

**Criminal Code Recodification and Cross References**

2025 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Matthew H. Gwynn**

Senate Sponsor: Keith Grover

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**LONG TITLE****Committee Note:**

The Law Enforcement and Criminal Justice Interim Committee recommended this bill.

Legislative Vote: 9 voting for 0 voting against 9 absent

**General Description:**

This bill modifies criminal provisions in Title 76, Utah Criminal Code, by redrafting offense statutes into a new structure, reorganizing criminal statutes into a new format, and clarifying existing law.

**Highlighted Provisions:**

This bill:

▸ reorders language into a standardized format and clarifies existing law, including the offenses in Title 76, Chapter 9, Offenses Against Public Order and Decency, and Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals;

▸ reorganizes Title 76, Chapters 9 and 10 into a new organization to better align with the contents of the statutes;

▸ reorganizes offenses to enact an embedded offense as a stand-alone statute or statutes, including offenses concerning:

- emergency reporting, interference, and false reports;
- prohibited use of a party line or public pay telephone;
- commercial obstruction;
- electronic communication harassment and disclosure of personal information;
- cruelty to animals, dog fighting, and police service canines, including aligning exemptions and defenses based on the elements of each offense;
- voyeurism;
- abuse or desecration of a dead human body;
- criminal street gang activities;
- tobacco sales and related offenses;
- gambling and related offenses;

- 31           • bus hijacking and related offenses;
- 32           • money laundering and related offenses;
- 33           • the use of a laser pointer;
- 34           • unlawful littering and related offenses;
- 35           • unlawful possession, use, or control of a vehicle with a contraband compartment;
- 36           • unlawful tattooing or piercing of a minor;
- 37           • labeling of explosives and related offenses;
- 38           • weapons offenses and related statutes;
- 39           • corporate fraud and related offenses, including unlawful acts by a director, officer, or
- 40 agent;
- 41           • nuisances;
- 42           • pornography and related offenses, including placing the definition of pornography in
- 43 the relevant definition section;
- 44           • prostitution, sexual solicitation, and related offenses; and
- 45           • kickbacks and related offenses;
- 46         ▸ for clarity, places contents of Title 76, Chapter 9, Part 5, Libel, into Title 45, Chapter 2,
- 47 Libel;
- 48         ▸ for clarity, places certain contents of Title 76, Chapter 10, Part 5, Weapons, into Title 53,
- 49 Public Safety Code;
- 50         ▸ for clarity, places certain law enforcement requirements concerning gang loitering from
- 51 Title 76, Chapter 10, Part 9, Prohibition of Gang Activity, into Title 53, Chapter 25, Law
- 52 Enforcement Requirements;
- 53         ▸ for clarity, defines a minor as an individual younger than 21 years old for the offense
- 54 concerning public intoxication;
- 55         ▸ for clarity, provides a more detailed description of an actor for purposes of offenses
- 56 involving providing a weapon to a minor;
- 57         ▸ for clarity, technically revises language concerning vicious animal offense;
- 58         ▸ for clarity, removes definition of image in offense concerning failure to report child
- 59 sexual abuse material by a computer technician;
- 60         ▸ adds penalty provisions to offenses concerning high explosives that had been
- 61 inadvertently omitted;
- 62         ▸ repeals certain statutes concerning the Utah Trade Commission, which entity no longer
- 63 exists;
- 64         ▸ for clarity, provides which prostitution-related offenses do not apply to a minor;

- 65       ▶ makes technical corrections to certain statutes resulting from inadvertent omissions in the  
 66 2024 criminal code recodification, including:
- 67           • reinserting a provision guaranteeing Native American rights in the statute concerning
  - 68 establishment of a prohibited item policy in a correctional or mental health facility;
  - 69           • reinserting the penalty to the offense of alteration of proposed legislative bill or
  - 70 resolution;
  - 71           • reinserting an element of the offense in the offense of assault or threat of violence
  - 72 against a child welfare worker; and
  - 73           • providing clarifying language regarding the identity of the actor in the offense
  - 74 concerning trafficking in warrants; and
- 75       ▶ makes technical and conforming changes.

76 **Money Appropriated in this Bill:**

77 None

78 **Other Special Clauses:**

79 None

80 **Utah Code Sections Affected:**

81 AMENDS:

- 82 **4-2-903 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 82
- 83 **4-25-303 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2017,
- 84 Chapter 345
- 85 **4-41a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 217,
- 86 238 and 240
- 87 **4-44-202 (Effective 05/07/25)**, as enacted by Laws of Utah 2019, Chapter 81
- 88 **9-7-215 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 160, 231
- 89 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 160
- 90 **9-8a-304 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,
- 91 Chapter 160
- 92 **9-8a-309 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,
- 93 Chapter 160
- 94 **9-9-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 160
- 95 **9-23-306 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2022,
- 96 Chapter 362
- 97 **10-8-41.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 303
- 98 **10-8-41.6 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 470

99       **10-8-47 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapters 302, 347  
100       **10-18-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2013, Chapter 187  
101       **11-46-303 (Effective 05/07/25)**, as enacted by Laws of Utah 2011, Chapter 130  
102       **13-39-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 356  
103       **13-40-102 (Effective 05/07/25)**, as repealed and reenacted by Laws of Utah 2010,  
104       Chapter 200  
105       **13-44-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 158  
106       **13-45-401 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 158  
107       **13-74-101 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 203  
108       **16-6a-1414 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 331  
109       **17-41-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapters 81,  
110       227  
111       **17-50-333 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 470  
112       **19-2-114 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 92  
113       **19-6-429 (Effective 05/07/25)**, as enacted by Laws of Utah 1997, Chapter 172  
114       **23A-4-1106 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 345  
115       and renumbered and amended by Laws of Utah 2023, Chapter 103  
116       **23A-13-303 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
117       Chapter 103  
118       **26B-2-120 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
119       **26B-4-501 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 257  
120       **26B-7-205 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
121       Chapter 308  
122       **26B-7-501 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
123       Chapter 308  
124       **26B-7-505 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 470  
125       **26B-7-508 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
126       Chapter 308  
127       **26B-7-511 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
128       Chapter 308  
129       **26B-7-514 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
130       Chapter 308  
131       **26B-7-516 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
132       Chapter 308

133        **26B-7-517 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
134        Chapter 308

135        **26B-7-521 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
136        Chapter 308

137        **26B-8-208 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
138        Chapter 306

139        **31A-21-501 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 185,  
140        430

141        **32B-3-303 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 291

142        **32B-4-423 (Effective 05/07/25)**, as enacted by Laws of Utah 2013, Chapter 169

143        **32B-5-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapters 219,  
144        291

145        **32B-7-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 94

146        **32B-9-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 291

147        **34-45-102 (Effective 05/07/25)**, as enacted by Laws of Utah 2009, Chapter 379

148        **34-45-107 (Effective 05/07/25)**, as last amended by Laws of Utah 2016, Chapter 348

149        **34-52-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 115,  
150        344 and last amended by Coordination Clause, Laws of Utah 2023, Chapter 344

151        **34A-5-114 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 95

152        **41-1a-1008 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 354

153        **41-3-413 (Effective 05/07/25)**, as enacted by Laws of Utah 1993, Chapter 163

154        **47-3-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 246

155        **51-9-203 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 328

156        **51-9-801 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 319

157        **53-2a-214 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2013,  
158        Chapter 295

159        **53-3-219 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 259

160        **53-3-220 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 319

161        **53-3-229 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapters 302,  
162        347

163        **53-3-810 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapters 302,  
164        347

