance fraud under Subsection (2) is punishable in

286 the manner prescribed in Subsection (3)(c).

287 (b) A corporation or association is guilty of the offense of workers' compensation

288 insurance fraud under the same conditions as those set forth in Section 76-2-204.

289 (c) (i) In accordance with Subsection (3)(c)(ii), the determination of the degree of an

290 offense under Subsection (2) shall be measured by the following on the basis of which creates

291 the greatest penalty:

292 (A) the total value of all property, money, or other things obtained or sought to be

293 obtained by the scheme or artifice described in Subsection (2); or

294 (B) the number of individuals not covered under this chapter or Chapter 3, Utah

295 Occupational Disease Act, because of the scheme or artifice described in Subsection (2).

296 (ii) A person is guilty of:

297 (A) a class A misdemeanor:

298 (I) if the value of the property, money, or other thing of value described in Subsection

299 (3)(c)(i)(A) is less than [~~\$1,000~~] \$2,000; or

300 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of

301 individuals described in Subsection (3)(c)(i)(B) is less than five;

302 (B) a third degree felony:

303 (I) if the value of the property, money, or other thing of value described in Subsection

304 (3)(c)(i)(A) is equal to or greater than [~~\$1,000~~] \$2,000, but is less than [~~\$5,000~~] \$10,000; or

305 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of

306 individuals described in Subsection (3)(c)(i)(B) is equal to or greater than five, but is less than

307 50; and

308 (C) a second degree felony:

309 (I) if the value of the property, money, or other thing of value described in Subsection
310 (3)(c)(i)(A) is equal to or greater than [~~\$5,000~~] \$10,000; or

311 (II) for each individual described in Subsection (3)(c)(i)(B), if the number of
312 individuals described in Subsection (3)(c)(i)(B) is equal to or greater than 50.

313 (4) The following are not a necessary element of an offense described in Subsection
314 (2):

315 (a) reliance on the part of a person;

316 (b) the intent on the part of the perpetrator of an offense described in Subsection (2) to
317 permanently deprive a person of property, money, or anything of value; or

318 (c) an insurer or self-insured employer giving written notice in accordance with
319 Subsection (5) that workers' compensation insurance fraud is a crime.

320 (5) (a) An insurer or self-insured employer who, in connection with this chapter or
321 Chapter 3, Utah Occupational Disease Act, prints, reproduces, or furnishes a form described in
322 Subsection (5)(b) shall cause to be printed or displayed in comparative prominence with other
323 content on the form the statement: "Any person who knowingly presents false or fraudulent
324 underwriting information, files or causes to be filed a false or fraudulent claim for disability
325 compensation or medical benefits, or submits a false or fraudulent report or billing for health
326 care fees or other professional services is guilty of a crime and may be subject to fines and
327 confinement in state prison."

328 (b) Subsection (5)(a) applies to a form upon which a person:

329 (i) applies for insurance coverage;

330 (ii) applies for a workers' compensation coverage waiver issued under Part 10,
331 Workers' Compensation Coverage Waivers Act;

332 (iii) reports payroll;

333 (iv) makes a claim by reason of accident, injury, death, disease, or other claimed loss;

334 or

335 (v) makes a report or gives notice to an insurer or self-insured employer.

336 (c) An insurer or self-insured employer who issues a check, warrant, or other financial
337 instrument in payment of compensation issued under this chapter or Chapter 3, Utah

338 Occupational Disease Act, shall cause to be printed or displayed in comparative prominence
339 above the area for endorsement a statement substantially similar to the following: "Workers'
340 compensation insurance fraud is a crime punishable by Utah law."

341 (d) This Subsection (5) applies only to the legal obligations of an insurer or a
342 self-insured employer.

343 (e) A person who violates Subsection (2) is guilty of workers' compensation insurance
344 fraud, and the failure of an insurer or a self-insured employer to fully comply with this
345 Subsection (5) is not:

346 (i) a defense to violating Subsection (2); or
347 (ii) grounds for suppressing evidence.

348 (6) In the absence of malice, a person, employer, insurer, or governmental entity that
349 reports a suspected fraudulent act relating to a workers' compensation insurance policy or claim
350 is not subject to civil liability for libel, slander, or another relevant cause of action.

351 (7) (a) In an action involving workers' compensation, this section supersedes Title 31A,
352 Chapter 31, Insurance Fraud Act.

353 (b) Nothing in this section prohibits the Insurance Department from investigating
354 violations of this section or from pursuing civil or criminal penalties for violations of this
355 section in accordance with Section [31A-31-109](#) and this title.

356 Section 6. Section **35A-8-410** is amended to read:

357 **35A-8-410. Penalties for fraudulently obtaining or continuing to receive housing**
358 **assistance benefits.**

359 (1) A person may not knowingly, by misrepresentation, impersonation, or other
360 fraudulent means, make a false statement to housing authority personnel or, after being
361 accepted as a recipient of housing authority benefits, fail to disclose to housing authority
362 personnel any:

363 (a) change in household composition;

364 (b) employment change;

365 (c) change in marital status;

366 (d) receipt of any other monetary assistance;

367 (e) receipt of in-kind gifts; or

368 (f) other material fact or change in circumstances that would affect the determination

369 of that person's eligibility to receive housing assistance benefits, or would affect the amount of
370 benefits for which the person is eligible.

371 (2) A person may not fail to disclose any of the information described in Subsection (1)
372 for the purpose of obtaining or continuing to receive funds or other housing assistance benefits
373 to which the person is not entitled, or in an amount larger than that to which the person is
374 entitled.

375 (3) A person who has duties relating to the administration of a housing authority
376 program may not fraudulently misappropriate funds or other assistance with which the person
377 has been entrusted, or of which the person has gained possession by virtue of the person's
378 position.

379 (4) A person may not knowingly:

380 (a) file or falsify a claim, report, or document required by state or federal law, or
381 provider agreement, to obtain or attempt to obtain unauthorized housing assistance benefits
382 under this part; or

383 (b) attempt to commit, or aid or abet the commission of, an act prohibited by this
384 section.

385 (5) The punishment for violation of a provision of this section by a housing assistance
386 recipient is determined by the cumulative value of the money or other benefits the person
387 received from all instances of fraud committed by the person, and not by each separate instance
388 of fraud.

389 (6) The punishment for the offenses of this section are:

390 (a) a second degree felony if the value of the funds or other benefits received,
391 misappropriated, claimed, or applied for, is equal to or exceeds [~~\$5,000~~] \$10,000;

392 (b) a third degree felony if the value of the funds or other benefits received,
393 misappropriated, claimed, or applied for, is equal to or greater than [~~\$1,500~~] \$2,000 but less
394 than [~~\$5,000~~] \$10,000;

395 (c) a class A misdemeanor if the value of the funds or other benefits received,
396 misappropriated, claimed, or applied for, is equal to or greater than [~~\$500~~] \$600 but less than
397 [~~\$1,500~~] \$2,000; or

398 (d) a class B misdemeanor if the value of the funds or other benefits received,
399 misappropriated, claimed, or applied for, is less than [~~\$500~~] \$600.

400 Section 7. Section 53C-2-301 is amended to read:

401 **53C-2-301. Illegal activities on trust lands -- Penalties.**

402 (1) A person is liable for the civil damages prescribed in Subsection (2) and is guilty of
403 a criminal offense specified in Subsection (4) if the person intentionally, knowingly, or
404 recklessly, and without written authorization from the director:

405 (a) removes, extracts, uses, consumes, or destroys a mineral resource, gravel, sand,
406 soil, vegetation, water resource, or improvement on trust lands;

407 (b) grazes livestock on trust lands;

408 (c) uses, occupies, or constructs improvements or structures on trust lands;

409 (d) uses or occupies trust lands for more than 30 days after the cancellation or
410 expiration of written authorization;

411 (e) knowingly and willfully uses trust lands for commercial gain;

412 (f) appropriates, alters, injures, or destroys an improvement or historical, prehistorical,
413 archaeological, or paleontological resource on trust lands;

414 (g) trespasses upon, uses, commits waste, dumps refuse, or occupies trust land;

415 (h) interferes with the activities of an employee or agent of the administration on trust
416 lands; or

417 (i) interferes with activities of a lessee or other person that have been authorized by the
418 administration, whether or not the trust land has been withdrawn from occupancy or use
419 pursuant to Subsection 53C-2-105(1)(b).

420 (2) A person who commits an act described in Subsection (1) is liable for damages in
421 the amount of whichever of the following is greatest:

422 (a) three times the value at the point of sale of the mineral or other resource removed,
423 destroyed, or extracted;

424 (b) three times the amount of damage committed;

425 (c) three times the cost to cure the damage;

426 (d) three times the value of any losses suffered as a result of interference with
427 authorized activities; or

428 (e) three times the consideration which would have been charged by the director for
429 use of the land during the period of trespass.

430 (3) In addition to the damages described in Subsection (2), a person found guilty of a

431 criminal act under Subsection (1) is subject to the penalties provided in Title 76, Chapter 3,
432 Punishments, as specified in Subsection (4).

433 (4) A violation of this section is a:

434 (a) second degree felony if the actor's conduct causes property injury or damage, or
435 pecuniary loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;

436 (b) third degree felony if the actor's conduct causes property injury or damage, or
437 pecuniary loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in
438 value;

439 (c) class A misdemeanor if the actor's conduct causes property injury or damage, or
440 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
441 and

442 (d) class B misdemeanor if the actor's conduct causes property injury or damage, or
443 pecuniary loss less than [~~\$500~~] \$600 in value.

444 (5) The director shall deposit money collected under this section in the fund in which
445 like revenues from that land would be deposited.

446 (6) The director may award a portion of any of the damages collected under this section
447 in excess of actual damages to the general fund of the county in which the trespass occurred as
448 a reward for county assistance in the apprehension and prosecution of the trespassing party.

449 Section 8. Section **63M-7-510** is amended to read:

450 **63M-7-510. Ineligible individuals -- Fraudulent reparations claims -- Penalties.**

451 (1) The following individuals are not eligible to receive a reparations award:

452 (a) an individual who does not meet all of the provisions set forth in Section
453 [63M-7-509](#);

454 (b) the offender;

455 (c) an accomplice of the offender;

456 (d) an individual whose receipt of a reparations award would unjustly benefit the
457 offender, accomplice, or another individual reasonably suspected of participating in the
458 offense;

459 (e) the victim of a motor vehicle injury who was the owner or operator of the motor
460 vehicle and was not at the time of the injury in compliance with the state motor vehicle
461 insurance laws;

462 (f) a convicted offender serving a sentence of imprisonment in any prison or jail or
463 residing in any other correctional facility;

464 (g) an individual who is on probation or parole if the circumstances surrounding the
465 offense of which the individual is a victim is a violation of the individual's probation or parole;

466 (h) an individual whose injuries are the result of criminally injurious conduct that
467 occurred in a prison, jail, or another correctional facility while the individual was incarcerated;
468 and

469 (i) an individual who:

470 (i) submits a fraudulent claim; or

471 (ii) misrepresents a material fact in requesting a reparations award.

472 (2) (a) An individual may not knowingly:

473 (i) submit a fraudulent claim; or

474 (ii) misrepresent a material fact in requesting a reparations award.

475 (b) A violation of Subsection (2)(a) is:

476 (i) a class B misdemeanor if:

477 (A) the individual who violates Subsection (2)(a) does not receive a reparations award;

478 or

479 (B) the value of the reparations award received is less than [~~\$500~~] \$600;

480 (ii) a class A misdemeanor if the value of the reparations award received is or exceeds
481 [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

482 (iii) a third degree felony if the value of the reparations award received is or exceeds
483 [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; and

484 (iv) a second degree felony if the value of the reparations award received is or exceeds
485 [~~\$5,000~~] \$10,000.

486 (3) The state attorney general may prosecute violations under this section or may make
487 arrangements with county or city attorneys for the prosecution of violations under this section
488 when the attorney general cannot conveniently prosecute.

489 (4) (a) A claimant who is not eligible to receive a reparations award under Subsection
490 (1) but receives a reparations award shall reimburse the fund for the amount of the reparations
491 award.

492 (b) The office may bring a civil action against a victim who does not reimburse the

493 fund for the amount of the reparations award in accordance with Subsection (4)(a).

494 Section 9. Section **73-2-27** is amended to read:

495 **73-2-27. Criminal penalties.**

496 (1) This section applies to offenses committed under:

497 (a) Section **73-1-14**;

498 (b) Section **73-1-15**;

499 (c) Section **73-2-20**;

500 (d) Section **73-3-3**;

501 (e) Section **73-3-26**;

502 (f) Section **73-3-29**;

503 (g) Section **73-5-9**;

504 (h) Section **76-10-201**;

505 (i) Section **76-10-202**; and

506 (j) Section **76-10-203**.

507 (2) Under circumstances not amounting to an offense with a greater penalty under

508 Subsection **76-6-106(2)(a)(ii)**, Section **76-6-106.3**, or Section **76-6-404**, violation of a

509 provision listed in Subsection (1) is punishable:

510 (a) as a felony of the third degree if:

511 (i) the value of the water diverted or property damaged or taken is [~~\$2,500~~] \$5,000 or
512 greater; and

513 (ii) the person violating the provision has previously been convicted of violating the
514 same provision;

515 (b) as a class A misdemeanor if:

516 (i) the value of the water diverted or property damaged or taken is [~~\$2,500~~] \$5,000 or
517 greater; or

518 (ii) the person violating the provision has previously been convicted of violating the
519 same provision; or

520 (c) as a class B misdemeanor if Subsection (2)(a) or (b) does not apply.

521 Section 10. Section **76-5-111.4** is amended to read:

522 **76-5-111.4. Financial exploitation of a vulnerable adult -- Penalties.**

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

- 524 (i) "Abuse" means the same as that term is defined in Section [76-5-111](#).
- 525 (ii) "Business relationship" means a relationship between two or more individuals or
526 entities where there exists an oral or written agreement for the exchange of goods or services.
- 527 (iii) "Deception" means:
 - 528 (A) a misrepresentation or concealment:
 - 529 (I) of a material fact relating to services rendered, disposition of property, or use of
530 property intended to benefit a vulnerable adult;
 - 531 (II) of the terms of a contract or agreement entered into with a vulnerable adult; or
 - 532 (III) relating to the existing or preexisting condition of any property involved in a
533 contract or agreement entered into with a vulnerable adult; or
 - 534 (B) the use or employment of any misrepresentation, false pretense, or false promise in
535 order to induce, encourage, or solicit a vulnerable adult to enter into a contract or agreement.
 - 536 (iv) "Endeavor" means to attempt or try.
 - 537 (v) "Intimidation" means communication conveyed through verbal or nonverbal
538 conduct that threatens deprivation of money, food, clothing, medicine, shelter, social
539 interaction, supervision, health care, or companionship, or that threatens isolation or harm.
 - 540 (vi) "Isolation" means the same as that term is defined in Section [76-5-111](#).
 - 541 (vii) "Lacks capacity to consent" means an impairment by reason of mental illness,
542 developmental disability, organic brain disorder, physical illness or disability, chronic use of
543 drugs, chronic intoxication, short-term memory loss, or other cause to the extent that a
544 vulnerable adult lacks sufficient understanding of the nature or consequences of decisions
545 concerning the vulnerable adult's person or property.
 - 546 (viii) "Neglect" means the same as that term is defined in Section [76-5-111](#).
 - 547 (ix) "Undue influence" occurs when a person:
 - 548 (A) uses influence to take advantage of a vulnerable adult's mental or physical
549 impairment; or
 - 550 (B) uses the person's role, relationship, or power:
 - 551 (I) to exploit, or knowingly assist or cause another to exploit, the trust, dependency, or
552 fear of a vulnerable adult; or
 - 553 (II) to gain control deceptively over the decision making of the vulnerable adult.
 - 554 (x) "Vulnerable adult" means the same as that term is defined in Section [76-5-111](#).

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

556 (2) An actor commits the offense of financial exploitation of a vulnerable adult if the
557 actor:

558 (a) is in a position of trust and confidence, or has a business relationship, with the
559 vulnerable adult or has undue influence over the vulnerable adult and knowingly, by deception
560 or intimidation, obtains or uses, or endeavors to obtain or use, the vulnerable adult's funds,
561 credit, assets, or other property with the intent to temporarily or permanently deprive the
562 vulnerable adult of the use, benefit, or possession of the vulnerable adult's property, for the
563 benefit of someone other than the vulnerable adult;

564 (b) knows or should know that the vulnerable adult lacks the capacity to consent, and
565 obtains or uses, or endeavors to obtain or use, or assists another in obtaining or using or
566 endeavoring to obtain or use, the vulnerable adult's funds, assets, or property with the intent to
567 temporarily or permanently deprive the vulnerable adult of the use, benefit, or possession of the
568 vulnerable adult's property for the benefit of someone other than the vulnerable adult;

569 (c) unjustly or improperly uses or manages the resources of a vulnerable adult for the
570 profit or advantage of someone other than the vulnerable adult;

571 (d) unjustly or improperly uses a vulnerable adult's power of attorney or guardianship
572 for the profit or advantage of someone other than the vulnerable adult; or

573 (e) involves a vulnerable adult who lacks the capacity to consent in the facilitation or
574 furtherance of any criminal activity.

