

H.B. 257

SEX-BASED DESIGNATIONS FOR PRIVACY, ANTI-BULLYING, AND WOMEN'S OPPORTUNITIES

HOUSE COMMITTEE AMENDMENTS

AMENDMENT 2

JANUARY 17, 2024 3:17 PM

Representative **Norman K Thurston** proposes the following amendments:

1. *Page 2, Lines 32 through 37:*

- 32 standards regarding distinctions on the basis of sex; and
33 ▶ ~~{establishes elements of the crime of emergency reporting abuse for making repeated~~
34 ~~false reports alleging a violation of a sex-designation in a publicly owned or~~
35 ~~publicly funded restroom, shower, or locker room facility where the general public~~
36 ~~has an expectation of privacy; and }~~
37 ▶ makes technical and conforming changes.

2. *Page 2, Lines 48 through 49:*

- 48 76-6-206, as last amended by Laws of Utah 2023, Chapter 111
49 ~~{76-9-202, as last amended by Laws of Utah 2022, Chapter 161 }~~

3. *Page 27, Line 815 through Page 29, Line 874:*

- 815 property owner or the owner's assignee.
816 ~~{Section 16. Section 76-9-202 is amended to read:~~
817 ~~—— 76-9-202. Emergency reporting -- Interference -- False report.~~
818 ~~—— (1) As used in this section:~~
819 ~~—— (a) "Emergency" means a situation in which property or human life is in jeopardy and~~
820 ~~the prompt summoning of aid is essential to the preservation of human life or property.~~
821 ~~—— (b) "Party line" means a subscriber's line or telephone circuit:~~
822 ~~—— (i) that consists of two or more connected main telephone stations; and~~
823 ~~—— (ii) where each telephone station has a distinctive ring or telephone number.~~
824 ~~—— (2) An actor is guilty of emergency reporting abuse if the actor:~~
825 ~~—— (a) intentionally refuses to yield or surrender the use of a party line or a public pay~~
826 ~~telephone to another individual upon being informed that the telephone is needed to report a~~
827 ~~fire or summon police, medical, or other aid in case of emergency, unless the telephone is~~
828 ~~likewise being used for an emergency call;~~
829 ~~—— (b) asks for or requests the use of a party line or a public pay telephone on the pretext~~
830 ~~that an emergency exists, knowing that no emergency exists;~~
831 ~~—— (c) reports an emergency or causes an emergency to be reported to any public, private,~~
832 ~~or volunteer entity whose purpose is to respond to fire, police, or medical emergencies, when~~

833 the actor knows the reported emergency does not exist; [or]
834 ——— (d) makes a false report, or intentionally aids, abets, or causes a third party to make a
835 false report, to an emergency response service, including a law enforcement dispatcher or a 911
836 emergency response service, if the false report claims that:
837 ——— (i) an ongoing emergency exists;
838 ——— (ii) the emergency described in Subsection (2)(d)(i) currently involves, or involves an
839 imminent threat of, serious bodily injury, serious physical injury, or death; and
840 ——— (iii) the emergency described in Subsection (2)(d)(i) is occurring at a specified
841 location[.]; or
842 ——— (e) makes a false report after having previously made a false report, or intentionally
843 aides, abets, or causes a third party to make a false report, to an emergency response service,
844 including a law enforcement dispatcher or a 911 emergency response service, alleging a
845 violation of Section 63G-31-201 regarding a sex-designated restroom facility or locker room
846 facility.
847 ——— (3) (a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.
848 ——— (b) A violation of Subsection (2)(c) is a class B misdemeanor, except as provided
849 under Subsection (3)(c).
850 ——— (c) A violation of Subsection (2)(c) is a second degree felony if the report is regarding
851 a weapon of mass destruction, as defined in Section 76-10-401.
852 ——— (d) A violation of Subsection (2)(d):
853 ——— (i) except as provided in Subsection (3)(d)(ii), is a third degree felony; or
854 ——— (ii) is a second degree felony if:
855 ——— (A) while acting in response to the report, the emergency responder causes physical
856 injury to an individual at the location described in Subsection (2)(d)(iii); or
857 ——— (B) the actor makes the false report or aids, abets, or causes a third party to make the
858 false report with intent to ambush, attack, or otherwise harm a responding law enforcement
859 officer or emergency responder.
860 ——— (e) A violation of Subsection (2)(e) is a class B misdemeanor.
861 ——— (4) (a) In addition to any other penalty authorized by law, a court shall order an actor
862 convicted of a violation of this section to reimburse:
863 ——— (i) any federal, state, or local unit of government, or any private business, organization,
864 individual, or entity for all expenses and losses incurred in responding to the violation; and
865 ——— (ii) an individual described in Subsection (3)(d)(ii) for the costs for the treatment of the
866 physical injury and any psychological injury caused by the offense.
867 ——— (b) The court may order that the defendant pay less than the full amount of the costs
868 described in Subsection (4)(a) only if the court states on the record the reasons why the
869 reimbursement would be inappropriate. }

870 Section 17. Effective date.
871 If approved by two-thirds of all the members elected to each house, this bill takes effect
872 upon approval by the governor, or the day following the constitutional time limit of Utah

873 Constitution, Article VII, Section 8, without the governor's signature, or in the case of a veto,
874 the date of veto override.