165        **53-5-702 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 22

166        **53-5-704 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 195

167 **53-5-705 (Effective 05/07/25)**, as last amended by Laws of Utah 2010, Chapter 62  
168 **53-5-710 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 141  
169 **53-5-711 (Effective 05/07/25)**, as last amended by Laws of Utah 2019, Chapter 39  
170 **53-5a-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 428  
171 **53-5a-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 438  
172 **53-5c-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 138,  
173 448  
174 **53-5c-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 204  
175 **53-5c-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 204  
176 **53-5d-102 (Effective 05/07/25)**, as enacted by Laws of Utah 2016, Chapter 155  
177 **53-10-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 328  
178 **53-10-208.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 184,  
179 328 and 397  
180 **53-10-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96,  
181 153, 187, and 256  
182 **53-10-801 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 255  
183 and renumbered and amended by Laws of Utah 2022, Chapter 430  
184 **53-10-803 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2022,  
185 Chapter 430  
186 **53-13-116 (Effective 05/07/25)**, as enacted by Laws of Utah 2021, Chapter 164  
187 **53-22-105 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 21  
188 **53-22-107 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 117  
189 **53-25-103 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 332  
190 **53-25-202 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,  
191 Chapter 111  
192 **53-25-501 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 111  
193 **53B-16-601 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 49  
194 **53G-1-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapter 161  
195 and last amended by Coordination Clause, Laws of Utah 2020, Chapter 161  
196 **53G-4-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 67,  
197 476  
198 **53G-6-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 113,  
199 386  
200 **53G-8-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 75

201 **53G-8-205 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 75  
202 **53G-8-209 (Effective 05/07/25)**, as last amended by Laws of Utah 2020, Chapters 161,  
203 302 and 347  
204 **53G-8-211 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 240,  
205 301  
206 **53G-8-701.8 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 21  
207 **53G-10-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 318  
208 **57-22-5.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 166  
209 **58-37-8 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 105  
210 **58-63-307 (Effective 05/07/25)**, as last amended by Laws of Utah 2008, Chapter 246  
211 **59-14-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 199  
212 **59-14-507 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 1987,  
213 Chapter 2  
214 **59-14-807 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 470  
215 **59-14-810 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 470  
216 **59-27-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2013, Chapter 400  
217 **63G-6a-2505 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 291  
218 **63G-7-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
219 **63G-12-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 16  
220 **63G-12-106 (Effective 05/07/25)**, as enacted by Laws of Utah 2011, Chapter 18  
221 **63G-31-302 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 2  
222 **63G-31-304 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 2  
223 **63I-1-276 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special  
224 Session, Chapter 5  
225 **63I-2-276 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Third Special  
226 Session, Chapter 5  
227 **63M-7-502 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 506  
228 **64-13-41 (Effective 05/07/25)**, as last amended by Laws of Utah 2008, Chapter 382  
229 **67-5-22.7 (Effective 05/07/25)**, as last amended by Laws of Utah 2011, Chapter 18  
230 **72-10-901 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2023,  
231 Chapter 216  
232 **73-2-27 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 111, 179  
233 **73-29-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 34  
234 **76-1-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 96

235 **76-2-304.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 140  
236 **76-2-306 (Effective 05/07/25)**, as last amended by Laws of Utah 2017, Chapter 322  
237 **76-3-203.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 96  
238 **76-3-203.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96,  
239 381  
240 **76-3-203.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96,  
241 179  
242 **76-3-203.12 (Effective 05/07/25)**, as enacted by Laws of Utah 2017, Chapter 449  
243 **76-3-209 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 123,  
244 214  
245 **76-3-402 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
246 **76-3-407 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 457  
247 **76-4-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2013, Chapter 93  
248 **76-4-202 (Effective 05/07/25)**, as last amended by Laws of Utah 1996, Chapter 40  
249 **76-4-203 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 301  
250 **76-5-102.8 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 181  
251 **76-5-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 181  
252 **76-5-106.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 179  
253 **76-5-107 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 126  
254 **76-5-107.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 27  
255 **76-5-107.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 181  
256 **76-5-109.3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 225  
257 **76-5-202 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 181  
258 **76-5-203 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96, 187  
259 **76-5-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 181  
260 **76-5-415 (Effective 05/07/25)**, as last amended by Laws of Utah 2018, Chapter 415  
261 **76-5b-201 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 142  
262 **76-5b-203 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 127  
263 **76-5b-205 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 127,  
264 146  
265 **76-6-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 111  
266 **76-6-206 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 2  
267 **76-6-414 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 230  
268 **76-6-703.3 (Effective 05/07/25)**, as enacted by Laws of Utah 2023, Chapter 111



269 76-6-703.7 (Effective 05/07/25), as enacted by Laws of Utah 2023, Chapter 111  
270 76-6-705 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapter 111  
271 76-6-1202 (Effective 05/07/25), as enacted by Laws of Utah 2008, Chapter 370  
272 76-7-101 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 181  
273 76-8-107 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 96  
274 76-8-311.1 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 96  
275 76-8-311.2 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 96  
276 76-8-311.3 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 96, 99  
277 76-8-311.4 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 96  
278 76-8-311.7 (Effective 05/07/25), as enacted by Laws of Utah 2024, Chapter 96  
279 76-8-318 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 96  
280 76-8-411 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 96  
281 76-9-101 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 181  
282 76-9-102 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 394  
283 76-9-103 (Effective 05/07/25), as enacted by Laws of Utah 1973, Chapter 196  
284 76-9-104 (Effective 05/07/25), as enacted by Laws of Utah 1973, Chapter 196  
285 76-9-105 (Effective 05/07/25), as last amended by Laws of Utah 2017, Chapter 462  
286 76-9-106 (Effective 05/07/25), as enacted by Laws of Utah 1992, Chapter 163  
287 76-9-107 (Effective 05/07/25), as enacted by Laws of Utah 2003, Chapter 186  
288 76-9-108 (Effective 05/07/25), as enacted by Laws of Utah 2007, Chapter 46  
289 76-9-109 (Effective 05/07/25), as enacted by Laws of Utah 2021, Chapter 174  
290 76-9-601 (Effective 05/07/25), as enacted by Laws of Utah 1973, Chapter 196  
291 76-9-802 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 96  
292 76-9-803 (Effective 05/07/25), as enacted by Laws of Utah 2008, Chapter 15  
293 76-9-804 (Effective 05/07/25), as last amended by Laws of Utah 2022, Chapter 181  
294 77-2-9 (Effective 05/07/25), as last amended by Laws of Utah 2021, Chapter 262  
295 77-7a-104 (Effective 05/07/25), as last amended by Laws of Utah 2020, Chapter 404  
296 77-11a-402 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 332  
297 77-11b-102 (Effective 05/07/25), as last amended by Laws of Utah 2023, Chapters 415,  
298 422 and renumbered and amended by Laws of Utah 2023, Chapter 448  
299 77-11d-101 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 332  
300 77-11d-105 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapters 332,  
301 517  
302 77-20-203 (Effective 05/07/25), as last amended by Laws of Utah 2024, Chapter 16