575 (3) (a) A violation of Subsection (2) is a second degree felony if done intentionally or
576 knowingly and the aggregate value of the resources used or the profit made is or exceeds
577 ~~[\$5,000]~~ \$10,000.

578 (b) A violation of Subsection (2) is a third degree felony if done intentionally or
579 knowingly and the aggregate value of the resources used or the profit made is less than ~~[\$5,000~~
580 \$10,000 or cannot be determined.

581 (c) A violation of Subsection (2) is a class A misdemeanor if done recklessly.

582 (d) A violation of Subsection (2) is a class B misdemeanor if done with criminal
583 negligence.

584 (4) It does not constitute a defense to a prosecution for a violation of this section that
585 the actor did not know the age of the vulnerable adult.

586 Section 11. Section **76-6-102** is amended to read:

587 **76-6-102. Arson.**

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

589 (2) An actor commits arson if, under circumstances not amounting to aggravated arson,
590 the person by means of fire or explosives unlawfully and intentionally damages:

591 (a) any property with intention of defrauding an insurer; or

592 (b) the property of another.

593 (3) (a) A violation of Subsection (2)(a) is a second degree felony.

594 (b) A violation of Subsection (2)(b) is a second degree felony if:

595 (i) the damage caused is or exceeds [~~\$5,000~~] \$10,000 in value;

596 (ii) as a proximate result of the fire or explosion, any person not a participant in the
597 offense suffers serious bodily injury as defined in Section **76-1-101.5**; or

598 (iii) (A) the damage caused is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
599 \$10,000 in value; and

600 (B) at the time of the offense the actor has been previously convicted of a violation of
601 this section or Section **76-6-103** regarding aggravated arson within 10 years prior to the
602 commission of the violation of Subsection (2)(b).

603 (c) A violation of Subsection (2)(b) is a third degree felony if:

604 (i) the damage caused is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000
605 in value;

606 (ii) as a proximate result of the fire or explosion, any person not a participant in the
607 offense suffers substantial bodily injury as defined in Section **76-1-101.5**;

608 (iii) the fire or explosion endangers human life; or

609 (iv) (A) the damage caused is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000
610 in value; and

611 (B) at the time of the offense the actor has been previously convicted of a violation of
612 this section or Section **76-6-103** regarding aggravated arson within 10 years prior to the
613 commission of the violation of Subsection (2)(b).

614 (d) A violation of Subsection (2)(b) is a class A misdemeanor if the damage caused:

615 (i) is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value; or

616 (ii) (A) is less than [~~\$500~~] \$600; and

617 (B) at the time of the offense the actor has been previously convicted of a violation of
618 this section or Section 76-6-103 regarding aggravated arson within 10 years prior to the
619 commission of the violation of Subsection (2)(b).

620 (e) A violation of Subsection (2)(b) is a class B misdemeanor if the damage caused is
621 less than [~~\$500~~] \$600.

622 Section 12. Section 76-6-104 is amended to read:

623 **76-6-104. Reckless burning.**

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

625 (2) An actor commits reckless burning if the actor:

626 (a) recklessly starts a fire or causes an explosion which endangers human life;

627 (b) having started a fire, whether recklessly or not, and knowing that it is spreading and
628 will endanger the life or property of another, either fails to take reasonable measures to put out
629 or control the fire or fails to give a prompt fire alarm;

630 (c) builds or maintains a fire without taking reasonable steps to remove all flammable
631 materials surrounding the site of the fire as necessary to prevent the fire's spread or escape; or

632 (d) damages the property of another by reckless use of fire or causing an explosion.

633 (3) (a) A violation of Subsection (2)(a) or (b) is a class A misdemeanor.

634 (b) A violation of Subsection (2)(c) is a class B misdemeanor.

635 (c) A violation of Subsection (2)(d) is:

636 (i) a class A misdemeanor if damage to property is or exceeds [~~\$1,500~~] \$2,000 in
637 value;

638 (ii) a class B misdemeanor if the damage to property is or exceeds [~~\$500~~] \$600 but is
639 less than [~~\$1,500~~] \$2,000 in value; and

640 (iii) a class C misdemeanor if the damage to property is or exceeds [~~\$150~~] \$200 but is
641 less than [~~\$500~~] \$600 in value.

642 (d) Any other violation under Subsection (2)(d) is an infraction.

643 Section 13. Section 76-6-104.5 is amended to read:

644 **76-6-104.5. Abandonment of a fire -- Penalties.**

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

646 (2) An actor commits abandonment of a fire if, under circumstances not amounting to
647 the offense of arson, aggravated arson, or causing a catastrophe, the actor leaves a fire:

- 648 (a) without first completely extinguishing it; and
- 649 (b) with the intent to not return to the fire.
- 650 (3) A violation of Subsection (2):
- 651 (a) is a class C misdemeanor if there is no property damage;
- 652 (b) is a class B misdemeanor if property damage is less than [~~\$1,000~~] \$2,000 in value;
- 653 and
- 654 (c) is a class A misdemeanor if property damage is or exceeds [~~\$1,000~~] \$2,000 in
- 655 value.
- 656 (4) An actor does not commit a violation of Subsection (2) if the actor leaves a fire to
- 657 report an uncontrolled fire.
- 658 (5) If a violation of Subsection (2) involves a wildland fire, the actor is also liable for
- 659 suppression costs under Section [65A-3-4](#).
- 660 (6) A fire spreading or reigniting is prima facie evidence that the actor did not
- 661 completely extinguish the fire as required by Subsection (2)(a).
- 662 Section 14. Section **76-6-106** is amended to read:
- 663 **76-6-106. Criminal mischief.**
- 664 (1) (a) As used in this section, "critical infrastructure" includes:
- 665 (i) financial and banking systems;
- 666 (ii) any railroads, airlines, airports, airways, highways, bridges, waterways, fixed
- 667 guideways, or other transportation systems intended for the transportation of persons or
- 668 property;
- 669 (iii) health care facilities as listed in Section [26B-2-201](#), and emergency fire, medical,
- 670 and law enforcement response systems;
- 671 (iv) public health facilities and systems;
- 672 (v) food distribution systems; and
- 673 (vi) other government operations and services.
- 674 (b) Terms defined in Sections [76-1-101.5](#) and [76-6-101](#) apply to this section.
- 675 (2) An actor commits criminal mischief if the actor:
- 676 (a) intentionally and unlawfully tampers with the property of another and as a result:
- 677 (i) recklessly endangers:
- 678 (A) human life; or

679 (B) human health or safety; or
680 (ii) recklessly causes or threatens a substantial interruption or impairment of any
681 critical infrastructure; or
682 (b) recklessly or willfully shoots or propels a missile or other object at or against a
683 motor vehicle, bus, airplane, boat, locomotive, train, railway car, or caboose, whether moving
684 or standing.

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

686 (b) A violation of Subsection (2)(a)(i)(B) is a class B misdemeanor.

687 (c) A violation of Subsection (2)(a)(ii) is a second degree felony.

688 (d) Any other violation of this section is a:

689 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
690 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;

691 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
692 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;

693 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
694 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
695 and

696 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
697 loss less than [~~\$500~~] \$600 in value.

698 (4) In determining the value of damages under this section, or for computer crimes
699 under Section 76-6-703, the value of any item, computer, computer network, computer
700 property, computer services, software, or data includes the measurable value of the loss of use
701 of the items and the measurable cost to replace or restore the items.

702 (5) In addition to any other penalty authorized by law, a court shall order an actor
703 convicted of any violation of this section to reimburse any federal, state, or local unit of
704 government, or any private business, organization, individual, or entity for all expenses
705 incurred in responding to a violation of Subsection (2)(a)(ii), unless the court states on the
706 record the reasons why the reimbursement would be inappropriate.

707 Section 15. Section 76-6-106.1 is amended to read:

708 **76-6-106.1. Property damage or destruction.**

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

710 (2) An actor commits property damage or destruction if the actor under circumstances
711 not amounting to arson or criminal mischief:

712 (a) damages or destroys property with the intention of defrauding an insurer; or

713 (b) intentionally damages, defaces, or destroys the property of another.

714 (3) (a) (i) Except as provided in Subsection (3)(a)(ii), a violation of Subsection (2)(a) is
715 a third degree felony.

716 (ii) A violation of Subsection (2)(a) is a second degree felony if the actor's conduct
717 causes or is intended to cause pecuniary loss equal to or in excess of [~~\$5,000~~] \$10,000.

718 (b) A violation of Subsection (2)(b) is a:

719 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
720 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;

721 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
722 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;

723 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
724 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
725 and

726 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
727 loss less than [~~\$500~~] \$600 in value.

728 (4) In determining the value of damages under this section, or for computer crimes
729 under Section 76-6-703, the value of any item, computer, computer network, computer
730 property, computer services, software, or data includes the measurable value of the loss of use
731 of the items and the measurable cost to replace or restore the items.

732 Section 16. Section 76-6-107 is amended to read:

733 **76-6-107. Defacement by graffiti defined -- Penalties -- Removal costs --**
734 **Reimbursement liability -- Victim liability.**

735 (1) (a) As used in this section, "victim" means the person whose property is defaced or
736 damaged by the use of graffiti and who bears the expense for removal of the graffiti.

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

738 (2) An actor commits defacement by graffiti if the actor, without permission, defaces or
739 damages the property of another by graffiti.

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

- 741 (a) second degree felony if the damage caused is in excess of [~~\$5,000~~] \$10,000;
- 742 (b) third degree felony if the damage caused is equal to or in excess of [~~\$1,000~~] \$2,000
743 but less than or equal to [~~\$5,000~~] \$10,000;
- 744 (c) class A misdemeanor if the damage caused is equal to or in excess of [~~\$300~~] \$600
745 but less than [~~\$1,000~~] \$2,000; and
- 746 (d) class B misdemeanor if the damage caused is less than [~~\$300~~] \$600.
- 747 (4) Damages under Subsection (3) include removal costs, repair costs, or replacement
748 costs, whichever is less.
- 749 (5) The court shall order an individual convicted under Subsection (3) to pay restitution
750 to the victim in an amount equal to the costs incurred by the victim as a result of the graffiti.
- 751 (6) An additional amount of \$1,000 in restitution shall be added to removal costs if the
752 graffiti is positioned on an overpass or an underpass, requires that traffic be interfered with in
753 order to remove it, or the entity responsible for the area in which the clean-up is to take place
754 must provide assistance in order for the removal to take place safely.
- 755 (7) An individual who voluntarily, at the individual's own expense, and with the
756 consent of the property owner, removes graffiti for which the individual is responsible may be
757 credited for the removal costs against restitution ordered by a court.
- 758 (8) Before an authorized government agency may issue a citation or assess a fine to a
759 victim for the victim's failure to remove graffiti from the victim's property, the agency shall:
- 760 (a) provide written notice to the victim alerting the victim of the graffiti;
- 761 (b) allow the victim one week after the day on which the agency provides written
762 notice of the graffiti to remove the graffiti; and
- 763 (c) provide the victim with a list of resources available to assist the victim with
764 removal of the graffiti.
- 765 (9) (a) After receiving notification of graffiti under Subsection (8)(a), a victim who is
766 unable to remove the graffiti due to physical or financial hardship may alert the agency that
767 provided notice under Subsection (8)(a) of the hardship.
- 768 (b) If an authorized government agency finds a victim has demonstrated that the victim
769 would experience significant hardship in removing the graffiti, the agency:
- 770 (i) may not issue a citation or assess a fee to the victim for failure to remove the
771 graffiti; and

772 (ii) shall provide, or hire an outside entity to provide, the assistance necessary to
773 remove the graffiti from the victim's property.

774 (c) An authorized government agency that provides, or hires an outside agency to
775 provide, assistance under Subsection (9)(b)(ii), may request reimbursement from a restitution
776 order, under Subsection (5), against an individual who used graffiti to damage the property that
777 the agency removed, or paid another to remove.

778 Section 17. Section ~~76-6-404~~ is amended to read:

779 **76-6-404. Theft -- Elements.**

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

781 (2) An actor commits theft if the actor obtains or exercises unauthorized control over
782 another person's property with a purpose to deprive the person of the person's property.

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

784 (a) a second degree felony if the:

785 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;

786 (ii) property stolen is a firearm or an operable motor vehicle; or

787 (iii) property is stolen from the person of another;

788 (b) a third degree felony if:

789 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

790 \$10,000;

791 (ii) the property is:

792 (A) a catalytic converter as defined under Section ~~76-6-1402~~; or

793 (B) 25 pounds or more of a suspect metal item as defined under Section ~~76-6-1402~~ if
794 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
795 or copper and is not a lead battery;

796 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
797 before convicted of any of the following offenses, if each prior offense was committed within
798 10 years before the date of the current conviction or the date of the offense upon which the
799 current conviction is based and at least one of those convictions is for a class A misdemeanor:

800 (A) any theft, any robbery, or any burglary with intent to commit theft;

801 (B) any offense under Part 5, Fraud; or

802 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

803 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
804 \$2,000;

805 (B) the theft occurs on a property where the offender has committed any theft within
806 the past five years; and

807 (C) the offender has received written notice from the merchant prohibiting the offender
808 from entering the property pursuant to Subsection 78B-3-108(4); or

809 (v) the actor has been previously convicted of a felony violation of any of the offenses
810 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
811 within 10 years before the date of the current conviction or the date of the offense upon which
812 the current conviction is based;

813 (c) a class A misdemeanor if:

814 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
815 \$2,000;

816 (ii) (A) the value of property is less than [~~\$500~~] \$600;

817 (B) the theft occurs on a property where the offender has committed any theft within
818 the past five years; and

819 (C) the offender has received written notice from the merchant prohibiting the offender
820 from entering the property pursuant to Subsection 78B-3-108(4); or

821 (iii) the actor has been twice before convicted of any of the offenses listed in
822 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
823 years before the date of the current conviction or the date of the offense upon which the current
824 conviction is based; or

825 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
826 and the theft is not an offense under Subsection (3)(c).

827 Section 18. Section ~~76-6-404.5~~ is amended to read:

828 **76-6-404.5. Unauthorized possession of property.**

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

830 (2) An actor commits unauthorized possession of property if the actor obtains or
831 exercises unauthorized control over another person's property, without the consent of the
832 property's owner or legal custodian, and with the intent to temporarily appropriate, possess, or
833 use the property or to temporarily deprive the property's owner or legal custodian of possession

834 of the property.

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

836 (a) a third degree felony if:

837 (i) the value of the property is or exceeds [~~\$5,000~~] \$10,000;

838 (ii) the property is a firearm or an operable motor vehicle; or

839 (iii) the property is taken from the person of another;

840 (b) a class A misdemeanor if:

841 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

842 \$10,000;

843 (ii) the property is:

844 (A) a catalytic converter as defined under Section 76-6-1402; or

845 (B) 25 pounds or more of a suspect metal item is defined under Section 76-6-1402 if
846 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
847 or copper and is not a lead battery;

848 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
849 before convicted of any of the following offenses, if each prior offense was committed within
850 10 years before the date of the current conviction or the date of the offense upon which the
851 current conviction is based and at least one of those convictions is for a class A misdemeanor:

852 (A) any theft, any robbery, or any burglary with intent to commit theft;

853 (B) any offense under Part 5, Fraud; or

854 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

855 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]

856 \$2,000;

857 (B) the unauthorized possession of property occurs on a property where the offender
858 has committed any theft within the past five years; and

859 (C) the offender has received written notice from the merchant prohibiting the offender
860 from entering the property pursuant to Subsection 78B-3-108(4); or

861 (v) the actor has been previously convicted of a felony violation of any of the offenses
862 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
863 within 10 years before the date of the current conviction or the date of the offense upon which
864 the current conviction is based;

- 865 (c) a class B misdemeanor if:
- 866 (i) the value of the property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;
- 867 (ii) (A) the value of property is less than [~~\$500~~] \$600;
- 868 (B) the unauthorized possession of property occurs on a property where the offender
- 869 has committed any theft within the past five years; and
- 870 (C) the offender has received written notice from the merchant prohibiting the offender
- 871 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or
- 872 (iii) the actor has been twice before convicted of any of the offenses listed in
- 873 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
- 874 years before the date of the current conviction or the date of the offense upon which the current
- 875 conviction is based; or
- 876 (d) a class C misdemeanor if the value of the property is less than [~~\$500~~] \$600 and the
- 877 unauthorized possession of property is not an offense under Subsection (3)(c).
- 878 (4) Unauthorized possession of property is a lesser included offense of the offense of
- 879 theft under Section [76-6-404](#).
- 880 (5) The consent of the owner or legal custodian of the property to the property's control
- 881 by the actor is not presumed or implied because of the owner's or legal custodian's consent on a
- 882 previous occasion to the control of the property by any person.
- 883 Section 19. Section ~~76-6-404.7~~ is amended to read:
- 884 **76-6-404.7. Theft of motor vehicle fuel.**
- 885 (1) (a) As used in this section, "motor vehicle fuel" means any combustible gas, liquid,
- 886 matter, or substance that is used in an internal combustion engine for the generation of power.
- 887 (b) Terms defined in Section [76-1-101.5](#) apply to this section.
- 888 (2) An actor commits theft of motor vehicle fuel if the actor:
- 889 (a) causes a motor vehicle to leave any premises where motor vehicle fuel is offered for
- 890 retail sale when motor fuel has been dispensed into:
- 891 (i) the fuel tank of the motor vehicle; or
- 892 (ii) any other container that is then removed from the premises by means of the motor
- 893 vehicle; and
- 894 (b) commits the act under Subsection (2)(a) with the intent to deprive the owner or
- 895 operator of the premises of the motor vehicle fuel without making full payment for the fuel.

- 896 (3) A violation of Subsection (2) is:
- 897 (a) a second degree felony if the value of the motor vehicle fuel is or exceeds [~~\$5,000~~
- 898 \$10,000;
- 899 (b) a third degree felony if:
- 900 (i) the value of the motor vehicle fuel is or exceeds [~~\$1,500~~] \$2,000 but is less than
- 901 [~~\$5,000~~] \$10,000; [or]
- 902 (ii) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 and the actor has been
- 903 twice before convicted of any of the following offenses, if each prior offense was committed
- 904 within 10 years before the date of the current conviction or the date of the offense upon which
- 905 the current conviction is based and at least one of those convictions is for a class A
- 906 misdemeanor:
- 907 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 908 (B) any offense under Part 5, Fraud; or
- 909 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
- 910 (iii) (A) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 but is less than
- 911 [~~\$1,500~~] \$2,000;
- 912 (B) the theft occurs on a property where the offender has committed any theft within
- 913 the past five years; and
- 914 (C) the offender has received written notice from the merchant prohibiting the offender
- 915 from entering the property pursuant to Subsection [78B-3-108\(4\)](#); or
- 916 (iv) the actor has been previously convicted of a felony violation of any of the offenses
- 917 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
- 918 within 10 years before the date of the current conviction or the date of the offense upon which
- 919 the current conviction is based;
- 920 (c) a class A misdemeanor if:
- 921 (i) the value of the motor vehicle fuel is or exceeds [~~\$500~~] \$600 but is less than
- 922 [~~\$1,500~~] \$2,000;
- 923 (ii) (A) the value of the motor vehicle fuel is less than [~~\$500~~] \$600;
- 924 (B) the theft occurs on a property where the offender has committed any theft within
- 925 the past five years; and
- 926 (C) the offender has received written notice from the merchant prohibiting the offender

927 from entering the property pursuant to Subsection 78B-3-108(4); or

928 (iii) the actor has been twice before convicted of any of the offenses listed in
929 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
930 years before the date of the current conviction or the date of the offense upon which the current
931 conviction is based; or

932 (d) a class B misdemeanor if the value of the motor vehicle fuel is less than [~~\$500~~]
933 \$600 and the theft is not an offense under Subsection (3)(c).

934 (4) (a) In addition to the penalties described in Subsection (3), the sentencing court
935 may order the suspension of the driver license of an actor convicted of theft of motor vehicle
936 fuel.

937 (b) The suspension described in Subsection (4)(a) may not be for more than 90 days as
938 provided in Section 53-3-220.

939 Section 20. Section 76-6-405 is amended to read:

940 **76-6-405. Theft by deception.**

941 (1) (a) As used in this section, "puffing" means an exaggerated commendation of wares
942 or worth in a communication addressed to an individual, group, or the public.

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

944 (2) (a) An actor commits theft by deception if the actor obtains or exercises control
945 over property of another person:

946 (i) by deception; and

947 (ii) with a purpose to deprive the other person of property.

948 (b) The deception described in Subsection (2)(a)(i) and the deprivation described in
949 Subsection (2)(a)(ii) may occur at separate times.

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

951 (a) a second degree felony if the:

952 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000; or

953 (ii) property stolen is a firearm or an operable motor vehicle;

954 (b) a third degree felony if:

955 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
956 \$10,000;

957 (ii) the property:

- 958 (A) is a catalytic converter as defined under Section 76-6-1402; or
- 959 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if
- 960 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
- 961 or copper and is not a lead battery;
- 962 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
- 963 before convicted of any of the following offenses, if each prior offense was committed within
- 964 10 years before the date of the current conviction or the date of the offense upon which the
- 965 current conviction is based and at least one of those convictions is for a class A misdemeanor:
- 966 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 967 (B) any offense under Part 5, Fraud; or
- 968 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
- 969 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
- 970 \$2,000;
- 971 (B) the theft occurs on a property where the offender has committed any theft within
- 972 the past five years; and
- 973 (C) the offender has received written notice from the merchant prohibiting the offender
- 974 from entering the property pursuant to Subsection 78B-3-108(4); or
- 975 (v) the actor has been previously convicted of a felony violation of any of the offenses
- 976 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
- 977 within 10 years before the date of the current conviction or the date of the offense upon which
- 978 the current conviction is based;
- 979 (c) a class A misdemeanor if:
- 980 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
- 981 \$2,000;
- 982 (ii) (A) the value of property is less than [~~\$500~~] \$600;
- 983 (B) the theft occurs on a property where the offender has committed any theft within
- 984 the past five years; and
- 985 (C) the offender has received written notice from the merchant prohibiting the offender
- 986 from entering the property pursuant to Subsection 78B-3-108(4); or
- 987 (iii) the actor has been twice before convicted of any of the offenses listed in
- 988 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10

989 years before the date of the current conviction or the date of the offense upon which the current
990 conviction is based; or

991 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
992 and the theft is not an offense under Subsection (3)(c).

993 (4) Theft by deception does not occur when there is only:

994 (a) falsity as to matters having no pecuniary significance; or

995 (b) puffing by statements unlikely to deceive an ordinary person in the group
996 addressed.

997 Section 21. Section ~~76-6-406~~ is amended to read:

998 **76-6-406. Theft by extortion.**

999 (1) (a) As used in this section, extortion occurs when an actor threatens to:

1000 (i) cause physical harm in the future to the person threatened, to any other person, or to
1001 property at any time;

1002 (ii) subject the person threatened or any other person to physical confinement or
1003 restraint;

1004 (iii) engage in other conduct constituting a crime;

1005 (iv) accuse any person of a crime or expose any person to hatred, contempt, or ridicule;

1006 (v) reveal any information sought to be concealed by the person threatened;

1007 (vi) testify, provide information, or withhold testimony or information with respect to a
1008 person's legal claim or defense;

1009 (vii) take action as an official against anyone or anything, or withhold official action, or
1010 cause such action or withholding;

1011 (viii) bring about or continue a strike, boycott, or other similar collective action to
1012 obtain property that is not demanded or received for the benefit of the group that the actor
1013 purports to represent; or

1014 (ix) do any other act which would not in itself substantially benefit the actor but which
1015 would harm substantially any other person with respect to that person's health, safety, business,
1016 calling, career, financial condition, reputation, or personal relationships.

1017 (b) Terms defined in Section ~~76-1-101.5~~ apply to this section.

1018 (2) An actor commits theft by extortion if the actor obtains or exercises control over
1019 the property of another person by extortion and with a purpose to deprive the person of the

1020 person's property.

1021 (3) A violation of Subsection (2) is:

1022 (a) a second degree felony if the:

1023 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;

1024 (ii) property stolen is a firearm or an operable motor vehicle; or

1025 (iii) property is stolen from the person of another;

1026 (b) a third degree felony if:

1027 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]

1028 \$10,000;

1029 (ii) the property is:

1030 (A) a catalytic converter as defined under Section 76-6-1402; or

1031 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if

1032 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum

1033 or copper and is not a lead battery;

1034 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice

1035 before convicted of any of the following offenses, if each prior offense was committed within

1036 10 years before the date of the current conviction or the date of the offense upon which the

1037 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1038 (A) any theft, any robbery, or any burglary with intent to commit theft;

1039 (B) any offense under Part 5, Fraud; or

1040 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);

1041 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]

1042 \$2,000;

1043 (B) the theft occurs on a property where the offender has committed any theft within

1044 the past five years; and

1045 (C) the offender has received written notice from the merchant prohibiting the offender

1046 from entering the property pursuant to Subsection 78B-3-108(4); or

1047 (v) the actor has been previously convicted of a felony violation of any of the offenses

1048 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed

1049 within 10 years before the date of the current conviction or the date of the offense upon which

1050 the current conviction is based;

- 1051 (c) a class A misdemeanor if:
- 1052 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
- 1053 \$2,000;
- 1054 (ii) (A) the value of property is less than [~~\$500~~] \$600;
- 1055 (B) the theft occurs on a property where the offender has committed any theft within
- 1056 the past five years; and
- 1057 (C) the offender has received written notice from the merchant prohibiting the offender
- 1058 from entering the property pursuant to Subsection 78B-3-108(4); or
- 1059 (iii) the actor has been twice before convicted of any of the offenses listed in
- 1060 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
- 1061 years before the date of the current conviction or the date of the offense upon which the current
- 1062 conviction is based; or
- 1063 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
- 1064 and the theft is not an offense under Subsection (3)(c).
- 1065 (4) (a) A person who is adversely impacted by the conduct prohibited in Subsection (2)
- 1066 may bring a civil action for equitable relief and damages.
- 1067 (b) In accordance with Section 78B-2-305, a person who brings an action under
- 1068 Subsection (4)(a) shall commence the action within three years after the day on which the cause
- 1069 of action arises.
- 1070 Section 22. Section ~~76-6-407~~ is amended to read:
- 1071 **76-6-407. Theft of lost, mislaid, or mistakenly delivered property.**
- 1072 (1) Terms defined in Section 76-1-101.5 apply to this section.
- 1073 (2) An actor commits theft of lost, mislaid, or mistakenly delivered property if the
- 1074 actor:
- 1075 (a) obtains another person's property and knows the property to have been lost or
- 1076 mislaid, or to have been delivered under a mistake as to the identity of the recipient or as to the
- 1077 nature or amount of the property, without taking reasonable measures to return the property to
- 1078 the owner; and
- 1079 (b) has the purpose to deprive the owner of the property when the actor obtains the
- 1080 property or at any time before taking the measures described in Subsection (2)(a).
- 1081 (3) A violation of Subsection (2) is:

- 1082 (a) a second degree felony if the:
- 1083 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000;
- 1084 (ii) property stolen is a firearm or an operable motor vehicle; or
- 1085 (iii) property is stolen from the person of another;
- 1086 (b) a third degree felony if:
- 1087 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~
- 1088 \$10,000;
- 1089 (ii) the property is:
- 1090 (A) a catalytic converter as defined under Section 76-6-1402; or
- 1091 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if
- 1092 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
- 1093 or copper and is not a lead battery;
- 1094 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
- 1095 before convicted of any of the following offenses, if each prior offense was committed within
- 1096 10 years before the date of the current conviction or the date of the offense upon which the
- 1097 current conviction is based and at least one of those convictions is for a class A misdemeanor:
- 1098 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 1099 (B) any offense under Part 5, Fraud; or
- 1100 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
- 1101 (iv) (A) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~
- 1102 \$2,000;
- 1103 (B) the theft occurs on a property where the offender has committed any theft within
- 1104 the past five years; and
- 1105 (C) the offender has received written notice from the merchant prohibiting the offender
- 1106 from entering the property pursuant to Subsection 78B-3-108(4); or
- 1107 (v) the actor has been previously convicted of a felony violation of any of the offenses
- 1108 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
- 1109 within 10 years before the date of the current conviction or the date of the offense upon which
- 1110 the current conviction is based;
- 1111 (c) a class A misdemeanor if:
- 1112 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~

1113 \$2,000;

1114 (ii) (A) the value of property is less than [~~\$500~~] \$600;

1115 (B) the theft occurs on a property where the offender has committed any theft within
1116 the past five years; and

1117 (C) the offender has received written notice from the merchant prohibiting the offender
1118 from entering the property pursuant to Subsection 78B-3-108(4); or

1119 (iii) the actor has been twice before convicted of any of the offenses listed in
1120 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1121 years before the date of the current conviction or the date of the offense upon which the current
1122 conviction is based; or

1123 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
1124 and the theft is not an offense under Subsection (3)(c).

1125 Section 23. Section **76-6-408** is amended to read:

1126 **76-6-408. Theft by receiving stolen property -- Duties of pawnbrokers,**
1127 **secondhand businesses, coin dealers, and catalytic converter purchasers.**

1128 (1) (a) As used in this section:

1129 (i) "Catalytic converter purchaser" means the same as that term is defined in Section
1130 13-32a-102.

1131 (ii) "Coin dealer" means the same as that term is defined in Section 13-32a-102.

1132 (iii) "Pawnbroker" means the same as that term is defined in Section 13-32a-102.

1133 (iv) "Receives" means acquiring possession, control, title, or lending on the security of
1134 the property.

1135 (v) "Scrap metal processor" means the same as that term is defined in Section
1136 76-6-1402.

1137 (vi) "Secondhand actor" means:

1138 (A) a pawnbroker;

1139 (B) a person who has or operates a business dealing in or collecting used or
1140 secondhand merchandise or personal property; or

1141 (C) an agent, employee, or representative of a pawnbroker or person who buys,
1142 receives, or obtains property.

1143 (b) Terms defined in Section 76-1-101.5 apply to this section.

1144 (2) An actor commits theft by receiving stolen property if the actor receives, retains, or
1145 disposes of the property of another knowing that the property is stolen, or believing that the
1146 property is probably stolen, or who conceals, sells, withholds, or aids in concealing, selling, or
1147 withholding the property from the owner, knowing or believing the property to be stolen,
1148 intending to deprive the owner of the property.

1149 (3) A violation of Subsection (2) is:

1150 (a) a second degree felony if:

1151 (i) the value of the property is or exceeds [~~\$5,000~~] \$10,000; or

1152 (ii) the property is a firearm or an operable motor vehicle;

1153 (b) a third degree felony if:

1154 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1155 \$10,000;

1156 (ii) the property is:

1157 (A) a catalytic converter as defined under Section [76-6-1402](#); or

1158 (B) 25 pounds or more of a suspect metal item as defined under Section [76-6-1402](#) if
1159 the value is less the [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
1160 or copper and is not a lead battery;

1161 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
1162 before convicted of any of the following offenses, if each prior offense was committed within
1163 10 years before the date of the current conviction or the date of the offense upon which the
1164 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1165 (A) any theft, any robbery, or any burglary with intent to commit theft;

1166 (B) any offense under Part 5, Fraud; or

1167 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or

1168 (iv) the actor has been previously convicted of a felony violation of any of the offenses
1169 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
1170 within 10 years before the date of the current conviction or the date of the offense upon which
1171 the current conviction is based;

1172 (c) a class A misdemeanor if:

1173 (i) the value of the property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1174 or

1175 (ii) the actor has been twice before convicted of any of the offenses listed in
1176 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1177 years before the date of the current conviction or the date of the offense upon which the current
1178 conviction is based; or

1179 (d) a class B misdemeanor if the value of the property is less than [~~\$500~~] \$600 and the
1180 theft is not an offense under Subsection (3)(c).

1181 (4) Except as provided in Subsection (5), the knowledge or belief required under
1182 Subsection (2) is presumed in the case of an actor who:

1183 (a) is found in possession or control of other property stolen on a separate occasion; or

1184 (b) has received other stolen property within the year preceding the receiving offense
1185 charged.

1186 (5) (a) The knowledge or belief required under Subsection (2) may only be presumed
1187 of a secondhand actor if the secondhand actor does not substantially comply with the material
1188 requirements of Section [13-32a-104](#).

1189 (b) The knowledge or belief required under Subsection (2) may only be presumed of a
1190 coin dealer or an employee of a coin dealer if the coin dealer or the employee of the coin dealer
1191 does not substantially comply with the requirements of Section [13-32a-104.5](#).

1192 (c) The knowledge or belief required under Subsection (2) may only be presumed of a
1193 catalytic converter purchaser if the catalytic converter purchaser does not substantially comply
1194 with the material requirements of Section [13-32a-104.7](#).

1195 (6) Unless acting as a catalytic converter purchaser, Subsection (5)(c) does not apply to
1196 a scrap metal processor.

1197 (7) This section does not preclude the admission of evidence in accordance with the
1198 Utah Rules of Evidence.

1199 (8) An actor who violates Subsection (2) is civilly liable for three times the amount of
1200 actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney
1201 fees.

1202 Section 24. Section ~~76-6-409~~ is amended to read:

1203 **76-6-409. Theft of service.**

1204 (1) (a) As used in this section, "service" includes:

1205 (i) labor, professional service, a public utility or transportation service, restaurant,

1206 hotel, motel, tourist cabin, rooming house, and like accommodations, the supplying of
1207 equipment, a tool, a vehicle, or a trailer for temporary use, telegraph service, steam, admission
1208 to entertainment, an exhibition, a sporting event, or other event for which a charge is made;

1209 (ii) gas, electricity, water, sewer, or cable television service, only if the service is
1210 obtained by threat, force, or a form of deception not described in Section 76-6-409.3; and
1211 (iii) telephone service, only if the service is obtained by threat, force, or a form of
1212 deception not described in Section 76-6-409.6, 76-6-409.7, 76-6-409.8, or 76-6-409.9.