303 **77-20-204 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 16  
304 **77-22-2.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 185  
305 **77-23a-8 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 96, 301  
306 **77-36-1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 366  
307 **77-36-2.1 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 434  
308 **77-37-2 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 164  
309 **77-38-3 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 240  
310 **77-38-601 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 16,  
311 237  
312 **77-39-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 35  
313 **77-40a-101 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 180  
314 **77-40a-205 (Effective 05/07/25)**, as enacted by Laws of Utah 2024, Chapter 180  
315 **77-40a-403 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 180  
316 **77-41-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
317 **77-41-106 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
318 **77-41-112 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 116,  
319 234  
320 **77-41-113 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 234  
321 **77-42-105 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 111  
322 **78A-2-203 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2008,  
323 Chapter 3  
324 **78A-5a-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 158,  
325 366  
326 **78B-4-511 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2008,  
327 Chapter 3  
328 **78B-5-505 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 260  
329 **78B-6-111 (Effective 05/07/25)**, as last amended by Laws of Utah 2015, Chapter 194  
330 **78B-6-1101 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 207  
331 **78B-6-1103 (Effective 05/07/25)**, as last amended by Laws of Utah 2011, Chapter 185  
332 **78B-6-1107 (Effective 05/07/25)**, as last amended by Laws of Utah 2021, Chapter 207  
333 **78B-6-1701 (Effective 05/07/25)**, as enacted by Laws of Utah 2010, Chapter 143  
334 **78B-6-2102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 168  
335 **78B-6-2105 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 168  
336 **78B-6-2301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 438

337 **78B-7-502 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapter 430  
338 **78B-7-801 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 114  
339 **78B-8-503 (Effective 05/07/25)**, as last amended by Laws of Utah 2013, Chapter 187  
340 **78B-9-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapters 111,  
341 448  
342 **80-1-102 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 256  
343 **80-2-301 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapters 240,  
344 307  
345 **80-4-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 330  
346 **80-6-103 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 532  
347 **80-6-104 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 20  
348 **80-6-302 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 161  
349 **80-6-303.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 301  
350 **80-6-304 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 161  
351 **80-6-305 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 161  
352 **80-6-503 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021,  
353 Chapter 261  
354 **80-6-605 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2021,  
355 Chapter 261  
356 **80-6-608 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 256  
357 **80-6-707 (Effective 05/07/25)**, as last amended by Laws of Utah 2022, Chapters 116,  
358 334  
359 **80-6-712 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 153  
360 **80-6-804 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 153  
361 **80-6-1002 (Effective 05/07/25)**, as last amended by Laws of Utah 2023, Chapter 115  
362 **80-6-1004.1 (Effective 05/07/25)**, as enacted by Laws of Utah 2023, Chapter 115  
363 **80-6-1004.5 (Effective 05/07/25)**, as last amended by Laws of Utah 2024, Chapter 301  
364 **81-9-202 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,  
365 Chapter 366  
366 **81-9-204 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,  
367 Chapter 366  
368 **81-9-208 (Effective 05/07/25)**, as renumbered and amended by Laws of Utah 2024,  
369 Chapter 366

370 ENACTS:

371 **53-5a-102.1 (Effective 05/07/25)**, Utah Code Annotated 1953  
372 **53-5a-301 (Effective 05/07/25)**, Utah Code Annotated 1953  
373 **53-25-601 (Effective 05/07/25)**, Utah Code Annotated 1953  
374 **59-14-501.5 (Effective 05/07/25)**, Utah Code Annotated 1953  
375 **76-5-801 (Effective 05/07/25)**, Utah Code Annotated 1953  
376 **76-5-803 (Effective 05/07/25)**, Utah Code Annotated 1953  
377 **76-5c-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
378 **76-5c-203 (Effective 05/07/25)**, Utah Code Annotated 1953  
379 **76-5c-206 (Effective 05/07/25)**, Utah Code Annotated 1953  
380 **76-5c-212 (Effective 05/07/25)**, Utah Code Annotated 1953  
381 **76-5c-213 (Effective 05/07/25)**, Utah Code Annotated 1953  
382 **76-5c-307 (Effective 05/07/25)**, Utah Code Annotated 1953  
383 **76-5d-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
384 **76-5d-204 (Effective 05/07/25)**, Utah Code Annotated 1953  
385 **76-5d-205 (Effective 05/07/25)**, Utah Code Annotated 1953  
386 **76-5d-210 (Effective 05/07/25)**, Utah Code Annotated 1953  
387 **76-9-105.6 (Effective 05/07/25)**, Utah Code Annotated 1953  
388 **76-9-114 (Effective 05/07/25)**, Utah Code Annotated 1953  
389 **76-9-803.5 (Effective 05/07/25)**, Utah Code Annotated 1953  
390 **76-9-803.6 (Effective 05/07/25)**, Utah Code Annotated 1953  
391 **76-9-1108 (Effective 05/07/25)**, Utah Code Annotated 1953  
392 **76-9-1115 (Effective 05/07/25)**, Utah Code Annotated 1953  
393 **76-9-1118 (Effective 05/07/25)**, Utah Code Annotated 1953  
394 **76-9-1201 (Effective 05/07/25)**, Utah Code Annotated 1953  
395 **76-9-1302 (Effective 05/07/25)**, Utah Code Annotated 1953  
396 **76-9-1403 (Effective 05/07/25)**, Utah Code Annotated 1953  
397 **76-9-1404 (Effective 05/07/25)**, Utah Code Annotated 1953  
398 **76-9-1503 (Effective 05/07/25)**, Utah Code Annotated 1953  
399 **76-9-1507 (Effective 05/07/25)**, Utah Code Annotated 1953  
400 **76-9-1603 (Effective 05/07/25)**, Utah Code Annotated 1953  
401 **76-9-1701 (Effective 05/07/25)**, Utah Code Annotated 1953  
402 **76-9-1703 (Effective 05/07/25)**, Utah Code Annotated 1953  
403 **76-9-1704 (Effective 05/07/25)**, Utah Code Annotated 1953  
404 **76-9-1801 (Effective 05/07/25)**, Utah Code Annotated 1953

405        **76-9-1803 (Effective 05/07/25)**, Utah Code Annotated 1953  
406        **76-9-1804 (Effective 05/07/25)**, Utah Code Annotated 1953  
407        **76-9-1805 (Effective 05/07/25)**, Utah Code Annotated 1953  
408        **76-9-1806 (Effective 05/07/25)**, Utah Code Annotated 1953  
409        **76-9-1901 (Effective 05/07/25)**, Utah Code Annotated 1953  
410        **76-9-1903 (Effective 05/07/25)**, Utah Code Annotated 1953  
411        **76-9-2001 (Effective 05/07/25)**, Utah Code Annotated 1953  
412        **76-9-2003 (Effective 05/07/25)**, Utah Code Annotated 1953  
413        **76-11-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
414        **76-11-301 (Effective 05/07/25)**, Utah Code Annotated 1953  
415        **76-12-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
416        **76-12-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
417        **76-12-203 (Effective 05/07/25)**, Utah Code Annotated 1953  
418        **76-12-204 (Effective 05/07/25)**, Utah Code Annotated 1953  
419        **76-12-306 (Effective 05/07/25)**, Utah Code Annotated 1953  
420        **76-12-308 (Effective 05/07/25)**, Utah Code Annotated 1953  
421        **76-13-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
422        **76-13-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
423        **76-13-203 (Effective 05/07/25)**, Utah Code Annotated 1953  
424        **76-13-204 (Effective 05/07/25)**, Utah Code Annotated 1953  
425        **76-13-206 (Effective 05/07/25)**, Utah Code Annotated 1953  
426        **76-13-210 (Effective 05/07/25)**, Utah Code Annotated 1953  
427        **76-14-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
428        **76-15-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
429        **76-15-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
430        **76-15-207 (Effective 05/07/25)**, Utah Code Annotated 1953  
431        **76-15-208 (Effective 05/07/25)**, Utah Code Annotated 1953  
432        **76-15-211 (Effective 05/07/25)**, Utah Code Annotated 1953  
433        **76-16-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
434        **76-16-210 (Effective 05/07/25)**, Utah Code Annotated 1953  
435        **76-16-211 (Effective 05/07/25)**, Utah Code Annotated 1953  
436        **76-16-212 (Effective 05/07/25)**, Utah Code Annotated 1953  
437        **76-16-213 (Effective 05/07/25)**, Utah Code Annotated 1953  
438        **76-16-214 (Effective 05/07/25)**, Utah Code Annotated 1953