1213 (b) Terms defined in Section 76-1-101.5 apply to this section.

1214 (2) An actor commits theft of service if:

1215 (a) the actor, by deception, threat, force, or another means designed to avoid due
1216 payment, obtains a service that the actor knows is available only for compensation; or
1217 (b) the actor:

1218 (i) has control over the disposition of another person's service; and
1219 (ii) (A) diverts the other person's service to the benefit of the actor, knowing that the
1220 actor is not entitled to the service; or
1221 (B) diverts the other person's service to the benefit of a third person, knowing that the
1222 third person is not entitled to the service.

1223 (3) A violation of Subsection (2) is:

1224 (a) a second degree felony if the value of the service is or exceeds [~~\$5,000~~] \$10,000;
1225 (b) a third degree felony if:

1226 (i) the value of the service is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1227 \$10,000;

1228 (ii) the value of the service is or exceeds [~~\$500~~] \$600 and the actor has been twice
1229 before convicted of any of the following offenses, if each prior offense was committed within
1230 10 years before the date of the current conviction or the date of the offense upon which the
1231 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1232 (A) any theft, any robbery, or any burglary with intent to commit theft;
1233 (B) any offense under Part 5, Fraud; or
1234 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

1235 (iii) (A) the value of the service is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1236 \$2,000;

1237 (B) the theft occurs on a property where the offender has committed any theft within
1238 the past five years; and

1239 (C) the offender has received written notice from the merchant prohibiting the offender
1240 from entering the property pursuant to Subsection 78B-3-108(4); or

1241 (iv) the actor has been previously convicted of a felony violation of any of the offenses
1242 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
1243 within 10 years before the date of the current conviction or the date of the offense upon which
1244 the current conviction is based;

1245 (c) a class A misdemeanor if:

1246 (i) the value of the service stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1247 \$2,000;

1248 (ii) (A) the value of the service is less than [~~\$500~~] \$600;

1249 (B) the theft occurs on a property where the offender has committed any theft within
1250 the past five years; and

1251 (C) the offender has received written notice from the merchant prohibiting the offender
1252 from entering the property pursuant to Subsection 78B-3-108(4); or

1253 (iii) the actor has been twice before convicted of any of the offenses listed in
1254 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
1255 years before the date of the current conviction or the date of the offense upon which the current
1256 conviction is based; or

1257 (d) a class B misdemeanor if the value of the service is less than [~~\$500~~] \$600 and the
1258 theft is not an offense under Subsection (3)(c).

1259 Section 25. Section **76-6-409.3** is amended to read:

1260 **76-6-409.3. Theft of utility or cable television services -- Restitution -- Civil action**
1261 **for damages.**

1262 (1) (a) As used in this section:

1263 (i) "Cable television service" means an audio, video, or data service provided for
1264 payment by a cable television company over the cable company's cable system facilities, but
1265 does not include the use of a satellite dish or antenna.

1266 (ii) "Occupant" includes a person, including the owner, who occupies the whole or part
1267 of a building, whether alone or with others.

1268 (iii) "Owner" includes a partial owner, joint owner, tenant in common, joint tenant, or
1269 tenant by the entirety of the whole or a part of a building and the property on which the
1270 building is located.

1271 (iv) "Person" means an individual, firm, partnership, corporation, company,
1272 association, or other legal entity.

1273 (v) "Tenant" includes a person, including the owner, who occupies the whole or part of
1274 any building, whether alone or with others.

1275 (vi) "Utility" means any public utility, municipally owned utility, or cooperative utility
1276 that provides electricity, gas, water, or sewer, or any combination of electricity, gas, water, or
1277 sewer, for sale to consumers.

1278 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

1279 (2) An actor commits theft of a utility or cable television service if, with intent to avoid
1280 due payment to the utility or cable television company, the actor makes gas, electricity, water,
1281 sewer, or cable television available to a tenant or occupant, including to the actor, by
1282 committing any of the following acts:

1283 (a) connecting a tube, pipe, wire, cable, or other instrument with any meter, device, or
1284 other instrument used for conducting gas, electricity, water, sewer, or cable television in a
1285 manner as permits the use of the gas, electricity, water, sewer, or cable television without the
1286 gas, electricity, water, sewer, or cable television passing through a meter or other instrument
1287 recording the usage for billing;

1288 (b) altering, injuring, or preventing the normal action of a meter, valve, stopcock, or
1289 other instrument used for measuring quantities of gas, electricity, water, or sewer service, or
1290 making or maintaining any modification or alteration to any device installed with the
1291 authorization of a cable television company for the purpose of intercepting or receiving any
1292 program or other service carried by the company that the actor is not authorized by the
1293 company to receive;

1294 (c) reconnecting a gas, electricity, water, sewer, or cable television connection or
1295 otherwise restoring service when one or more of those utilities or cable service has been
1296 lawfully disconnected or turned off by the provider of the utility or cable service;

1297 (d) intentionally breaking, defacing, or causing to be broken or defaced a seal, locking
1298 device, or other part of a metering device for recording usage of gas, electricity, water, or sewer

1299 service, or a security system for the recording device, or a cable television control device;

1300 (e) removing a metering device designed to measure quantities of gas, electricity,
1301 water, or sewer service;

1302 (f) transferring from one location to another location a metering device for measuring
1303 quantities of public utility services of gas, electricity, water, or sewer service;

1304 (g) changing the indicated consumption, jamming the measuring device, bypassing the
1305 meter or measuring device with a jumper so that it does not indicate use or registers use
1306 incorrectly, or otherwise obtaining quantities of gas, electricity, water, or sewer service from
1307 the utility without the gas, electricity, water, or sewer service passing through a metering
1308 device for measuring quantities of consumption for billing purposes;

1309 (h) using a metering device belonging to the utility that has not been assigned to the
1310 location and installed by the utility;

1311 (i) fabricating or using a device to pick or otherwise tamper with the locks used to deter
1312 utility service diversion, meter tampering, meter thefts, and unauthorized cable television
1313 service;

1314 (j) assisting or instructing a person in obtaining or attempting to obtain any cable
1315 television service without payment of all lawful compensation to the company providing the
1316 service;

1317 (k) making or maintaining a connection or connections, whether physical, electrical,
1318 mechanical, acoustical, or by other means, with a cable, wire, component, or other device used
1319 for the distribution of cable television services without authority from the cable television
1320 company; or

1321 (l) possessing without authority any device or printed circuit board designed in whole
1322 or in part to receive any cable television programming or service offered for sale over a cable
1323 television system, unless the device or printed circuit board includes the use of a satellite dish
1324 or antenna, with the intent that the device or printed circuit be used for the reception of the
1325 cable television company's services without payment.

1326 (3) (a) A violation of Subsection (2), if the violation is a theft of a utility service, is:

1327 (i) a second degree felony if:

1328 (A) the value of the gas, electricity, water, or sewer service is or exceeds [~~\$5,000~~]

1329 \$10,000; or

1330 (B) if the actor previously has been convicted of a violation of this section;
1331 (ii) a third degree felony if the value of the gas, electricity, water, or sewer service is or
1332 exceeds [~~\$1,500~~] \$2,000 but is not more than [~~\$5,000~~] \$10,000;
1333 (iii) a class A misdemeanor if the value of the gas, electricity, water, or sewer service is
1334 or exceeds [~~\$500~~] \$600 but is not more than [~~\$1,500~~] \$2,000; or
1335 (iv) a class B misdemeanor if the value of the gas, electricity, water, or sewer service is
1336 less than [~~\$500~~] \$600.

1337 (b) A violation of Subsection (2), if the violation is a theft of a cable television service,
1338 is:

1339 (i) a second degree felony if the value of the service is or exceeds [~~\$5,000~~] \$10,000;
1340 (ii) a third degree felony if:

1341 (A) the value of the service is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1342 \$10,000;

1343 (B) the value of the service is or exceeds [~~\$500~~] \$600 and the actor has been twice
1344 before convicted of any of the following offenses, if each prior offense was committed within
1345 10 years before the date of the current conviction or the date of the offense upon which the
1346 current conviction is based and at least one of those convictions is for a class A misdemeanor:

1347 (I) any theft, any robbery, or any burglary with intent to commit theft;
1348 (II) any offense under Part 5, Fraud; or
1349 (III) any attempt to commit any offense under Subsection (3)(b)(ii)(B)(I) or (II); or
1350 (C) the actor has been previously convicted of a felony violation of any of the offenses
1351 listed in Subsections (3)(b)(ii)(B)(I) through (3)(b)(ii)(B)(III), if the prior offense was
1352 committed within 10 years before the date of the current conviction or the date of the offense
1353 upon which the current conviction is based;

1354 (iii) a class A misdemeanor if:

1355 (A) the value of the service stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1356 \$2,000; or
1357 (B) the actor has been twice before convicted of any of the offenses listed in
1358 Subsections (3)(b)(ii)(B)(I) through (3)(b)(ii)(B)(III), if each prior offense was committed
1359 within 10 years before the date of the current conviction or the date of the offense upon which
1360 the current conviction is based; or

1361 (iv) a class B misdemeanor if the value of the service is less than [~~\$500~~] \$600 and the
1362 theft is not an offense under Subsection (3)(b)(iii).

1363 (c) (i) An actor who violates this section shall make restitution to the utility or cable
1364 television company for the value of the gas, electricity, water, sewer, or cable television service
1365 consumed in violation of this section plus all reasonable expenses and costs incurred on
1366 account of the violation of this section.

1367 (ii) Reasonable expenses and costs include expenses and costs for investigation,
1368 disconnection, reconnection, service calls, employee time, and equipment use.

1369 (4) (a) The presence on property in the possession of an actor of a device or alteration
1370 that permits the diversion or use of utility or cable service to avoid the registration of the use by
1371 or on a meter installed by the utility or to otherwise avoid the recording of use of the service for
1372 payment or otherwise avoid payment gives rise to an inference that the actor in possession of
1373 the property installed the device or caused the alteration if:

1374 (i) the presence of the device or alteration can be attributed only to a deliberate act in
1375 furtherance of an intent to avoid payment for utility or cable television service; and

1376 (ii) the actor charged has received the direct benefit of the reduction of the cost of the
1377 utility or cable television service.

1378 (b) An actor who aids or abets in a prohibited act is a party to the offense under Section
1379 [76-2-202](#).

1380 (5) (a) Criminal prosecution under this section does not affect the right of a utility or
1381 cable television company to bring a civil action for redress for damages suffered as a result of
1382 the commission of any of the acts prohibited by this section.

1383 (b) This section does not abridge or alter any other right, action, or remedy otherwise
1384 available to a utility or cable television company.

1385 Section 26. Section ~~76-6-409.6~~ is amended to read:

1386 **76-6-409.6. Use of telecommunication device to avoid lawful charge for service.**

1387 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-409.5](#) apply to this section.

1388 (2) An actor commits use of a telecommunication device to avoid lawful charge for
1389 service if the actor uses a telecommunication device:

1390 (a) with the intent to avoid the payment of a lawful charge for telecommunication
1391 service; or

1392 (b) with the knowledge that the use of the telecommunication device was to avoid the
1393 payment of a lawful charge for telecommunication service.

1394 (3) (a) A violation of Subsection (2) is:

1395 (i) a class B misdemeanor, if the value of the telecommunication service is less than
1396 [~~\$300~~] \$600 or cannot be ascertained;

1397 (ii) a class A misdemeanor, if the value of the telecommunication service charge is or
1398 exceeds [~~\$300~~] \$600 but is not more than [~~\$1,000~~] \$2,000;

1399 (iii) a third degree felony, if the value of the telecommunication service is or exceeds
1400 [~~\$1,000~~] \$2,000 but is not more than [~~\$5,000~~] \$10,000; or

1401 (iv) a second degree felony, if:

1402 (A) the value of the telecommunication service is or exceeds [~~\$5,000~~] \$10,000;

1403 (B) the cloned cellular telephone was used to facilitate the commission of a felony; or

1404 (C) the actor previously has been convicted of a violation of this section.

1405 (b) An actor who violates this section is subject to the restitution and civil action
1406 provisions described in Section [76-6-409.10](#).

1407 Section 27. Section **76-6-410** is amended to read:

1408 **76-6-410. Theft by custodian of property pursuant to repair or rental agreement.**

1409 (1) Terms defined in Section [76-1-101.5](#) apply to this section.

1410 (2) An actor commits theft by custodian of property pursuant to repair or rental
1411 agreement if:

1412 (a) (i) the actor has custody of property pursuant to an agreement between the actor or
1413 another person and the property's owner;

1414 (ii) the actor or another person is to perform for compensation a specific service for the
1415 property's owner involving the maintenance, repair, or use of the owner's property; and

1416 (iii) the actor intentionally uses or operates the owner's property, without the consent of
1417 the owner, for the actor's own purposes in a manner constituting a gross deviation from the
1418 agreed purpose; or

1419 (b) (i) the actor has custody of any property pursuant to a rental or lease agreement in
1420 which the property is to be returned in a specified manner or at a specified time; and

1421 (ii) the actor intentionally fails to comply with the terms of the agreement concerning
1422 return so as to render such failure a gross deviation from the agreement.

- 1423 (3) A violation of Subsection (2) is:
- 1424 (a) a second degree felony if the:
- 1425 (i) value of the property is or exceeds [~~\$5,000~~] \$10,000; or
- 1426 (ii) property stolen is a firearm or an operable motor vehicle;
- 1427 (b) a third degree felony if:
- 1428 (i) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
- 1429 \$10,000;
- 1430 (ii) the property is:
- 1431 (A) a catalytic converter as defined under Section 76-6-1402; or
- 1432 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if
- 1433 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
- 1434 or copper and is not a lead battery;
- 1435 (iii) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
- 1436 before convicted of any of the following offenses, if each prior offense was committed within
- 1437 10 years before the date of the current conviction or the date of the offense upon which the
- 1438 current conviction is based and at least one of those convictions is for a class A misdemeanor:
- 1439 (A) any theft, any robbery, or any burglary with intent to commit theft;
- 1440 (B) any offense under Part 5, Fraud; or
- 1441 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B); or
- 1442 (iv) the actor has been previously convicted of a felony violation of any of the offenses
- 1443 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
- 1444 within 10 years before the date of the current conviction or the date of the offense upon which
- 1445 the current conviction is based;
- 1446 (c) a class A misdemeanor if:
- 1447 (i) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
- 1448 \$2,000; or
- 1449 (ii) the actor has been twice before convicted of any of the offenses listed in
- 1450 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
- 1451 years before the date of the current conviction or the date of the offense upon which the current
- 1452 conviction is based; or
- 1453 (d) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600

1454 and the theft is not an offense under Subsection (3)(c).

1455 Section 28. Section **76-6-413** is amended to read:

1456 **76-6-413. Release of a fur-bearing animal -- Finding.**

1457 (1) Terms defined in Section **76-1-101.5** apply to this section.

1458 (2) An actor commits release of a fur-bearing animal if the actor intentionally and
1459 without permission of the owner releases a fur-bearing animal raised for commercial purposes.

1460 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third
1461 degree felony.

1462 (b) A violation of Subsection (2) is a second degree felony if the value of the property
1463 is or exceeds [~~\$5,000~~] \$10,000.

1464 (4) The Legislature finds that the release of a fur-bearing animal raised for commercial
1465 purposes subjects the animal to unnecessary suffering through deprivation of food and shelter
1466 and compromises the animal's genetic integrity, thereby permanently depriving the owner of
1467 substantial value.

1468 (5) An actor who violates Subsection (2) is civilly liable for three times the amount of
1469 actual damages, if any sustained by the plaintiff, and for costs of suit and reasonable attorney
1470 fees.

1471 Section 29. Section **76-6-505** is amended to read:

1472 **76-6-505. Issuing a bad check or draft -- Presumption.**

1473 (1) Terms defined in Section **76-1-101.5** apply to this section.

1474 (2) (a) (i) An actor commits issuing a bad check or draft if:

1475 (A) the actor issues or passes a check or draft for the payment of money, for the
1476 purpose of obtaining from any person, firm, partnership, or corporation, any money, property,
1477 or other thing of value or paying for any services, wages, salary, labor, or rent;

1478 (B) the actor knows the check or draft will not be paid by the drawee; and

1479 (C) payment is refused by the drawee.

1480 (ii) For purposes of this Subsection (2)(a), an actor who issues a check or draft for
1481 which payment is refused by the drawee is presumed to know the check or draft would not be
1482 paid if the actor had no account with the drawee at the time of issue.

1483 (b) An actor commits issuing a bad check or draft if:

1484 (i) the actor issues or passes a check or draft for:

1485 (A) the payment of money, for the purpose of obtaining from any person, firm,
1486 partnership, or corporation, any money, property, or other thing of value; or
1487 (B) paying for any services, wages, salary, labor, or rent;
1488 (ii) payment of the check or draft is legally refused by the drawee; and
1489 (iii) the actor fails to make good and actual payment to the payee in the amount of the
1490 refused check or draft within 14 days of the actor receiving actual notice of the check or draft's
1491 nonpayment.

1492 (3) A violation of Subsection (2)(a) or (b) is punished as follows:

1493 (a) if the check or draft or series of checks or drafts made or drawn in this state within
1494 a period not exceeding six months amounts to a sum that is less than [~~\$500~~] \$600, the offense
1495 is a class B misdemeanor;

1496 (b) if the check or draft or checks or drafts made or drawn in this state within a period
1497 not exceeding six months amounts to a sum that is or exceeds [~~\$500~~] \$600 but is less than
1498 [~~\$1,500~~] \$2,000, the offense is a class A misdemeanor;

1499 (c) if the check or draft or checks or drafts made or drawn in this state within a period
1500 not exceeding six months amounts to a sum that is or exceeds [~~\$1,500~~] \$2,000 but is less than
1501 [~~\$5,000~~] \$10,000, the offense is a third degree felony; or

1502 (d) if the check or draft or checks or drafts made or drawn in this state within a period
1503 not exceeding six months amounts to a sum that is or exceeds [~~\$5,000~~] \$10,000, the offense is
1504 a second degree felony.

1505 (4) This section may not be construed to impose criminal or civil liability on any law
1506 enforcement officer acting within the scope of a criminal investigation.

1507 (5) The forfeiture of property under this section, including any seizure and disposition
1508 of the property and any related judicial or administrative proceeding, shall be conducted in
1509 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1510 11c, Retention of Evidence.

1511 Section 30. Section ~~76-6-506.2~~ is amended to read:

1512 **76-6-506.2. Unlawful use of financial transaction card.**

1513 (1) Terms defined in Sections ~~76-1-101.5~~ and ~~76-6-506~~ apply to this section.

1514 (2) An actor commits unlawful use of financial transaction card if the actor:

1515 (a) knowingly uses a revoked, expired, stolen, or fraudulently obtained financial

1516 transaction card to obtain or attempt to obtain credit, goods, property, or services;

1517 (b) knowingly, with the intent to defraud, uses a financial transaction card, credit
1518 number, personal identification code, or any other information contained on the card or in the
1519 account from which the card is issued, to obtain or attempt to obtain credit, goods, or services;

1520 (c) knowingly, with the intent to defraud, uses a financial transaction card to willfully
1521 exceed an authorized credit line by [~~\$500~~] \$600 or more, or by 50% or more of the line of
1522 credit, whichever is greater; or

1523 (d) knowingly, with the intent to defraud, presents or causes to be presented to the
1524 issuer or an authorized credit card merchant, for payment or collection, any credit card sales
1525 draft, if:

1526 (i) the draft is counterfeit or fictitious;

1527 (ii) the purported sales evidenced by any credit card sales draft did not take place;

1528 (iii) the purported sale was not authorized by the card holder; or

1529 (iv) the items or services purported to be sold as evidenced by the credit card sales
1530 drafts are not delivered or rendered to the card holder or person intended to receive them.

1531 (3) (a) A violation of Subsection (2) is:

1532 (i) a class B misdemeanor if the value of the property, money, or thing obtained or
1533 sought to be obtained is less than [~~\$500~~] \$600;

1534 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1535 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1536 (iii) a third degree felony if the value of the property, money, or thing obtained or
1537 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1538 (iv) a second degree felony if the value of the property, money, or thing obtained or
1539 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1540 (b) Multiple violations of Subsection (2)(a) may be aggregated into a single offense,
1541 and the degree of the offense is determined by the total value of all property, money, or things
1542 obtained or attempted to be obtained through the multiple violations.

1543 (4) The court shall make appropriate findings in any prosecution under this section that
1544 the card holder did not commit the crime.

1545 (5) This section may not be construed to impose criminal or civil liability on any law
1546 enforcement officer acting within the scope of a criminal investigation.

1547 (6) The forfeiture of property under this section, including any seizure and disposition
1548 of the property and any related judicial or administrative proceeding, shall be conducted in
1549 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1550 11c, Retention of Evidence.

1551 Section 31. Section **76-6-506.6** is amended to read:

1552 **76-6-506.6. Financial transaction card offenses -- Unauthorized factoring of**
1553 **credit card sales drafts.**

1554 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-506](#) apply to this section.

1555 (2) An actor commits an unauthorized factoring of credit card sales draft if the actor
1556 acts:

1557 (a) knowingly, with intent to defraud;

1558 (b) without the express authorization of the issuer; and

1559 (c) to employ, solicit, or otherwise cause an authorized credit card merchant, or for the
1560 authorized credit card merchant himself or herself, to present any credit card sales draft to the
1561 issuer:

1562 (i) for payment pertaining to any sale or purported sale of goods or services; and

1563 (ii) the sale or purported sale was not made by the authorized credit card merchant in
1564 the ordinary course of business.

1565 (3) (a) A violation of Subsection (2) is:

1566 (i) a class B misdemeanor if the value of the property, money, or thing obtained or
1567 sought to be obtained is less than [~~\$500~~] \$600;

1568 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1569 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1570 (iii) a third degree felony if the value of the property, money, or thing obtained or
1571 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1572 (iv) a second degree felony if the value of the property, money, or thing obtained or
1573 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1574 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
1575 the degree of the offense is determined by the total value of all property, money, or things
1576 obtained or attempted to be obtained through the multiple violations.

1577 (4) The court shall make appropriate findings in any prosecution under this section that

1578 the card holder did not commit the crime.

1579 (5) This section may not be construed to impose criminal or civil liability on any law
1580 enforcement officer acting within the scope of a criminal investigation.

1581 (6) The forfeiture of property under this section, including any seizure and disposition
1582 of the property and any related judicial or administrative proceeding, shall be conducted in
1583 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1584 11c, Retention of Evidence.

1585 Section 32. Section **76-6-506.8** is amended to read:

1586 **76-6-506.8. False application for financial transaction card.**

1587 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-506](#) apply to this section.

1588 (2) An actor commits false application for a card if the actor:

1589 (a) knowingly, with the intent to defraud:

1590 (i) makes application for a financial transaction card to an issuer; and

1591 (ii) makes or causes to be made a false statement or report of the actor's name,
1592 occupation, financial condition, assets, or personal identifying information; or

1593 (b) willfully and substantially undervalues or understates any indebtedness for the
1594 purposes of influencing the issuer to issue the financial transaction card.

1595 (3) A violation of Subsection (2) is:

1596 (a) a class B misdemeanor if the value of the property, money, or thing obtained or
1597 sought to be obtained is less than [~~\$500~~] \$600;

1598 (b) a class A misdemeanor if the value of the property, money, or thing obtained or
1599 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1600 (c) a third degree felony if the value of the property, money, or thing obtained or
1601 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1602 (d) a second degree felony if the value of the property, money, or thing obtained or
1603 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1604 (4) The court shall make appropriate findings in any prosecution under this section that
1605 the card holder did not commit the crime.

1606 (5) This section may not be construed to impose criminal or civil liability on any law
1607 enforcement officer acting within the scope of a criminal investigation.

1608 (6) The forfeiture of property under this section, including any seizure and disposition

1609 of the property and any related judicial or administrative proceeding, shall be conducted in
1610 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1611 11c, Retention of Evidence.

1612 Section 33. Section **76-6-506.9** is amended to read:

1613 **76-6-506.9. Use of fraudulent financial transaction card.**

1614 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-506](#) apply to this section.

1615 (2) An actor commits fraudulent use of a financial transaction card if the actor
1616 knowingly uses a false, fictitious, altered, or counterfeit financial transaction card to obtain or
1617 attempt to obtain credit, goods, property, or services.

1618 (3) (a) A violation of Subsection (2) is:

1619 (i) a class B misdemeanor if the value of the property, money, or thing obtained or
1620 sought to be obtained is less than [~~\$500~~] \$600;

1621 (ii) a class A misdemeanor if the value of the property, money, or thing obtained or
1622 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1623 (iii) a third degree felony if the value of the property, money, or thing obtained or
1624 attempted to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1625 (iv) a second degree felony if the value of the property, money, or thing obtained or
1626 attempted to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1627 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
1628 the degree of the offense is determined by the total value of all property, money, or things
1629 obtained or attempted to be obtained through the multiple violations.

1630 (4) The court shall make appropriate findings in any prosecution under this section that
1631 the card holder did not commit the crime.

1632 (5) This section may not be construed to impose criminal or civil liability on any law
1633 enforcement officer acting within the scope of a criminal investigation.

1634 (6) The forfeiture of property under this section, including any seizure and disposition
1635 of the property and any related judicial or administrative proceeding, shall be conducted in
1636 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1637 11c, Retention of Evidence.

1638 Section 34. Section **76-6-513** is amended to read:

1639 **76-6-513. Unlawful dealing of property by a fiduciary.**

- 1640 (1) (a) As used in this section:
- 1641 (i) "Fiduciary" means the same as that term is defined in Section 22-1-1.
- 1642 (ii) "Financial institution" means "depository institution" and "trust company" as
1643 defined in Section 7-1-103.
- 1644 (iii) "Governmental entity" is as defined in Section 63G-7-102.
- 1645 (iv) "Person" does not include a financial institution whose fiduciary functions are
1646 supervised by the Department of Financial Institutions or a federal regulatory agency.
- 1647 (v) "Property" means the same as that term is defined in Section 76-6-401.
- 1648 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1649 (2) An actor commits unlawfully dealing with property by a fiduciary if the actor:
- 1650 (a) deals with property:
- 1651 (i) that has been entrusted to the actor as a fiduciary, or property of a governmental
1652 entity, public money, or of a financial institution; and
- 1653 (ii) in a manner which:
- 1654 (A) the actor knows is a violation of the actor's duty; and
- 1655 (B) involves substantial risk of loss or detriment to the property owner or to a person
1656 for whose benefit the property was entrusted; or
- 1657 (b) acting as a fiduciary pledges:
- 1658 (i) as collateral for a personal loan, or as collateral for the benefit of some party, other
1659 than the owner or the person for whose benefit the property was entrusted, the property that has
1660 been entrusted to the fiduciary; and
- 1661 (ii) without permission of the owner of the property or some other authorized person.
- 1662 (3) (a) A violation of Subsection (2)(a) is:
- 1663 (i) a second degree felony if the:
- 1664 (A) value of the property is or exceeds [~~\$5,000~~] \$10,000; or
- 1665 (B) property is stolen from the person of another;
- 1666 (ii) a third degree felony if:
- 1667 (A) the value of the property is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1668 \$10,000;
- 1669 (B) the value of the property is or exceeds [~~\$500~~] \$600 and the actor has been twice
1670 before convicted of any of the following offenses, if each prior offense was committed within

1671 10 years before the date of the current conviction or the date of the offense upon which the
1672 current conviction is based and at least one of those convictions is for a class A misdemeanor:
1673 (I) any theft, any robbery, or any burglary with intent to commit theft;
1674 (II) any offense under Part 5, Fraud; or
1675 (III) any attempt to commit any offense under Subsection (3)(a)(ii)(B)(I) or (II);
1676 (C) the value of property is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000; or
1677 (D) the actor has been previously convicted of a felony violation of any of the offenses
1678 listed in Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if the prior offense was
1679 committed within 10 years before the date of the current conviction or the date of the offense
1680 upon which the current conviction is based;
1681 (iii) a class A misdemeanor if:
1682 (A) the value of the property stolen is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
1683 \$2,000; or
1684 (B) the actor has been twice before convicted of any of the offenses listed in
1685 Subsections (3)(a)(ii)(B)(I) through (3)(a)(ii)(B)(III), if each prior offense was committed
1686 within 10 years before the date of the current conviction or the date of the offense upon which
1687 the current conviction is based; or
1688 (iv) a class B misdemeanor if the value of the property stolen is less than [~~\$500~~] \$600
1689 and the theft is not an offense under Subsection (3)(a)(iii)(B).
1690 (b) A violation of Subsection (2)(b) is:
1691 (i) a second degree felony if the value of the property wrongfully pledged is or exceeds
1692 [~~\$5,000~~] \$10,000;
1693 (ii) a third degree felony if the value of the property wrongfully pledged is or exceeds
1694 [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000;
1695 (iii) a class A misdemeanor if the value of the property is or exceeds [~~\$500~~] \$600, but
1696 is less than [~~\$1,500~~] \$2,000 or the actor has been twice before convicted of theft, robbery,
1697 burglary with intent to commit theft, or unlawful dealing with property by a fiduciary; or
1698 (iv) a class B misdemeanor if the value of the property is less than [~~\$500~~] \$600.
1699 (4) This section may not be construed to impose criminal or civil liability on any law
1700 enforcement officer acting within the scope of a criminal investigation.
1701 (5) The forfeiture of property under this section, including any seizure and disposition

1702 of the property and any related judicial or administrative proceeding, shall be conducted in
1703 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1704 11c, Retention of Evidence.

1705 Section 35. Section **76-6-518** is amended to read:

1706 **76-6-518. Criminal simulation.**

1707 (1) Terms defined in Section **76-1-101.5** apply to this section.

1708 (2) An actor commits criminal simulation if, with intent to defraud another, the actor:

1709 (a) makes or alters an object in whole or in part so that it appears to have value because
1710 of age, antiquity, rarity, source, or authorship that it does not have;

1711 (b) sells, passes, or otherwise utters an object so made or altered;

1712 (c) possesses an object so made or altered with intent to sell, pass, or otherwise utter it;

1713 or

1714 (d) authenticates or certifies an object so made or altered as genuine or as different
1715 from what it is.

1716 (3) A violation of Subsection (2) is punishable as follows:

1717 (a) if the value defrauded or intended to be defrauded is less than [~~\$500~~] \$600, the
1718 offense is a class B misdemeanor;

1719 (b) if the value defrauded or intended to be defrauded is or exceeds [~~\$500~~] \$600 but is
1720 less than [~~\$1,500~~] \$2,000, the offense is a class A misdemeanor;

1721 (c) if the value defrauded or intended to be defrauded is or exceeds [~~\$1,500~~] \$2,000 but
1722 is less than [~~\$5,000~~] \$10,000, the offense is a third degree felony; or

1723 (d) if the value defrauded or intended to be defrauded is or exceeds [~~\$5,000~~] \$10,000,
1724 the offense is a second degree felony.

1725 (4) This section may not be construed to impose criminal or civil liability on any law
1726 enforcement officer acting within the scope of a criminal investigation.

1727 (5) The forfeiture of property under this section, including any seizure and disposition
1728 of the property and any related judicial or administrative proceeding, shall be conducted in
1729 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1730 11c, Retention of Evidence.

1731 Section 36. Section **76-6-521** is amended to read:

1732 **76-6-521. Insurance fraud.**

- 1733 (1) (a) As used in this section, "runner" means the same as that term is defined in
1734 Section 31A-31-102.
- 1735 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 1736 (2) An actor commits a fraudulent insurance act if the actor with intent to deceive or
1737 defraud:
- 1738 (a) presents or causes to be presented any oral or written statement or representation
1739 knowing that the statement or representation contains false or fraudulent information
1740 concerning any fact material to an application for the issuance or renewal of an insurance
1741 policy, certificate, or contract, as part of or in support of:
- 1742 (i) obtaining an insurance policy the insurer would otherwise not issue on the basis of
1743 underwriting criteria applicable to the person;
- 1744 (ii) a scheme or artifice to avoid paying the premium that an insurer charges on the
1745 basis of underwriting criteria applicable to the person; or
- 1746 (iii) a scheme or artifice to file an insurance claim for a loss that has already occurred;
- 1747 (b) presents, or causes to be presented, any oral or written statement or representation:
- 1748 (i) (A) as part of or in support of a claim for payment or other benefit pursuant to an
1749 insurance policy, certificate, or contract; or
- 1750 (B) in connection with any civil claim asserted for recovery of damages for personal or
1751 bodily injuries or property damage; and
- 1752 (ii) knowing that the statement or representation contains false, incomplete, or
1753 fraudulent information concerning any fact or thing material to the claim;
- 1754 (c) knowingly accepts a benefit from proceeds derived from a fraudulent insurance act;
- 1755 (d) intentionally, knowingly, or recklessly devises a scheme or artifice to obtain fees
1756 for professional services, or anything of value by means of false or fraudulent pretenses,
1757 representations, promises, or material omissions;
- 1758 (e) knowingly employs, uses, or acts as a runner for the purpose of committing a
1759 fraudulent insurance act;
- 1760 (f) knowingly assists, abets, solicits, or conspires with another to commit a fraudulent
1761 insurance act;
- 1762 (g) knowingly supplies false or fraudulent material information in any document or
1763 statement required by the Department of Insurance; or

1764 (h) knowingly fails to forward a premium to an insurer in violation of Section
1765 31A-23a-411.1.

1766 (3) (a) A violation of Subsection (2)(a)(i) is a class A misdemeanor.

1767 (b) A violation of Subsections (2)(a)(ii) or (2)(b) through (2)(h) is:

1768 (i) a class B misdemeanor when the value of the property, money, or thing obtained or
1769 sought to be obtained is less than [~~\$500~~] \$600;

1770 (ii) a class A misdemeanor when the value of the property, money, or thing obtained or
1771 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1772 (iii) a third degree felony when the value of the property, money, or thing obtained or
1773 sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1774 (iv) a second degree felony when the value of the property, money, or thing obtained or
1775 sought to be obtained is or exceeds [~~\$5,000~~] \$10,000.