439       **76-16-401 (Effective 05/07/25)**, Utah Code Annotated 1953  
440       **76-17-101 (Effective 05/07/25)**, Utah Code Annotated 1953  
441       **76-17-201 (Effective 05/07/25)**, Utah Code Annotated 1953  
442       RENUMBERS AND AMENDS:  
443       **11-48-104 (Effective 05/07/25)**, (Renumbered from 76-9-905, as enacted by Laws of  
444       Utah 2009, Chapter 86)  
445       **45-2-11 (Effective 05/07/25)**, (Renumbered from 76-9-504, as enacted by Laws of  
446       Utah 1973, Chapter 196)  
447       **45-2-12 (Effective 05/07/25)**, (Renumbered from 76-9-506, as enacted by Laws of  
448       Utah 1973, Chapter 196)  
449       **45-2-13 (Effective 05/07/25)**, (Renumbered from 76-9-509, as enacted by Laws of  
450       Utah 1973, Chapter 196)  
451       **53-5a-102.3 (Effective 05/07/25)**, (Renumbered from 76-10-511, as last amended by  
452       Laws of Utah 2009, Chapter 362)  
453       **53-5a-105 (Effective 05/07/25)**, (Renumbered from 76-10-520, as last amended by  
454       Laws of Utah 1993, Chapter 234)  
455       **53-5a-106 (Effective 05/07/25)**, (Renumbered from 76-10-522, as last amended by  
456       Laws of Utah 1993, Chapter 234)  
457       **53-5a-107 (Effective 05/07/25)**, (Renumbered from 76-10-523.5, as last amended  
458       by Laws of Utah 2008, Chapter 3)  
459       **53-5a-108 (Effective 05/07/25)**, (Renumbered from 76-10-523, as last amended by  
460       Laws of Utah 2021, Chapter 12)  
461       **53-5a-302 (Effective 05/07/25)**, (Renumbered from 76-10-526, as last amended by  
462       Laws of Utah 2023, Chapters 330, 397)  
463       **53-5a-303 (Effective 05/07/25)**, (Renumbered from 76-10-526.1, as enacted by  
464       Laws of Utah 2023, Chapter 398)  
465       **53-5a-304 (Effective 05/07/25)**, (Renumbered from 76-10-527, as last amended by  
466       Laws of Utah 2009, Chapter 20)  
467       **53-5a-305 (Effective 05/07/25)**, (Renumbered from 76-10-524, as last amended by  
468       Laws of Utah 2004, Chapter 360)  
469       **53-25-602 (Effective 05/07/25)**, (Renumbered from 76-9-903, as enacted by Laws of  
470       Utah 2009, Chapter 86)  
471       **58-37-8.1 (Effective 05/07/25)**, (Renumbered from 76-10-2204, as last amended by  
472       Laws of Utah 2023, Chapter 330)

473 **58-37-8.2 (Effective 05/07/25)**, (Renumbered from 76-10-2203, as enacted by Laws  
474 of Utah 2019, Chapter 97)  
475 **67-5-40 (Effective 05/07/25)**, (Renumbered from 76-10-3114, as last amended by  
476 Laws of Utah 2019, Chapter 348)  
477 **76-5-115 (Effective 05/07/25)**, (Renumbered from 76-10-2202, as enacted by Laws  
478 of Utah 2011, Chapter 204)  
479 **76-5-417 (Effective 05/07/25)**, (Renumbered from 76-4-401, as last amended by  
480 Laws of Utah 2023, Chapter 457)  
481 **76-5-418 (Effective 05/07/25)**, (Renumbered from 76-9-702.1, as last amended by  
482 Laws of Utah 2024, Chapter 234)  
483 **76-5-419 (Effective 05/07/25)**, (Renumbered from 76-9-702, as last amended by  
484 Laws of Utah 2024, Chapter 234)  
485 **76-5-420 (Effective 05/07/25)**, (Renumbered from 76-9-702.5, as last amended by  
486 Laws of Utah 2024, Chapter 2)  
487 **76-5-802 (Effective 05/07/25)**, (Renumbered from 76-9-704, as last amended by  
488 Laws of Utah 2023, Chapters 160, 330)  
489 **76-5b-206 (Effective 05/07/25)**, (Renumbered from 76-10-1204.5, as last amended  
490 by Laws of Utah 2023, Chapter 231)  
491 **76-5c-101 (Effective 05/07/25)**, (Renumbered from 76-10-1201, as last amended by  
492 Laws of Utah 2013, Chapter 278)  
493 **76-5c-102 (Effective 05/07/25)**, (Renumbered from 76-10-1203, as last amended by  
494 Laws of Utah 1977, Chapter 92)  
495 **76-5c-103 (Effective 05/07/25)**, (Renumbered from 76-10-1210, as last amended by  
496 Laws of Utah 2007, Chapter 123)  
497 **76-5c-104 (Effective 05/07/25)**, (Renumbered from 76-10-1209, as last amended by  
498 Laws of Utah 2010, Chapter 43)  
499 **76-5c-105 (Effective 05/07/25)**, (Renumbered from 76-10-1207, as enacted by Laws  
500 of Utah 1977, Chapter 92)  
501 **76-5c-106 (Effective 05/07/25)**, (Renumbered from 76-10-1213, as last amended by  
502 Laws of Utah 2000, Chapter 53)  
503 **76-5c-107 (Effective 05/07/25)**, (Renumbered from 76-10-1212, as last amended by  
504 Laws of Utah 2000, Chapter 53)  
505 **76-5c-108 (Effective 05/07/25)**, (Renumbered from 76-10-1215, as last amended by  
506 Laws of Utah 1993, Chapter 38)

507 **76-5c-109 (Effective 05/07/25)**, (Renumbered from 76-10-1208, as last amended by  
508 Laws of Utah 2007, Chapter 123)  
509 **76-5c-110 (Effective 05/07/25)**, (Renumbered from 76-10-1207.5, as enacted by  
510 Laws of Utah 1990, Chapter 138)  
511 **76-5c-111 (Effective 05/07/25)**, (Renumbered from 76-10-1211, as last amended by  
512 Laws of Utah 1995, Chapter 20)  
513 **76-5c-202 (Effective 05/07/25)**, (Renumbered from 76-10-1204, as last amended by  
514 Laws of Utah 2021, Chapter 260)  
515 **76-5c-204 (Effective 05/07/25)**, (Renumbered from 76-10-1205, as last amended by  
516 Laws of Utah 2021, Chapter 260)  
517 **76-5c-205 (Effective 05/07/25)**, (Renumbered from 76-10-1206, as last amended by  
518 Laws of Utah 2021, Chapter 260)  
519 **76-5c-207 (Effective 05/07/25)**, (Renumbered from 76-10-1228, as last amended by  
520 Laws of Utah 2021, Chapter 260)  
521 **76-5c-208 (Effective 05/07/25)**, (Renumbered from 76-10-1235, as enacted by Laws  
522 of Utah 2007, Chapter 79)  
523 **76-5c-209 (Effective 05/07/25)**, (Renumbered from 76-10-1236, as enacted by Laws  
524 of Utah 2023, Chapter 118)  
525 **76-5c-210 (Effective 05/07/25)**, (Renumbered from 76-10-1237, as enacted by Laws  
526 of Utah 2023, Chapter 118)  
527 **76-5c-211 (Effective 05/07/25)**, (Renumbered from 76-10-1238, as enacted by Laws  
528 of Utah 2024, Chapter 166)  
529 **76-5c-214 (Effective 05/07/25)**, (Renumbered from 76-10-1214, as last amended by  
530 Laws of Utah 2021, Chapter 260)  
531 **76-5c-301 (Effective 05/07/25)**, (Renumbered from 76-10-1216, as enacted by Laws  
532 of Utah 1977, Chapter 92)  
533 **76-5c-302 (Effective 05/07/25)**, (Renumbered from 76-10-1217, as enacted by Laws  
534 of Utah 1977, Chapter 93)  
535 **76-5c-303 (Effective 05/07/25)**, (Renumbered from 76-10-1219, as last amended by  
536 Laws of Utah 2010, Chapters 43, 324)  
537 **76-5c-304 (Effective 05/07/25)**, (Renumbered from 76-10-1220, as last amended by  
538 Laws of Utah 2010, Chapter 43)  
539 **76-5c-305 (Effective 05/07/25)**, (Renumbered from 76-10-1222, as enacted by Laws  
540 of Utah 1977, Chapter 93)