1776 (c) A violation of Subsection (2)(a)(iii) is:

1777 (i) a class A misdemeanor if the value of the loss is less than [~~\$1,500~~] \$2,000 or unable
1778 to be determined;

1779 (ii) a third degree felony when the value of the loss is or exceeds [~~\$1,500~~] \$2,000 but is
1780 less than [~~\$5,000~~] \$10,000; or

1781 (iii) a second degree felony when the value of the loss is or exceeds [~~\$5,000~~] \$10,000.

1782 (4) A corporation or association is guilty of the offense of insurance fraud under the
1783 same conditions as those set forth in Section 76-2-204.

1784 (5) The determination of the degree of any offense under Subsections (2)(a)(ii) and
1785 (2)(b) through (2)(h) shall be measured by the total value of all property, money, or other things
1786 obtained or sought to be obtained by the fraudulent insurance act or acts described in
1787 Subsections (2)(a)(ii) and (2)(b) through (2)(h).

1788 (6) This section may not be construed to impose criminal or civil liability on any law
1789 enforcement officer acting within the scope of a criminal investigation.

1790 (7) The forfeiture of property under this section, including any seizure and disposition
1791 of the property and any related judicial or administrative proceeding, shall be conducted in
1792 accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, through Chapter
1793 11c, Retention of Evidence.

1794 Section 37. Section ~~76-6-602~~ is amended to read:

1795 **76-6-602. Retail theft.**

1796 (1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.

1797 (2) An actor commits retail theft if the actor knowingly:

1798 (a) takes possession of, conceals, carries away, transfers or causes to be carried away or
1799 transferred, any merchandise displayed, held, stored, or offered for sale in a retail mercantile
1800 establishment with the intention of:

1801 (i) retaining the merchandise; or

1802 (ii) depriving the merchant permanently of the possession, use or benefit of such
1803 merchandise without paying the retail value of the merchandise;1804 (b) (i) alters, transfers, or removes any label, price tag, marking, indicia of value, or any
1805 other markings which aid in determining value of any merchandise displayed, held, stored, or
1806 offered for sale, in a retail mercantile establishment; and1807 (ii) attempts to purchase the merchandise described in Subsection (2)(b)(i) personally
1808 or in consort with another at less than the retail value with the intention of depriving the
1809 merchant of the retail value of the merchandise;1810 (c) transfers any merchandise displayed, held, stored, or offered for sale in a retail
1811 mercantile establishment from the container in or on which the merchandise is displayed to any
1812 other container with the intention of depriving the merchant of the retail value of the
1813 merchandise;1814 (d) under-rings with the intention of depriving the merchant of the retail value of the
1815 merchandise; or1816 (e) removes a shopping cart from the premises of a retail mercantile establishment with
1817 the intent of depriving the merchant of the possession, use, or benefit of the shopping cart.

1818 (3) A violation of Subsection (2) is:

1819 (a) a second degree felony if the:

1820 (i) value of the merchandise or shopping cart is or exceeds [~~\$5,000~~] \$10,000; or1821 (ii) merchandise stolen is a firearm or an operable motor vehicle; [~~or~~]

1822 (b) a third degree felony if:

1823 (i) the value of the merchandise is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~]
1824 \$10,000;

1825 (ii) the merchandise is:

- 1826 (A) a catalytic converter as defined under Section 76-6-1402; or
- 1827 (B) 25 pounds or more of a suspect metal item as defined under Section 76-6-1402 if
- 1828 the value is less than [~~\$5,000~~] \$10,000 and the suspect metal is made of or contains aluminum
- 1829 or copper and is not a lead battery;
- 1830 (iii) the value of the merchandise or shopping cart is or exceeds [~~\$500~~] \$600 and the
- 1831 actor has been twice before convicted of any of the following offenses, if each prior offense
- 1832 was committed within 10 years before the date of the current conviction or the date of the
- 1833 offense upon which the current conviction is based and at least one of those convictions is for a
- 1834 class A misdemeanor:
 - 1835 (A) any theft, any robbery, or any burglary with intent to commit theft;
 - 1836 (B) any offense under Part 5, Fraud; or
 - 1837 (C) any attempt to commit any offense under Subsection (3)(b)(iii)(A) or (B);
 - 1838 (iv) (A) the value of merchandise or shopping cart is or exceeds [~~\$500~~] \$600 but is less
 - 1839 than [~~\$1,500~~] \$2,000;
 - 1840 (B) the theft occurs in a retail mercantile establishment or on the premises of a retail
 - 1841 mercantile establishment where the offender has committed any theft within the past five years;
 - 1842 and
 - 1843 (C) the offender has received written notice from the merchant prohibiting the offender
 - 1844 from entering the retail mercantile establishment or premises of a retail mercantile
 - 1845 establishment pursuant to Subsection 78B-3-108(4); or
 - 1846 (v) the actor has been previously convicted of a felony violation of any of the offenses
 - 1847 listed in Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if the prior offense was committed
 - 1848 within 10 years before the date of the current conviction or the date of the offense upon which
 - 1849 the current conviction is based;
 - 1850 (c) a class A misdemeanor if:
 - 1851 (i) the value of the merchandise or shopping cart stolen is or exceeds [~~\$500~~] \$600 but
 - 1852 is less than [~~\$1,500~~] \$2,000;
 - 1853 (ii) (A) the value of merchandise or shopping cart is less than [~~\$500~~] \$600;
 - 1854 (B) the theft occurs in a retail mercantile establishment or premises of a retail
 - 1855 mercantile establishment where the offender has committed any theft within the past five years;
 - 1856 and

1857 (C) the offender has received written notice from the merchant prohibiting the offender
1858 from entering the retail mercantile establishment or premises of a retail mercantile
1859 establishment pursuant to Subsection 78B-3-108(4); or

1860 (iii) the actor has been twice before convicted of any of the offenses listed in
1861 Subsections (3)(b)(iii)(A) through (3)(b)(iii)(C), if each prior offense was committed within 10
1862 years before the date of the current conviction or the date of the offense upon which the current
1863 conviction is based; or

1864 (d) a class B misdemeanor if the value of the merchandise or shopping cart stolen is
1865 less than [~~\$500~~] \$600 and the theft is not an offense under Subsection (3)(c).

1866 Section 38. Section 76-6-608 is amended to read:

1867 **76-6-608. Theft detection shielding devices prohibited.**

1868 (1) Terms defined in Sections 76-1-101.5 and 76-6-601 apply to this section.

1869 (2) An actor commits the unlawful shielding of a theft detection device if the actor
1870 knowingly:

1871 (a) makes or possesses any container or device used for, intended for use for, or
1872 represented as having the purpose of shielding merchandise from any electronic or magnetic
1873 theft alarm sensor, with the intent to commit a theft of merchandise;

1874 (b) sells, offers to sell, advertises, gives, transports, or otherwise transfers to another
1875 any container or device intended for use for or represented as having the purpose of shielding
1876 merchandise from any electronic or magnetic theft alarm sensor;

1877 (c) possesses any tool or instrument designed to remove any theft detection device
1878 from any merchandise, with the intent to use the tool or instrument to remove any theft
1879 detection device from any merchandise without the permission of the merchant or the person
1880 owning or in possession of the merchandise; or

1881 (d) intentionally removes a theft detection device from merchandise prior to purchase
1882 and without the permission of the merchant.

1883 (3) (a) A violation of Subsection (2)(a), (b), or (c) is a class A misdemeanor.

1884 (b) A violation of Subsection (2)(d) is a:

1885 (i) class B misdemeanor if the value of the merchandise from which the theft detection
1886 device is removed is less than [~~\$500~~] \$600; or

1887 (ii) class A misdemeanor if the value of the merchandise from which the theft detection

1888 device is removed is or exceeds [~~\$500~~] \$600.

1889 (4) A violation of Subsection (2) is a separate offense from any offense listed in Part 4,
1890 Theft, or Part 6, Retail Theft.

1891 (5) Criminal prosecutions under this section do not affect any person's right of civil
1892 action for redress for damages suffered as a result of any violation of this section.

1893 Section 39. Section **76-6-703** is amended to read:

1894 **76-6-703. Unlawful computer technology access or action or denial of service**
1895 **attack.**

1896 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-702](#) apply to this section.

1897 (2) An actor commits unlawful computer technology access or action or denial of
1898 service attack if the actor:

1899 (a) without authorization, or in excess of the actor's authorization, accesses or attempts
1900 to access computer technology if the access or attempt to access results in:

1901 (i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure
1902 of computer technology;

1903 (ii) interference with or interruption of:

1904 (A) the lawful use of computer technology; or

1905 (B) the transmission of data;

1906 (iii) physical damage to or loss of real, personal, or commercial property;

1907 (iv) audio, video, or other surveillance of another person; or

1908 (v) economic loss to any person or entity;

1909 (b) after accessing computer technology that the actor is authorized to access,
1910 knowingly takes or attempts to take unauthorized or unlawful action that results in:

1911 (i) the alteration, damage, destruction, copying, transmission, discovery, or disclosure
1912 of computer technology;

1913 (ii) interference with or interruption of:

1914 (A) the lawful use of computer technology; or

1915 (B) the transmission of data;

1916 (iii) physical damage to or loss of real, personal, or commercial property;

1917 (iv) audio, video, or other surveillance of another person; or

1918 (v) economic loss to any person or entity; or

- 1919 (c) knowingly engages in a denial of service attack.
- 1920 (3) A violation of Subsection (2) is:
- 1921 (a) a class B misdemeanor if:
- 1922 (i) the economic loss or other loss or damage caused or the value of the money,
- 1923 property, or benefit obtained or sought to be obtained is less than [~~\$500~~] \$600; or
- 1924 (ii) the information obtained is not confidential;
- 1925 (b) a class A misdemeanor if the economic loss or other loss or damage caused or the
- 1926 value of the money, property, or benefit obtained or sought to be obtained is or exceeds [~~\$500~~
- 1927 \$600 but is less than [~~\$1,500~~] \$2,000;
- 1928 (c) a third degree felony if:
- 1929 (i) the economic loss or other loss or damage caused or the value of the money,
- 1930 property, or benefit obtained or sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less
- 1931 than [~~\$5,000~~] \$10,000;
- 1932 (ii) the property or benefit obtained or sought to be obtained is a license or entitlement;
- 1933 (iii) the damage is to the license or entitlement of another person;
- 1934 (iv) the information obtained is confidential or identifying information; or
- 1935 (v) in gaining access the actor breaches or breaks through a security system; or
- 1936 (d) a second degree felony if the economic loss or other loss or damage caused or the
- 1937 value of the money, property, or benefit obtained or sought to be obtained is or exceeds
- 1938 [~~\$5,000~~] \$10,000.
- 1939 (4) (a) It is an affirmative defense that the actor obtained access or attempted to obtain
- 1940 access:
- 1941 (i) in response to, and for the purpose of protecting against or investigating, a prior
- 1942 attempted or successful breach of security of computer technology whose security the actor is
- 1943 authorized or entitled to protect, and the access attempted or obtained was no greater than
- 1944 reasonably necessary for that purpose; or
- 1945 (ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a
- 1946 search warrant.
- 1947 (b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing
- 1948 in this section may be construed to impose liability or culpability on, an interactive computer
- 1949 service for content provided by another person.

1950 (c) This section does not affect, limit, or apply to any activity or conduct that is
1951 protected by the constitution or laws of this state, or by the constitution or laws of the United
1952 States.

1953 (5) (a) An interactive computer service is not guilty of violating this section if a person
1954 violates this section using the interactive computer service and the interactive computer service
1955 did not knowingly assist the person to commit the violation.

1956 (b) A service provider is not guilty of violating this section for:

1957 (i) action taken in relation to a customer of the service provider, for a legitimate
1958 business purpose, to install software on, monitor, or interact with the customer's Internet or
1959 other network connection, service, or computer for network or computer security purposes,
1960 authentication, diagnostics, technical support, maintenance, repair, network management,
1961 updates of computer software or system firmware, or remote system management; or

1962 (ii) action taken, including scanning and removing computer software, to detect or
1963 prevent the following:

1964 (A) unauthorized or fraudulent use of a network, service, or computer software;

1965 (B) illegal activity; or

1966 (C) infringement of intellectual property rights.

1967 Section 40. Section **76-6-703.3** is amended to read:

1968 **76-6-703.3. Unlawful use of technology to defraud.**

1969 (1) (a) As used in this section, "sensitive personal identifying information" means the
1970 same as that term is defined in Section [76-10-1801](#).

1971 (b) Terms defined in Sections [76-1-101.5](#) and [76-6-702](#) apply to this section.

1972 (2) An actor commits unlawful use of technology to defraud if the actor uses or
1973 knowingly allows another person to use a computer, computer network, computer property, or
1974 computer system, program, or software to devise or execute any artifice or scheme to defraud
1975 or to obtain money, property, a service, or other thing of value by a false pretense, promise, or
1976 representation.

1977 (3) A violation of Subsection (2) is:

1978 (a) a class B misdemeanor if the value of the money, property, service, or thing
1979 obtained or sought to be obtained is less than [~~\$500~~] \$600;

1980 (b) a class A misdemeanor if the value of the money, property, service, or thing

1981 obtained or sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

1982 (c) a third degree felony if the value of the money, property, service, or thing obtained
1983 or sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

1984 (d) a second degree felony if:

1985 (i) the value of the money, property, service, or thing obtained or sought to be obtained
1986 is or exceeds [~~\$5,000~~] \$10,000; or

1987 (ii) the object or purpose of the artifice or scheme to defraud is the obtaining of
1988 sensitive personal identifying information, regardless of the value.

1989 (4) (a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and
1990 nothing in this section may be construed to impose liability or culpability on, an interactive
1991 computer service for content provided by another person.

1992 (b) This section does not affect, limit, or apply to any activity or conduct that is
1993 protected by the constitution or laws of this state, or by the constitution or laws of the United
1994 States.

1995 (5) (a) An interactive computer service is not guilty of violating this section if a person
1996 violates this section using the interactive computer service and the interactive computer service
1997 did not knowingly assist the person to commit the violation.

1998 (b) A service provider is not guilty of violating this section for:

1999 (i) action taken in relation to a customer of the service provider, for a legitimate
2000 business purpose, to install software on, monitor, or interact with the customer's Internet or
2001 other network connection, service, or computer for network or computer security purposes,
2002 authentication, diagnostics, technical support, maintenance, repair, network management,
2003 updates of computer software or system firmware, or remote system management; or

2004 (ii) action taken, including scanning and removing computer software, to detect or
2005 prevent the following:

2006 (A) unauthorized or fraudulent use of a network, service, or computer software;

2007 (B) illegal activity; or

2008 (C) infringement of intellectual property rights.

2009 Section 41. Section **76-6-801** is amended to read:

2010 **76-6-801. Library theft.**

2011 (1) (a) As used in this section:

2012 (i) "Library" means:
2013 (A) a public library;
2014 (B) a library of an educational or historical society;
2015 (C) a museum; or
2016 (D) a repository of public records.
2017 (ii) "Library materials" means a book, plate, picture, photograph, engraving, painting,
2018 drawing, map, newspaper, magazine, pamphlet, broadside, manuscript, document, letter, public
2019 record, microfilm, sound recording, audiovisual materials in any format, electronic data
2020 processing records, artifacts, or other documentary, written or printed materials regardless of
2021 physical form or characteristics, belonging to, on loan to, or otherwise in the custody of a
2022 library.
2023 (b) Terms defined in Section 76-1-101.5 apply to this section.
2024 (2) An actor commits library theft if the actor:
2025 (a) willfully, for the purpose of converting to personal use, and depriving the owner,
2026 conceals on the actor's person or among the actor's belongings library materials while on the
2027 premises of the library; or
2028 (b) willfully and without authority removes library materials from the library building
2029 with the intention of converting them to the actor's own use.
2030 (3) A violation of Subsection (2) is:
2031 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~
2032 \$10,000];
2033 (b) a third degree felony if:
2034 (i) the value of the library materials is or exceeds [~~\$1,500~~] \$2,000 but is less than
2035 [~~\$5,000~~] \$10,000;
2036 (ii) the value of the library materials is or exceeds [~~\$500~~] \$600 and the actor has been
2037 twice before convicted of any of the following offenses, if each prior offense was committed
2038 within 10 years before the date of the current conviction or the date of the offense upon which
2039 the current conviction is based and at least one of those convictions is for a class A
2040 misdemeanor:
2041 (A) any theft, any robbery, or any burglary with intent to commit theft;
2042 (B) any offense under Part 5, Fraud; or

- 2043 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);
- 2044 (iii) (A) the value of the library materials is or exceeds [~~\$500~~] \$600 but is less than
- 2045 [~~\$1,500~~] \$2,000;
- 2046 (B) the theft occurs on a property where the offender has committed any theft within
- 2047 the past five years; and
- 2048 (C) the offender has received written notice from the library prohibiting the offender
- 2049 from entering the property if the library has complied with the provisions of Subsection
- 2050 78B-3-108(4) governing notice by a merchant; or
- 2051 (iv) the actor has been previously convicted of a felony violation of any of the offenses
- 2052 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
- 2053 within 10 years before the date of the current conviction or the date of the offense upon which
- 2054 the current conviction is based;
- 2055 (c) a class A misdemeanor if:
- 2056 (i) the value of the library materials stolen is or exceeds [~~\$500~~] \$600 but is less than
- 2057 [~~\$1,500~~] \$2,000;
- 2058 (ii) (A) the value of the library materials is less than [~~\$500~~] \$600;
- 2059 (B) the theft occurs on a property where the offender has committed any theft within
- 2060 the past five years; and
- 2061 (C) the offender has received written notice from the library if the library has complied
- 2062 with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or
- 2063 (iii) the actor has been twice before convicted of any of the offenses listed in
- 2064 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
- 2065 years before the date of the current conviction or the date of the offense upon which the current
- 2066 conviction is based; or
- 2067 (d) a class B misdemeanor if the value of the library materials stolen is less than [~~\$500~~]
- 2068 \$600 and the theft is not an offense under Subsection (3)(c).
- 2069 (4) (a) An actor who willfully conceals library materials on the actor's person or among
- 2070 the actor's belongings while on the premises of the library or in the library's immediate vicinity
- 2071 is prima facie presumed to have concealed library materials with the intention of converting the
- 2072 library materials to the actor's own use.
- 2073 (b) If library materials are found concealed upon the actor's person or among the actor's

2074 belongings, or electronic security devices are activated by the actor's presence, it is prima facie
2075 evidence of willful concealment.