541 **76-5c-306 (Effective 05/07/25)**, (Renumbered from 76-10-1223, as enacted by Laws  
542 of Utah 1977, Chapter 93)

543 **76-5c-401 (Effective 05/07/25)**, (Renumbered from 76-10-1230, as last amended by  
544 Laws of Utah 2018, Chapter 164)

545 **76-5c-402 (Effective 05/07/25)**, (Renumbered from 76-10-1231, as last amended by  
546 Laws of Utah 2019, Chapter 180)

547 **76-5c-403 (Effective 05/07/25)**, (Renumbered from 76-10-1233, as last amended by  
548 Laws of Utah 2008, Chapter 297)

549 **76-5d-101 (Effective 05/07/25)**, (Renumbered from 76-10-1301, as last amended by  
550 Laws of Utah 2022, Chapter 124)

551 **76-5d-102 (Effective 05/07/25)**, (Renumbered from 76-10-1307, as enacted by Laws  
552 of Utah 1991, Chapter 107)

553 **76-5d-103 (Effective 05/07/25)**, (Renumbered from 76-10-1311, as last amended by  
554 Laws of Utah 2023, Chapters 184, 330)

555 **76-5d-104 (Effective 05/07/25)**, (Renumbered from 76-10-1312, as last amended by  
556 Laws of Utah 2023, Chapter 330)

557 **76-5d-105 (Effective 05/07/25)**, (Renumbered from 76-10-1314, as enacted by Laws  
558 of Utah 1993, Chapter 179)

559 **76-5d-106 (Effective 05/07/25)**, (Renumbered from 76-10-1315, as last amended by  
560 Laws of Utah 2022, Chapters 124, 181 and 335)

561 **76-5d-202 (Effective 05/07/25)**, (Renumbered from 76-10-1302, as last amended by  
562 Laws of Utah 2023, Chapter 111)

563 **76-5d-203 (Effective 05/07/25)**, (Renumbered from 76-10-1303, as last amended by  
564 Laws of Utah 2024, Chapter 140)

565 **76-5d-206 (Effective 05/07/25)**, (Renumbered from 76-10-1304, as last amended by  
566 Laws of Utah 2018, Chapter 308)

567 **76-5d-207 (Effective 05/07/25)**, (Renumbered from 76-10-1305, as last amended by  
568 Laws of Utah 2018, Chapter 308)

569 **76-5d-208 (Effective 05/07/25)**, (Renumbered from 76-10-1306, as last amended by  
570 Laws of Utah 2022, Chapter 181)

571 **76-5d-209 (Effective 05/07/25)**, (Renumbered from 76-10-1313, as last amended by  
572 Laws of Utah 2022, Chapters 124, 181 and last amended by Coordination Clause, Laws of  
573 Utah 2022, Chapter 124)

574 **76-5d-211 (Effective 05/07/25)**, (Renumbered from 76-10-1309, as last amended by

575 Laws of Utah 2011, Chapter 70)  
576 **76-6-207 (Effective 05/07/25)**, (Renumbered from 76-10-2002, as enacted by Laws  
577 of Utah 1989, Chapter 179)  
578 **76-6-525 (Effective 05/07/25)**, (Renumbered from 76-10-1801, as last amended by  
579 Laws of Utah 2010, Chapter 193)  
580 **76-9-105.5 (Effective 05/07/25)**, (Renumbered from 76-9-202, as last amended by  
581 Laws of Utah 2024, Chapter 27)  
582 **76-9-110 (Effective 05/07/25)**, (Renumbered from 76-9-701, as last amended by  
583 Laws of Utah 2021, Chapter 262)  
584 **76-9-111 (Effective 05/07/25)**, (Renumbered from 76-9-702.3, as last amended by  
585 Laws of Utah 2016, Chapter 303)  
586 **76-9-112 (Effective 05/07/25)**, (Renumbered from 76-9-705, as enacted by Laws of  
587 Utah 1997, Chapter 83)  
588 **76-9-113 (Effective 05/07/25)**, (Renumbered from 76-10-2402, as last amended by  
589 Laws of Utah 2010, Chapter 334)  
590 **76-9-602 (Effective 05/07/25)**, (Renumbered from 76-9-706, as last amended by  
591 Laws of Utah 2016, Chapter 303)  
592 **76-9-805 (Effective 05/07/25)**, (Renumbered from 76-9-904, as enacted by Laws of  
593 Utah 2009, Chapter 86)  
594 **76-9-1101 (Effective 05/07/25)**, (Renumbered from 76-10-101, as last amended by  
595 Laws of Utah 2024, Chapter 470)  
596 **76-9-1102 (Effective 05/07/25)**, (Renumbered from 76-10-102, as last amended by  
597 Laws of Utah 1986, Chapter 66)  
598 **76-9-1103 (Effective 05/07/25)**, (Renumbered from 76-10-103, as last amended by  
599 Laws of Utah 2020, Chapters 302, 347)  
600 **76-9-1104 (Effective 05/07/25)**, (Renumbered from 76-10-104, as last amended by  
601 Laws of Utah 2020, Chapters 302, 347)  
602 **76-9-1105 (Effective 05/07/25)**, (Renumbered from 76-10-104.1, as last amended  
603 by Laws of Utah 2020, Chapters 302, 347)  
604 **76-9-1106 (Effective 05/07/25)**, (Renumbered from 76-10-105, as last amended by  
605 Laws of Utah 2021, Chapter 262)  
606 **76-9-1107 (Effective 05/07/25)**, (Renumbered from 76-10-105.1, as last amended  
607 by Laws of Utah 2021, Chapter 348)  
608 **76-9-1109 (Effective 05/07/25)**, (Renumbered from 76-10-105.3, as enacted by

609 Laws of Utah 1986, Chapter 188)  
610 **76-9-1110 (Effective 05/07/25)**, (Renumbered from 76-10-107, as last amended by  
611 Laws of Utah 2002, Chapter 23)  
612 **76-9-1111 (Effective 05/07/25)**, (Renumbered from 76-10-107.5, as enacted by  
613 Laws of Utah 2002, Chapter 23)  
614 **76-9-1112 (Effective 05/07/25)**, (Renumbered from 76-10-111, as last amended by  
615 Laws of Utah 2020, Chapters 302, 347)  
616 **76-9-1113 (Effective 05/07/25)**, (Renumbered from 76-10-112, as last amended by  
617 Laws of Utah 2020, Chapter 302)  
618 **76-9-1114 (Effective 05/07/25)**, (Renumbered from 76-10-113, as last amended by  
619 Laws of Utah 2024, Chapter 470)  
620 **76-9-1116 (Effective 05/07/25)**, (Renumbered from 76-10-114, as last amended by  
621 Laws of Utah 2021, First Special Session, Chapter 12)  
622 **76-9-1117 (Effective 05/07/25)**, (Renumbered from 76-10-115, as last amended by  
623 Laws of Utah 2021, First Special Session, Chapter 12)  
624 **76-9-1119 (Effective 05/07/25)**, (Renumbered from 76-10-116, as enacted by Laws of  
625 Utah 2020, Chapter 302)  
626 **76-9-1202 (Effective 05/07/25)**, (Renumbered from 76-10-201, as last amended by  
627 Laws of Utah 2005, Chapter 215)  
628 **76-9-1203 (Effective 05/07/25)**, (Renumbered from 76-10-202, as last amended by  
629 Laws of Utah 2005, Chapter 215)  
630 **76-9-1204 (Effective 05/07/25)**, (Renumbered from 76-10-203, as last amended by  
631 Laws of Utah 2005, Chapter 215)  
632 **76-9-1205 (Effective 05/07/25)**, (Renumbered from 76-10-204, as last amended by  
633 Laws of Utah 2023, Chapters 111, 179)  
634 **76-9-1206 (Effective 05/07/25)**, (Renumbered from 76-10-2601, as enacted by Laws  
635 of Utah 2002, Chapter 166)  
636 **76-9-1301 (Effective 05/07/25)**, (Renumbered from 76-10-801, as enacted by Laws of  
637 Utah 1973, Chapter 196)  
638 **76-9-1303 (Effective 05/07/25)**, (Renumbered from 76-10-802, as enacted by Laws of  
639 Utah 1973, Chapter 196)  
640 **76-9-1304 (Effective 05/07/25)**, (Renumbered from 76-10-805, as enacted by Laws of  
641 Utah 1973, Chapter 196)  
642 **76-9-1305 (Effective 05/07/25)**, (Renumbered from 76-10-804, as enacted by Laws of

643 Utah 1973, Chapter 196)  
644 **76-9-1306 (Effective 05/07/25)**, (Renumbered from 76-10-806, as last amended by  
645 Laws of Utah 1993, Chapter 227)  
646 **76-9-1307 (Effective 05/07/25)**, (Renumbered from 76-10-808, as last amended by  
647 Laws of Utah 2015, Chapter 258)  
648 **76-9-1308 (Effective 05/07/25)**, (Renumbered from 76-10-807, as enacted by Laws of  
649 Utah 2010, Chapter 99)  
650 **76-9-1401 (Effective 05/07/25)**, (Renumbered from 76-10-1101, as last amended by  
651 Laws of Utah 2020, Chapter 291)  
652 **76-9-1402 (Effective 05/07/25)**, (Renumbered from 76-10-1102, as last amended by  
653 Laws of Utah 2020, Chapter 291)  
654 **76-9-1405 (Effective 05/07/25)**, (Renumbered from 76-10-1104, as last amended by  
655 Laws of Utah 2020, Chapter 291)  
656 **76-9-1406 (Effective 05/07/25)**, (Renumbered from 76-10-1103, as last amended by  
657 Laws of Utah 2019, Chapter 185)  
658 **76-9-1407 (Effective 05/07/25)**, (Renumbered from 76-10-1105, as last amended by  
659 Laws of Utah 2020, Chapter 291)  
660 **76-9-1408 (Effective 05/07/25)**, (Renumbered from 76-10-1110, as enacted by Laws  
661 of Utah 2020, Chapter 291)  
662 **76-9-1409 (Effective 05/07/25)**, (Renumbered from 76-10-1104.5, as enacted by  
663 Laws of Utah 2001, Chapter 182)  
664 **76-9-1410 (Effective 05/07/25)**, (Renumbered from 76-10-1109, as enacted by Laws  
665 of Utah 1973, Chapter 196)  
666 **76-9-1411 (Effective 05/07/25)**, (Renumbered from 76-10-1112, as last amended by  
667 Laws of Utah 2023, Chapter 448)  
668 **76-9-1412 (Effective 05/07/25)**, (Renumbered from 76-10-1113, as enacted by Laws  
669 of Utah 2020, Chapter 291)  
670 **76-9-1501 (Effective 05/07/25)**, (Renumbered from 76-10-1503, as last amended by  
671 Laws of Utah 2007, Chapter 329)  
672 **76-9-1502 (Effective 05/07/25)**, (Renumbered from 76-10-1504, as last amended by  
673 Laws of Utah 2022, Chapter 181)  
674 **76-9-1504 (Effective 05/07/25)**, (Renumbered from 76-10-1505, as last amended by  
675 Laws of Utah 1999, Chapter 97)  
676 **76-9-1505 (Effective 05/07/25)**, (Renumbered from 76-10-1506, as last amended by

677 Laws of Utah 2010, Chapter 276)  
678 **76-9-1506 (Effective 05/07/25)**, (Renumbered from 76-10-1507, as last amended by  
679 Laws of Utah 2016, Chapter 399)  
680 **76-9-1508 (Effective 05/07/25)**, (Renumbered from 76-10-1508, as enacted by Laws  
681 of Utah 1979, Chapter 72)  
682 **76-9-1509 (Effective 05/07/25)**, (Renumbered from 76-10-1509, as enacted by Laws  
683 of Utah 1979, Chapter 72)  
684 **76-9-1510 (Effective 05/07/25)**, (Renumbered from 76-10-1510, as last amended by  
685 Laws of Utah 2007, Chapter 229)  
686 **76-9-1601 (Effective 05/07/25)**, (Renumbered from 76-10-1902, as last amended by  
687 Laws of Utah 2013, Chapter 73)  
688 **76-9-1602 (Effective 05/07/25)**, (Renumbered from 76-10-1903, as last amended by  
689 Laws of Utah 2009, Chapter 74)  
690 **76-9-1604 (Effective 05/07/25)**, (Renumbered from 76-10-1906, as last amended by  
691 Laws of Utah 2008, Chapter 268)  
692 **76-9-1702 (Effective 05/07/25)**, (Renumbered from 76-10-2501, as last amended by  
693 Laws of Utah 2024, Chapter 461)  
694 **76-9-1802 (Effective 05/07/25)**, (Renumbered from 76-10-2701, as enacted by Laws  
695 of Utah 2008, Chapter 22)  
696 **76-9-1807 (Effective 05/07/25)**, (Renumbered from 76-10-2101, as last amended by  
697 Laws of Utah 2010, Chapter 324)  
698 **76-9-1902 (Effective 05/07/25)**, (Renumbered from 76-10-2801, as enacted by Laws  
699 of Utah 2008, Chapter 298)  
700 **76-9-2002 (Effective 05/07/25)**, (Renumbered from 76-10-2201, as last amended by  
701 Laws of Utah 2013, Chapter 329)  
702 **76-11-101 (Effective 05/07/25)**, (Renumbered from 76-10-501, as last amended by  
703 Laws of Utah 2023, Chapters 161, 397 and 425)  
704 **76-11-102 (Effective 05/07/25)**, (Renumbered from 76-10-502, as last amended by  
705 Laws of Utah 1990, Chapter 328)  
706 **76-11-202 (Effective 05/07/25)**, (Renumbered from 76-10-504, as last amended by  
707 Laws of Utah 2023, Chapter 34)  
708 **76-11-203 (Effective 05/07/25)**, (Renumbered from 76-10-505, as last amended by  
709 Laws of Utah 2021, Chapter 12)  
710 **76-11-204 (Effective 05/07/25)**, (Renumbered from 76-10-505.5, as last amended