2076 Section 42. Section **76-6-803** is amended to read:

2077 **76-6-803. Mutilation or damaging of library material.**

2078 (1) (a) As used in this section:

2079 (i) "Library" means the same as that term is defined in Section [76-6-801](#).

2080 (ii) "Library materials" means the same as that term is defined in Section [76-6-801](#).

2081 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

2082 (2) An actor is guilty of mutilation or damage of library materials if the actor
2083 intentionally or recklessly writes upon, injures, defaces, tears, cuts, mutilates, destroys, or
2084 otherwise damages library materials.

2085 (3) A violation of Subsection (2) is:

2086 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~
2087 \$10,000];

2088 (b) a third degree felony if:

2089 (i) the value of the library materials is or exceeds [~~\$1,500~~] \$2,000 but is less than
2090 [~~\$5,000~~] \$10,000;

2091 (ii) the value of the library materials is or exceeds [~~\$500~~] \$600 and the actor has been
2092 twice before convicted of any of the following offenses, if each prior offense was committed
2093 within 10 years before the date of the current conviction or the date of the offense upon which
2094 the current conviction is based and at least one of those convictions is for a class A
2095 misdemeanor:

2096 (A) any theft, any robbery, or any burglary with intent to commit theft;

2097 (B) any offense under Part 5, Fraud; or

2098 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

2099 (iii) (A) the value of the library materials is or exceeds [~~\$500~~] \$600 but is less than
2100 [~~\$1,500~~] \$2,000;

2101 (B) the theft occurs on a property where the offender has committed any theft within
2102 the past five years; and

2103 (C) the offender has received written notice from the library if the library has complied
2104 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2105 (iv) the actor has been previously convicted of a felony violation of any of the offenses
2106 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
2107 within 10 years before the date of the current conviction or the date of the offense upon which
2108 the current conviction is based;

2109 (c) a class A misdemeanor if:

2110 (i) the value of the library materials stolen is or exceeds [~~\$500~~] \$600 but is less than
2111 [~~\$1,500~~] \$2,000;

2112 (ii) (A) the value of the library materials is less than [~~\$500~~] \$600;

2113 (B) the theft occurs on a property where the offender has committed any theft within
2114 the past five years; and

2115 (C) the offender has received written notice from the library if the library has complied
2116 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2117 (iii) the actor has been twice before convicted of any of the offenses listed in
2118 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
2119 years before the date of the current conviction or the date of the offense upon which the current
2120 conviction is based; or

2121 (d) a class B misdemeanor if the value of the library materials stolen is less than [~~\$500~~]
2122 \$600 and the theft is not an offense under Subsection (3)(c).

2123 Section 43. Section **76-6-803.30** is amended to read:

2124 **76-6-803.30. Failure to return library material -- Written notice.**

2125 (1) (a) As used in this section:

2126 (i) "Library" means the same as that term is defined in Section [76-6-801](#).

2127 (ii) "Library materials" means the same as that term is defined in Section [76-6-801](#).

2128 (b) Terms defined in Section [76-1-101.5](#) apply to this section.

2129 (2) (a) An actor is guilty of failure to return library materials if the actor, having
2130 possession or having been in possession of library materials:

2131 (i) fails to return the materials within 30 days after receiving written notice demanding
2132 return of the materials; or

2133 (ii) if the materials are lost or destroyed, fails to pay the replacement value of the
2134 materials within 30 days after being notified.

2135 (b) Written notice is considered received upon the sworn affidavit of the person

2136 delivering the notice with a statement as to the date, place, and manner of delivery, or upon
2137 proof that the notice was mailed postage prepaid, via the United States Postal Service, to the
2138 current address listed for the person in the library records.

2139 (3) A violation of Subsection (2) is:

2140 (a) a second degree felony if the value of the library materials is or exceeds [~~\$5,000~~
2141 \$10,000;

2142 (b) a third degree felony if:

2143 (i) the value of the library materials is or exceeds [~~\$1,500~~] \$2,000 but is less than
2144 [~~\$5,000~~] \$10,000;

2145 (ii) the value of the library materials is or exceeds [~~\$500~~] \$600 and the actor has been
2146 twice before convicted of any of the following offenses, if each prior offense was committed
2147 within 10 years before the date of the current conviction or the date of the offense upon which
2148 the current conviction is based and at least one of those convictions is for a class A
2149 misdemeanor:

2150 (A) any theft, any robbery, or any burglary with intent to commit theft;

2151 (B) any offense under Part 5, Fraud; or

2152 (C) any attempt to commit any offense under Subsection (3)(b)(ii)(A) or (B);

2153 (iii) (A) the value of the library materials is or exceeds [~~\$500~~] \$600 but is less than
2154 [~~\$1,500~~] \$2,000;

2155 (B) the theft occurs on a property where the offender has committed any theft within
2156 the past five years; and

2157 (C) the offender has received written notice from the library if the library has complied
2158 with the provisions of Subsection [78B-3-108\(4\)](#) governing notice by a merchant; or

2159 (iv) the actor has been previously convicted of a felony violation of any of the offenses
2160 listed in Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if the prior offense was committed
2161 within 10 years before the date of the current conviction or the date of the offense upon which
2162 the current conviction is based;

2163 (c) a class A misdemeanor if:

2164 (i) the value of the library materials stolen is or exceeds [~~\$500~~] \$600 but is less than
2165 [~~\$1,500~~] \$2,000;

2166 (ii) (A) the value of the library materials is less than [~~\$500~~] \$600;

2167 (B) the theft occurs on a property where the offender has committed any theft within
2168 the past five years; and

2169 (C) the offender has received written notice from the library if the library has complied
2170 with the provisions of Subsection 78B-3-108(4) governing notice by a merchant; or

2171 (iii) the actor has been twice before convicted of any of the offenses listed in
2172 Subsections (3)(b)(ii)(A) through (3)(b)(ii)(C), if each prior offense was committed within 10
2173 years before the date of the current conviction or the date of the offense upon which the current
2174 conviction is based; or

2175 (d) a class B misdemeanor if the value of the library material stolen is less than [~~\$500~~
2176 \$600] and the theft is not an offense under Subsection (3)(c).

2177 Section 44. Section 76-6-902 is amended to read:

2178 **76-6-902. Antiquities alteration, removal, injury, or destruction.**

2179 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.

2180 (2) An actor commits antiquities alteration, removal, injury, or destruction if the actor:

2181 (a) intentionally alters, removes, injures, or destroys antiquities from state lands or
2182 private lands without the landowner's consent; or

2183 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).

2184 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2185 B misdemeanor.

2186 (b) A violation of Subsection (2) is a third degree felony if:

2187 (i) the violation is the actor's second or subsequent violation of this section, Section
2188 76-6-902.1, or Section 76-6-902.2; or

2189 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.

2190 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:

2191 (i) the commercial or archaeological value of the antiquities involved in the violation;

2192 and

2193 (ii) the cost of the restoration and repair of the antiquities involved in the violation.

2194 (d) An actor shall surrender to the landowner all articles and material discovered,

2195 collected, excavated, or offered for sale or exchange in violation of this section.

2196 Section 45. Section 76-6-902.1 is amended to read:

2197 **76-6-902.1. Unlawful creation, labeling, or sale of reproduction of antiquities.**

2198 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
2199 (2) An actor commits unlawful reproduction, labeling, or sale of reproduction of
2200 antiquities if the actor:
2201 (a) with the intent to represent one or more objects as original and genuine antiquities,
2202 intentionally:
2203 (i) reproduces, reworks, or forges antiquities; or
2204 (ii) (A) makes an object, whether as a copy or not; or
2205 (B) falsely labels, describes, identifies, or offers for sale or exchange an object; or
2206 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
2207 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2208 B misdemeanor.
2209 (b) A violation of Subsection (2) is a third degree felony if:
2210 (i) the violation is the actor's second or subsequent violation of this section, Section
2211 76-6-902, or Section 76-6-902.2; or
2212 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.
2213 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
2214 (i) the commercial or archaeological value of the antiquities involved in the violation;
2215 and
2216 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
2217 (d) An actor shall surrender to the landowner all articles and material discovered,
2218 collected, excavated, or offered for sale or exchange in violation of this section.
2219 Section 46. Section 76-6-902.2 is amended to read:
2220 **76-6-902.2. Unlawful sale or exchange of antiquities.**
2221 (1) Terms defined in Sections 76-1-101.5 and 76-6-901 apply to this section.
2222 (2) An actor commits unlawful sale or exchange of antiquities if the actor:
2223 (a) offers for sale or exchange an object that was collected or excavated in violation of
2224 Section 76-6-902; or
2225 (b) counsels, procures, solicits, or employs another person to violate Subsection (2)(a).
2226 (3) (a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class
2227 B misdemeanor.
2228 (b) A violation of Subsection (2) is a third degree felony if:

- 2229 (i) the violation is the actor's second or subsequent violation of this section, Section
 2230 76-6-902, or Section 76-6-902.1; or
- 2231 (ii) the amount at issue, as calculated under Subsection (3)(c), exceeds [~~\$500~~] \$1,000.
- 2232 (c) The amount described in Subsection (3)(b)(ii) is calculated by adding together:
- 2233 (i) the commercial or archaeological value of the antiquities involved in the violation;
 2234 and
- 2235 (ii) the cost of the restoration and repair of the antiquities involved in the violation.
- 2236 (d) An actor shall surrender to the landowner all articles and material discovered,
 2237 collected, excavated, or offered for sale or exchange in violation of this section.
- 2238 Section 47. Section **76-6-1002** is amended to read:
- 2239 **76-6-1002. Damage to mail receptacle.**
- 2240 (1) Terms defined in Sections 76-1-101.5 and 76-6-1001 apply to this section.
- 2241 (2) An actor commits damage to a mail receptacle if the actor knowingly damages the
 2242 condition of a mail receptacle, including:
- 2243 (a) taking, concealing, damaging, or destroying a key; or
- 2244 (b) breaking open, tearing down, taking, damaging, or destroying a mail receptacle.
- 2245 (3) (a) A violation of Subsection (2) is a:
- 2246 (i) second degree felony if the actor's conduct causes or is intended to cause pecuniary
 2247 loss equal to or in excess of [~~\$5,000~~] \$10,000 in value;
- 2248 (ii) third degree felony if the actor's conduct causes or is intended to cause pecuniary
 2249 loss equal to or in excess of [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000 in value;
- 2250 (iii) class A misdemeanor if the actor's conduct causes or is intended to cause
 2251 pecuniary loss equal to or in excess of [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000 in value;
 2252 and
- 2253 (iv) class B misdemeanor if the actor's conduct causes or is intended to cause pecuniary
 2254 loss less than [~~\$500~~] \$600 in value.
- 2255 (b) If the act committed amounts to an offense subject to a greater penalty, Subsection
 2256 (3)(a) does not prohibit prosecution and sentencing for the more serious offense.
- 2257 (4) The following presumptions and defenses shall be applicable to this section:
- 2258 (a) possession of property recently stolen, when no satisfactory explanation of such
 2259 possession is made, is prima facie evidence that the actor in possession stole the property;

2260 (b) it is no defense under this part that the actor has an interest in the property or
2261 service stolen if another person also has an interest that the actor is not entitled to infringe,
2262 provided an interest in property for purposes of this Subsection (4)(b) shall not include a
2263 security interest for the repayment of a debt or obligation; and

2264 (c) it is a defense under this section that the actor:

2265 (i) acted under an honest claim of right to the property or service involved;

2266 (ii) acted in the honest belief that the actor had the right to obtain or exercise control
2267 over the property or service as the actor did; or

2268 (iii) obtained or exercised control over the property or service honestly believing that
2269 the owner, if present, would have consented.

2270 Section 48. Section **76-6-1102** is amended to read:

2271 **76-6-1102. Identity fraud.**

2272 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-1101](#) apply to this section.

2273 (2) An actor commits identity fraud if the actor knowingly or intentionally uses, or
2274 attempts to use, the personal identifying information of another person, whether that person is
2275 alive or deceased, with fraudulent intent, including to obtain, or attempt to obtain, credit,
2276 goods, services, employment, any other thing of value, or medical information.

2277 (3) A violation of Subsection (2) is:

2278 (a) except as provided in Subsection (3)(b)(ii), a third degree felony if the value of the
2279 credit, goods, services, employment, or any other thing of value is less than [~~\$5,000~~] \$10,000;

2280 or

2281 (b) a second degree felony if:

2282 (i) the value of the credit, goods, services, employment, or any other thing of value is
2283 or exceeds [~~\$5,000~~] \$10,000; or

2284 (ii) the use described in Subsection (2) of personal identifying information results,
2285 directly or indirectly, in bodily injury to another person.

2286 (4) (a) It is not a defense to a violation of Subsection (2) that the actor did not know
2287 that the personal information belonged to another person.

2288 (b) Multiple violations of Subsection (2) may be aggregated into a single offense, and
2289 the degree of the offense is determined by the total value of all credit, goods, services, or any
2290 other thing of value used, or attempted to be used, through the multiple violations.

2291 (5) (a) If a defendant is convicted of a violation of this section, the court shall order the
2292 defendant to pay restitution in accordance with Title 77, Chapter 38b, Crime Victims
2293 Restitution Act.

2294 (b) Restitution under Subsection (5)(a) may include:

2295 (i) payment for any costs incurred, including attorney fees, lost wages, and replacement
2296 of checks; and

2297 (ii) the value of the victim's time incurred due to the offense:

2298 (A) in clearing the victim's credit history or credit rating;

2299 (B) in any civil or administrative proceedings necessary to satisfy or resolve any debt,
2300 lien, or other obligation of the victim or imputed to the victim and arising from the offense; and

2301 (C) in attempting to remedy any other intended or actual harm to the victim incurred as
2302 a result of the offense.

2303 Section 49. Section **76-6-1203** is amended to read:

2304 **76-6-1203. Mortgage fraud.**

2305 (1) Terms defined in Sections [76-1-101.5](#) and [76-6-1202](#) apply to this section.

2306 (2) An actor commits mortgage fraud if the actor does any of the following with the
2307 intent to defraud:

2308 (a) knowingly makes any material misstatement, misrepresentation, or omission during
2309 the mortgage lending process, intending that it be relied upon by a mortgage lender, borrower,
2310 or any other party to the mortgage lending process;

2311 (b) knowingly uses or facilitates the use of any material misstatement,
2312 misrepresentation, or omission, during the mortgage lending process, intending that it be relied
2313 upon by a mortgage lender, borrower, or any other party to the mortgage lending process;

2314 (c) files or causes to be filed with any county recorder in Utah any document that the
2315 actor knows contains a material misstatement, misrepresentation, or omission; or

2316 (d) receives any proceeds or any compensation in connection with a mortgage loan that
2317 the actor knows resulted from a violation of this section.

2318 (3) (a) Notwithstanding any other administrative, civil, or criminal penalties, a
2319 violation of Subsection (2) is a:

2320 (i) class A misdemeanor if the value is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~]
2321 \$2,000;

2322 (ii) third degree felony if the value is or exceeds [~~\$1,500~~] \$2,000 but is less than
2323 [~~\$5,000~~] \$10,000;

2324 (iii) second degree felony if the value is or exceeds [~~\$5,000~~] \$10,000; and

2325 (iv) second degree felony if the object or purpose of the commission of an act of
2326 mortgage fraud is the obtaining of sensitive personal identifying information, regardless of the
2327 value.