711 by Laws of Utah 2024, Chapters 21, 117 and 301)  
712 **76-11-205 (Effective 05/07/25)**, (Renumbered from 76-10-506, as last amended by  
713 Laws of Utah 2019, Chapters 39, 201)  
714 **76-11-206 (Effective 05/07/25)**, (Renumbered from 76-10-507, as last amended by  
715 Laws of Utah 2015, Chapter 406)  
716 **76-11-207 (Effective 05/07/25)**, (Renumbered from 76-10-508, as last amended by  
717 Laws of Utah 2023, Chapter 34)  
718 **76-11-208 (Effective 05/07/25)**, (Renumbered from 76-10-508.1, as last amended  
719 by Laws of Utah 2023, Chapter 34)  
720 **76-11-209 (Effective 05/07/25)**, (Renumbered from 76-10-509.4, as last amended  
721 by Laws of Utah 2024, Chapter 301)  
722 **76-11-210 (Effective 05/07/25)**, (Renumbered from 76-10-509.5, as last amended  
723 by Laws of Utah 2013, Chapter 301)  
724 **76-11-211 (Effective 05/07/25)**, (Renumbered from 76-10-509.6, as last amended  
725 by Laws of Utah 2000, Chapter 303)  
726 **76-11-212 (Effective 05/07/25)**, (Renumbered from 76-10-509.7, as last amended  
727 by Laws of Utah 2024, Chapter 301)  
728 **76-11-213 (Effective 05/07/25)**, (Renumbered from 76-10-509.9, as enacted by  
729 Laws of Utah 1993, Second Special Session, Chapter 13)  
730 **76-11-214 (Effective 05/07/25)**, (Renumbered from 76-10-528, as last amended by  
731 Laws of Utah 2023, Chapters 330, 386)  
732 **76-11-215 (Effective 05/07/25)**, (Renumbered from 76-10-529, as last amended by  
733 Laws of Utah 2024, Chapter 332)  
734 **76-11-216 (Effective 05/07/25)**, (Renumbered from 76-10-530, as last amended by  
735 Laws of Utah 2009, Chapter 388)  
736 **76-11-302 (Effective 05/07/25)**, (Renumbered from 76-10-503, as last amended by  
737 Laws of Utah 2023, First Special Session, Chapter 2)  
738 **76-11-309 (Effective 05/07/25)**, (Renumbered from 76-10-503.1, as last amended  
739 by Laws of Utah 2023, Chapter 203)  
740 **76-11-310 (Effective 05/07/25)**, (Renumbered from 76-10-532, as last amended by  
741 Laws of Utah 2023, Chapter 425)  
742 **76-12-202 (Effective 05/07/25)**, (Renumbered from 76-9-201, as last amended by  
743 Laws of Utah 2024, Chapter 224)  
744 **76-12-205 (Effective 05/07/25)**, (Renumbered from 76-6-703.1, as enacted by Laws

745 of Utah 2023, Chapter 111)  
746 **76-12-206 (Effective 05/07/25)**, (Renumbered from 76-9-203, as enacted by Laws of  
747 Utah 2021, Chapter 152)  
748 **76-12-207 (Effective 05/07/25)**, (Renumbered from 76-10-1802, as enacted by Laws  
749 of Utah 2015, Chapter 151)  
750 **76-12-301 (Effective 05/07/25)**, (Renumbered from 76-9-401, as enacted by Laws of  
751 Utah 1973, Chapter 196)  
752 **76-12-302 (Effective 05/07/25)**, (Renumbered from 76-9-402, as last amended by  
753 Laws of Utah 2023, Chapter 510)  
754 **76-12-303 (Effective 05/07/25)**, (Renumbered from 76-9-403, as enacted by Laws of  
755 Utah 1973, Chapter 196)  
756 **76-12-304 (Effective 05/07/25)**, (Renumbered from 76-9-407, as enacted by Laws of  
757 Utah 1999, Chapter 146)  
758 **76-12-305 (Effective 05/07/25)**, (Renumbered from 76-9-408, as enacted by Laws of  
759 Utah 2019, Chapter 372)  
760 **76-12-307 (Effective 05/07/25)**, (Renumbered from 76-9-702.7, as last amended by  
761 Laws of Utah 2024, Chapter 2)  
762 **76-12-309 (Effective 05/07/25)**, (Renumbered from 76-9-702.8, as enacted by Laws  
763 of Utah 2024, Chapter 2)  
764 **76-12-401 (Effective 05/07/25)**, (Renumbered from 76-10-601, as enacted by Laws of  
765 Utah 1973, Chapter 196)  
766 **76-12-402 (Effective 05/07/25)**, (Renumbered from 76-10-602, as enacted by Laws of  
767 Utah 1973, Chapter 196)  
768 **76-12-403 (Effective 05/07/25)**, (Renumbered from 76-10-603, as last amended by  
769 Laws of Utah 1995, Chapter 20)  
770 **76-13-102 (Effective 05/07/25)**, (Renumbered from 76-9-305, as last amended by  
771 Laws of Utah 1977, Chapter 87)  
772 **76-13-103 (Effective 05/07/25)**, (Renumbered from 76-9-301.6, as last amended by  
773 Laws of Utah 2008, Chapter 292)  
774 **76-13-104 (Effective 05/07/25)**, (Renumbered from 76-9-301.7, as last amended by  
775 Laws of Utah 2008, Chapter 292)  
776 **76-13-202 (Effective 05/07/25)**, (Renumbered from 76-9-301, as last amended by  
777 Laws of Utah 2023, Chapter 34)  
778 **76-13-205 (Effective 05/07/25)**, (Renumbered from 76-9-301.1, as last amended by

779 Laws of Utah 2010, Chapter 324)  
780 **76-13-207 (Effective 05/07/25)**, (Renumbered from 76-9-301.3, as enacted by Laws  
781 of Utah 2015, Chapter 329)  
782 **76-13-208 (Effective 05/07/25)**, (Renumbered from 76-9-301.5, as last amended by  
783 Laws of Utah 2008, Chapter 292)  
784 **76-13-209 (Effective 05/07/25)**, (Renumbered from 76-9-306, as last amended by  
785 Laws of Utah 2018, Chapter 264)  
786 **76-13-211 (Effective 05/07/25)**, (Renumbered from 76-9-307, as last amended by  
787 Laws of Utah 2023, Chapter 330)  
788 **76-13-212 (Effective 05/07/25)**, (Renumbered from 76-9-304, as last amended by  
789 Laws of Utah 1977, Chapter 87)  
790 **76-13-213 (Effective 05/07/25)**, (Renumbered from 76-9-301.8, as last amended by  
791 Laws of Utah 1999, Chapter 302)  
792 **76-13-214 (Effective 05/07/25)**, (Renumbered from 76-9-308, as last amended by  
793 Laws of Utah 2023, Chapter 216)  
794 **76-13-215 (Effective 05/07/25)**, (Renumbered from 76-9-301.9, as enacted by Laws  
795 of Utah 2024, Chapter 82)  
796 **76-14-201 (Effective 05/07/25)**, (Renumbered from 76-9-1002, as enacted by Laws of  
797 Utah 2011, Chapter 21)  
798 **76-14-202 (Effective 05/07/25)**, (Renumbered from 76-9-1003, as last amended by  
799 Laws of Utah 2022, Chapter 181)  
800 **76-14-203 (Effective 05/07/25)**, (Renumbered from 76-9-1004, as enacted by Laws of  
801 Utah 2011, Chapter 21 and last amended by Coordination Clause, Laws of Utah 2011, Chapter  
802 20)  
803 **76-14-204 (Effective 05/07/25)**, (Renumbered from 76-9-1005, as enacted by Laws of  
804 Utah 2011, Chapter 21)  
805 **76-14-205 (Effective 05/07/25)**, (Renumbered from 76-9-1006, as enacted by Laws of  
806 Utah 2011, Chapter 21)  
807 **76-14-206 (Effective 05/07/25)**, (Renumbered from 76-9-1007, as last amended by  
808 Laws of Utah 2018, Third Special Session, Chapter 2)  
809 **76-14-207 (Effective 05/07/25)**, (Renumbered from 76-9-1008, as last amended by  
810 Laws of Utah 2024, Chapter 96)  
811 **76-14-208 (Effective 05/07/25)**, (Renumbered from 76-9-1009, as enacted by Laws of  
812 Utah 2011, Chapter 21)