2328 (b) The determination of the degree of any offense under Subsection (3)(a) is measured
2329 by the total value of all property, money, or things obtained or sought to be obtained by a
2330 violation of Subsection (2), except as provided in Subsection (3)(a)(iv).

2331 (4) Each residential or commercial property transaction offense under this section
2332 constitutes a separate violation.

2333 Section 50. Section **76-8-103** is amended to read:

2334 **76-8-103. Bribery or offering a bribe.**

2335 (1) A person is guilty of bribery or offering a bribe if that person promises, offers, or
2336 agrees to give or gives, directly or indirectly, any benefit to another with the purpose or intent
2337 to influence an action, decision, opinion, recommendation, judgment, vote, nomination, or
2338 exercise of discretion of a public servant, party official, or voter.

2339 (2) It is not a defense to a prosecution under this statute that:

2340 (a) the person sought to be influenced was not qualified to act in the desired way,
2341 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2342 (b) the person sought to be influenced did not act in the desired way; or

2343 (c) the benefit is not conferred, solicited, or accepted until after:

2344 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or
2345 exercise of discretion, has occurred; or

2346 (ii) the public servant ceases to be a public servant.

2347 (3) Bribery or offering a bribe is:

2348 (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or
2349 conferred is less than [~~\$1,000~~] \$2,000; and

2350 (b) a second degree felony when the value of the benefit asked for, solicited, accepted,
2351 or conferred is [~~\$1,000~~] \$2,000 or more.

2352 Section 51. Section **76-8-105** is amended to read:

2353 **76-8-105. Receiving or soliciting bribe or bribery by public servant.**

2354 (1) A person is guilty of receiving or soliciting a bribe if that person asks for, solicits,
2355 accepts, or receives, directly or indirectly, any benefit with the understanding or agreement that
2356 the purpose or intent is to influence an action, decision, opinion, recommendation, judgment,
2357 vote, nomination, or exercise of discretion, of a public servant, party official, or voter.

2358 (2) It is not a defense to a prosecution under this statute that:

2359 (a) the person sought to be influenced was not qualified to act in the desired way,
2360 whether because the person had not assumed office, lacked jurisdiction, or for any other reason;

2361 (b) the person sought to be influenced did not act in the desired way; or

2362 (c) the benefit is not asked for, conferred, solicited, or accepted until after:

2363 (i) the action, decision, opinion, recommendation, judgment, vote, nomination, or
2364 exercise of discretion, has occurred; or

2365 (ii) the public servant ceases to be a public servant.

2366 (3) Receiving or soliciting a bribe is:

2367 (a) a third degree felony when the value of the benefit asked for, solicited, accepted, or
2368 conferred is [~~\$1,000~~] \$2,000 or less; and

2369 (b) a second degree felony when the value of the benefit asked for, solicited, accepted,
2370 or conferred exceeds [~~\$1,000~~] \$2,000.

2371 Section 52. Section **76-8-402** is amended to read:

2372 **76-8-402. Misusing public money or public property.**

2373 (1) As used in this section, "authorized personal use" means:

2374 (a) the use of public property, for a personal matter, by a public servant if:

2375 (i) the public servant is authorized to use or possess the public property to fulfill the
2376 public servant's duties as a public servant;

2377 (ii) the primary purpose of the public servant using or possessing the public property is
2378 to fulfill the public servant's duties as a public servant;

2379 (iii) at the time the public servant uses the public property for a personal matter, a
2380 written policy of the public servant's public entity is in effect that authorizes the public servant
2381 to use or possess the public property for personal use in addition to the primary purpose of
2382 fulfilling the public servant's duties as a public servant; and

2383 (iv) the public servant uses and possesses the public property in a lawful manner and in

2384 accordance with the policy described in Subsection (1)(a)(iii); or
2385 (b) incidental or de minimus use of public property for a personal matter by a public
2386 servant, if:
2387 (i) the value provided to the public servant's public entity by the public servant's use or
2388 possession of the public property for a public purpose substantially outweighs the personal
2389 benefit received by the employee from the incidental use of the public property for a personal
2390 matter; and
2391 (ii) the incidental or de minimus use of the public property for a personal matter is not
2392 prohibited by law or by the public servant's public entity.
2393 (2) It is unlawful for a public servant to knowingly:
2394 (a) appropriate public money to the public servant's own use or benefit or to the use or
2395 benefit of another without authority of law;
2396 (b) loan or transfer public money without authority of law;
2397 (c) fail to keep public money in the public servant's possession until disbursed by
2398 authority of law;
2399 (d) deposit public money in a bank or with another person in violation of the written
2400 policy of the public servant's public entity or the requirements of law;
2401 (e) keep a false account or make a false entry or erasure in an account of, or relating to,
2402 public money;
2403 (f) fraudulently alter, falsify, conceal, or destroy an account described in Subsection
2404 (2)(e);
2405 (g) refuse or omit to pay over, on demand, any public money in the public servant's
2406 custody or control, upon the presentation of a draft, order, or warrant drawn upon the public
2407 money by competent authority;
2408 (h) omit to transfer public money when the transfer is required by law;
2409 (i) omit or refuse to pay over, to any officer or person authorized by law to receive
2410 public money, public money received by the public servant under any duty imposed on the
2411 public servant by law;
2412 (j) damage or dispose of public property in violation of the written policy of the public
2413 servant's public entity or the requirements of law;
2414 (k) obtain or exercise unauthorized control of public property with the intent to deprive

2415 the owner of possession of the public property;

2416 (l) obtain or exercise unauthorized control of public property with the intent to
2417 temporarily appropriate, possess, use, or deprive the owner of possession of the public
2418 property;

2419 (m) appropriate public property to the public servant's own use or benefit or to the use
2420 or benefit of another without authority of law;

2421 (n) loan or transfer public property without authority of law; or

2422 (o) fail to keep public property in the public servant's possession until returned to the
2423 property owner, or disposed of or relinquished, in accordance with the written policy of the
2424 public servant's public entity and the requirements of law.

2425 (3) Except as provided in Subsection (4), a violation of Subsections (2)(a) through (i)
2426 is a felony of the third degree.

2427 (4) A violation of Subsections (2)(a) through (i) is a felony of the second degree if:

2428 (a) the value of the public money exceeds [~~\$5,000~~] \$10,000;

2429 (b) the amount of the false account exceeds [~~\$5,000~~] \$10,000;

2430 (c) the amount falsely entered exceeds [~~\$5,000~~] \$10,000;

2431 (d) the amount that is the difference between the original amount and the fraudulently
2432 altered amount exceeds [~~\$5,000~~] \$10,000; or

2433 (e) the amount falsely erased, fraudulently concealed, destroyed, or falsified in the
2434 account exceeds [~~\$5,000~~] \$10,000.

2435 (5) A violation of Subsection (2)(j) is:

2436 (a) a class B misdemeanor, if the cost to repair or replace the public property is less
2437 than [~~\$500~~] \$600;

2438 (b) a class A misdemeanor, if the cost to repair or replace the public property is [~~\$500~~]
2439 \$600 or more[;] but less than [~~\$1,500~~] \$2,000;

2440 (c) a felony of the third degree, if the cost to repair or replace the public property is
2441 [~~\$1,500~~] \$2,000 or more[;] but less than [~~\$5,000~~] \$10,000; or

2442 (d) a felony of the second degree, if the cost to repair or replace the public property is
2443 [~~\$5,000~~] \$10,000 or more.

2444 (6) A violation of Subsection (2)(k), (m), (n), or (o) is:

2445 (a) a class B misdemeanor, if the value of the public property is less than [~~\$500~~] \$600;

2446 (b) a class A misdemeanor, if the value of the public property is [~~\$500~~] \$600 or more[;]
2447 but less than [~~\$1,500~~] \$2,000;

2448 (c) a felony of the third degree, if the value of the public property is [~~\$1,500~~] \$2,000 or
2449 more[;] but less than [~~\$5,000~~] \$10,000; or

2450 (d) a felony of the second degree, if the value of the public property is [~~\$5,000~~]
2451 \$10,000 or more.

2452 (7) A violation of Subsection (2)(1) is:

2453 (a) a class C misdemeanor, if the value of the public property is less than [~~\$500~~] \$600;

2454 (b) a class B misdemeanor, if the value of the public property is [~~\$500~~] \$600 or more[;]
2455 but less than [~~\$1,500~~] \$2,000;

2456 (c) a class A misdemeanor, if the value of the public property is [~~\$1,500~~] \$2,000 or
2457 more[;] but less than [~~\$5,000~~] \$10,000; or

2458 (d) a felony of the third degree, if the value of the public property is [~~\$5,000~~] \$10,000
2459 or more.

2460 (8) In addition to the penalty described in Subsections (3) through (7), a public officer
2461 who is convicted of a felony violation of Subsection (2):

2462 (a) is subject to the penalties described in Section [76-8-404](#); and

2463 (b) may not disburse public funds or access public accounts.

2464 (9) [~~(a)~~] A public servant is not guilty of a violation of Subsections (2)(j) through (o)
2465 for authorized personal use of public property.

2466 (10) It is not a defense to a violation of Subsection (2) that:

2467 (a) subsequent to the violation, a public entity modifies or adopts a policy or law, or
2468 takes other action, to retroactively authorize, approve, or ratify the conduct that constitutes a
2469 violation; or

2470 (b) a written policy of the public servant's public entity permits private use of the
2471 public property if it is proven, beyond a reasonable doubt, that the public servant did not
2472 comply with the written policy.

2473 Section 53. Section **76-8-1206** is amended to read:

2474 **76-8-1206. Penalties for public assistance fraud.**

2475 (1) The severity of the offense of public assistance fraud is classified in accordance
2476 with the value of payments, assistance, or other benefits received, misappropriated, claimed, or

2477 applied for as follows:

2478 (a) second degree felony if the value is or exceeds [~~\$5,000~~] \$10,000;

2479 (b) third degree felony if the value is or exceeds [~~\$1,500~~] \$2,000 but is less than
2480 [~~\$5,000~~] \$10,000;

2481 (c) class A misdemeanor if the value is or exceeds [~~\$500~~] \$600 but is less than
2482 [~~\$1,500~~] \$2,000; and

2483 (d) class B misdemeanor if the value is less than [~~\$500~~] \$600.

2484 (2) For purposes of Subsection (1), the value of an offense is calculated by aggregating
2485 the values of each instance of public assistance fraud committed by the defendant as part of the
2486 same facts and circumstances or a related series of facts and circumstances.

2487 (3) Incidents of trafficking in SNAP benefits as defined in Section [35A-1-102](#) that
2488 occur within a six-month period, committed by an individual or coconspirators, are deemed to
2489 be a related series of facts and circumstances regardless of whether the transactions are
2490 conducted with a variety of unrelated parties.

2491 Section 54. Section **76-8-1301** is amended to read:

2492 **76-8-1301. False statements regarding unemployment compensation -- Penalties.**

2493 (1) (a) A person who makes a false statement or representation knowing it to be false
2494 or knowingly fails to disclose a material fact, to obtain or increase a benefit or other payment
2495 under Title 35A, Chapter 4, Employment Security Act, or under the Unemployment
2496 Compensation Law of any state or of the federal government for any person is guilty of
2497 unemployment insurance fraud.

2498 (b) A violation of Subsection (1)(a) is:

2499 (i) a class B misdemeanor when the value of the money obtained or sought to be
2500 obtained is less than [~~\$500~~] \$600;

2501 (ii) a class A misdemeanor when the value of the money obtained or sought to be
2502 obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2503 (iii) a third degree felony when the value of the money obtained or sought to be
2504 obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

2505 (iv) a second degree felony when the value of the money obtained or sought to be
2506 obtained is or exceeds [~~\$5,000~~] \$10,000.

2507 (c) The determination of the degree of an offense under Subsection (1)(b) shall be

2508 measured by the total value of all money obtained or sought to be obtained by the unlawful
2509 conduct.

2510 (2) (a) An officer or agent of an employing unit as defined in Section 35A-4-202 or any
2511 other person who makes a false statement or representation knowing it to be false, or who
2512 knowingly fails to disclose a material fact, to prevent or reduce the payment of unemployment
2513 compensation benefits to an individual entitled to those benefits, or to avoid becoming or
2514 remaining a subject employer or to avoid or reduce any contribution or other payment required
2515 from an employing unit under Title 35A, Chapter 4, Employment Security Act, or under the
2516 Unemployment Compensation Law of any state or of the federal government, or who willfully
2517 fails or refuses to make a contribution or other payment or to furnish any report required in
2518 Title 35A, Chapter 4, Employment Security Act, or to produce or permit the inspection or
2519 copying of records as required under that chapter is guilty of unemployment insurance fraud.

2520 (b) A violation of Subsection (2)(a) is:

2521 (i) a class B misdemeanor when the value of the money obtained or sought to be
2522 obtained is less than [~~\$500~~] \$600;

2523 (ii) a class A misdemeanor when the value of the money obtained or sought to be
2524 obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2525 (iii) a third degree felony when the value of the money obtained or sought to be
2526 obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000; or

2527 (iv) a second degree felony when the value of the money obtained or sought to be
2528 obtained is or exceeds [~~\$5,000~~] \$10,000.

2529 (3) (a) A person who willfully violates any provision of Title 35A, Chapter 4,
2530 Employment Security Act, or any order made under that chapter, the violation of which is made
2531 unlawful or the observance of which is required under the terms of that chapter, and for which
2532 a penalty is neither prescribed in that chapter nor provided by any other applicable statute is
2533 guilty of a class A misdemeanor.

2534 (b) Each day a violation of Subsection (3)(a) continues shall be a separate offense.

2535 (4) A person is guilty of a class C misdemeanor if:

2536 (a) as an employee of the Department of Workforce Services, in willful violation of
2537 Section 35A-4-312, the employee makes a disclosure of information obtained from an
2538 employing unit or individual in the administration of Title 35A, Chapter 4, Employment

2539 Security Act; or

2540 (b) the person has obtained a list of applicants for work or of claimants or recipients of
2541 benefits under Title 35A, Chapter 4, Employment Security Act, and uses or permits the use of
2542 the list for any political purpose.

2543 Section 55. Section **76-10-1801** is amended to read:

2544 **76-10-1801. Communications fraud -- Elements -- Penalties.**

2545 (1) Any person who has devised any scheme or artifice to defraud another or to obtain
2546 from another money, property, or anything of value by means of false or fraudulent pretenses,
2547 representations, promises, or material omissions, and who communicates directly or indirectly
2548 with any person by any means for the purpose of executing or concealing the scheme or artifice
2549 is guilty of:

2550 (a) a class B misdemeanor when the value of the property, money, or thing obtained or
2551 sought to be obtained is less than [~~\$500~~] \$600;

2552 (b) a class A misdemeanor when the value of the property, money, or thing obtained or
2553 sought to be obtained is or exceeds [~~\$500~~] \$600 but is less than [~~\$1,500~~] \$2,000;

2554 (c) a third degree felony when the value of the property, money, or thing obtained or
2555 sought to be obtained is or exceeds [~~\$1,500~~] \$2,000 but is less than [~~\$5,000~~] \$10,000;

2556 (d) a second degree felony when the value of the property, money, or thing obtained or
2557 sought to be obtained is or exceeds [~~\$5,000~~] \$10,000; and

2558 (e) a second degree felony when the object or purpose of the scheme or artifice to
2559 defraud is the obtaining of sensitive personal identifying information, regardless of the value.

2560 (2) The determination of the degree of any offense under Subsection (1) shall be
2561 measured by the total value of all property, money, or things obtained or sought to be obtained
2562 by the scheme or artifice described in Subsection (1) except as provided in Subsection (1)(e).

2563 (3) Reliance on the part of any person is not a necessary element of the offense
2564 described in Subsection (1).

2565 (4) An intent on the part of the perpetrator of any offense described in Subsection (1) to
2566 permanently deprive any person of property, money, or thing of value is not a necessary
2567 element of the offense.

2568 (5) Each separate communication made for the purpose of executing or concealing a
2569 scheme or artifice described in Subsection (1) is a separate act and offense of communication

2570 fraud.

2571 (6) (a) To communicate as described in Subsection (1) means to:

2572 (i) bestow, convey, make known, recount, or impart;

2573 (ii) give by way of information;

2574 (iii) talk over; or

2575 (iv) transmit information.

2576 (b) Means of communication include use of the mail, telephone, telegraph, radio,
2577 television, newspaper, computer, and spoken and written communication.

2578 (7) A person may not be convicted under this section unless the pretenses,
2579 representations, promises, or material omissions made or omitted were made or omitted
2580 intentionally, knowingly, or with a reckless disregard for the truth.

2581 (8) As used in this section, "sensitive personal identifying information" means
2582 information regarding an individual's:

2583 (a) Social Security number;

2584 (b) driver's license number or other government issued identification number;

2585 (c) financial account number or credit or debit card number;

2586 (d) password or personal identification number or other identification required to gain
2587 access to a financial account or a secure website;

2588 (e) automated or electronic signature;

2589 (f) unique biometric data; or

2590 (g) any other information that can be used to gain access to an individual's financial
2591 accounts or to obtain goods or services.

2592 Section 56. **Effective date.**

2593 This bill takes effect on May 1, 2024.