813 **76-14-209 (Effective 05/07/25)**, (Renumbered from 76-10-2901, as last amended by  
814 Laws of Utah 2011, Chapters 18, 21 and last amended by Coordination Clause, Laws of Utah  
815 2011, Chapter 20)  
816 **76-15-202 (Effective 05/07/25)**, (Renumbered from 76-10-308, as repealed and  
817 reenacted by Laws of Utah 1993, Chapter 75)  
818 **76-15-203 (Effective 05/07/25)**, (Renumbered from 76-10-302, as enacted by Laws of  
819 Utah 1973, Chapter 196)  
820 **76-15-204 (Effective 05/07/25)**, (Renumbered from 76-10-303, as enacted by Laws of  
821 Utah 1973, Chapter 196)  
822 **76-15-205 (Effective 05/07/25)**, (Renumbered from 76-10-304, as enacted by Laws of  
823 Utah 1973, Chapter 196)  
824 **76-15-206 (Effective 05/07/25)**, (Renumbered from 76-10-305, as enacted by Laws of  
825 Utah 1973, Chapter 196)  
826 **76-15-209 (Effective 05/07/25)**, (Renumbered from 76-10-307, as last amended by  
827 Laws of Utah 1999, Chapter 97)  
828 **76-15-210 (Effective 05/07/25)**, (Renumbered from 76-10-306, as last amended by  
829 Laws of Utah 2024, Chapter 343)  
830 **76-15-301 (Effective 05/07/25)**, (Renumbered from 76-10-401, as repealed and  
831 reenacted by Laws of Utah 2002, Chapter 166)  
832 **76-15-302 (Effective 05/07/25)**, (Renumbered from 76-10-402, as enacted by Laws of  
833 Utah 2002, Chapter 166)  
834 **76-15-303 (Effective 05/07/25)**, (Renumbered from 76-10-403, as enacted by Laws of  
835 Utah 2002, Chapter 166)  
836 **76-16-201 (Effective 05/07/25)**, (Renumbered from 76-10-701, as enacted by Laws of  
837 Utah 1973, Chapter 196)  
838 **76-16-202 (Effective 05/07/25)**, (Renumbered from 76-10-709, as last amended by  
839 Laws of Utah 1995, Chapter 20)  
840 **76-16-203 (Effective 05/07/25)**, (Renumbered from 76-10-710, as enacted by Laws of  
841 Utah 1973, Chapter 196)  
842 **76-16-204 (Effective 05/07/25)**, (Renumbered from 76-10-711, as last amended by  
843 Laws of Utah 1995, Chapter 20)  
844 **76-16-205 (Effective 05/07/25)**, (Renumbered from 76-10-702, as enacted by Laws of  
845 Utah 1973, Chapter 196)  
846 **76-16-206 (Effective 05/07/25)**, (Renumbered from 76-10-703, as enacted by Laws of

847 Utah 1973, Chapter 196)  
848 **76-16-207 (Effective 05/07/25)**, (Renumbered from 76-10-704, as enacted by Laws of  
849 Utah 1973, Chapter 196)  
850 **76-16-208 (Effective 05/07/25)**, (Renumbered from 76-10-705, as last amended by  
851 Laws of Utah 1992, Third Special Session, Chapter 6)  
852 **76-16-209 (Effective 05/07/25)**, (Renumbered from 76-10-706, as enacted by Laws of  
853 Utah 1973, Chapter 196)  
854 **76-16-215 (Effective 05/07/25)**, (Renumbered from 76-10-707, as enacted by Laws of  
855 Utah 1973, Chapter 196)  
856 **76-16-216 (Effective 05/07/25)**, (Renumbered from 76-10-708, as enacted by Laws of  
857 Utah 1973, Chapter 196)  
858 **76-16-301 (Effective 05/07/25)**, (Renumbered from 76-10-1001, as last amended by  
859 Laws of Utah 1984, Chapter 66)  
860 **76-16-302 (Effective 05/07/25)**, (Renumbered from 76-10-1002, as last amended by  
861 Laws of Utah 1984, Chapter 66)  
862 **76-16-303 (Effective 05/07/25)**, (Renumbered from 76-10-1003, as last amended by  
863 Laws of Utah 1984, Chapter 66)  
864 **76-16-304 (Effective 05/07/25)**, (Renumbered from 76-10-1004, as enacted by Laws  
865 of Utah 1973, Chapter 196)  
866 **76-16-305 (Effective 05/07/25)**, (Renumbered from 76-10-1005, as last amended by  
867 Laws of Utah 1995, Chapter 20)  
868 **76-16-306 (Effective 05/07/25)**, (Renumbered from 76-10-1006, as enacted by Laws  
869 of Utah 1973, Chapter 196)  
870 **76-16-307 (Effective 05/07/25)**, (Renumbered from 76-10-1007, as enacted by Laws  
871 of Utah 1973, Chapter 196)  
872 **76-16-402 (Effective 05/07/25)**, (Renumbered from 76-10-3002, as renumbered and  
873 amended by Laws of Utah 2013, Chapter 187)  
874 **76-16-403 (Effective 05/07/25)**, (Renumbered from 76-10-3001, as renumbered and  
875 amended by Laws of Utah 2013, Chapter 187)  
876 **76-16-404 (Effective 05/07/25)**, (Renumbered from 76-10-3005, as renumbered and  
877 amended by Laws of Utah 2013, Chapter 187)  
878 **76-16-501 (Effective 05/07/25)**, (Renumbered from 76-10-3103, as last amended by  
879 Laws of Utah 2015, Chapter 140)  
880 **76-16-502 (Effective 05/07/25)**, (Renumbered from 76-10-3102, as renumbered and

881 amended by Laws of Utah 2013, Chapter 187)  
882 **76-16-503 (Effective 05/07/25)**, (Renumbered from 76-10-3117, as renumbered and  
883 amended by Laws of Utah 2013, Chapter 187)  
884 **76-16-504 (Effective 05/07/25)**, (Renumbered from 76-10-3105, as last amended by  
885 Laws of Utah 2024, Chapter 147)  
886 **76-16-505 (Effective 05/07/25)**, (Renumbered from 76-10-3106, as renumbered and  
887 amended by Laws of Utah 2013, Chapter 187)  
888 **76-16-506 (Effective 05/07/25)**, (Renumbered from 76-10-3107, as last amended by  
889 Laws of Utah 2015, Chapter 140)  
890 **76-16-507 (Effective 05/07/25)**, (Renumbered from 76-10-3116, as renumbered and  
891 amended by Laws of Utah 2013, Chapter 187)  
892 **76-16-508 (Effective 05/07/25)**, (Renumbered from 76-10-3115, as renumbered and  
893 amended by Laws of Utah 2013, Chapter 187)  
894 **76-16-509 (Effective 05/07/25)**, (Renumbered from 76-10-3108, as last amended by  
895 Laws of Utah 2019, Chapter 348)  
896 **76-16-510 (Effective 05/07/25)**, (Renumbered from 76-10-3104, as renumbered and  
897 amended by Laws of Utah 2013, Chapter 187)  
898 **76-16-511 (Effective 05/07/25)**, (Renumbered from 76-10-3109, as last amended by  
899 Laws of Utah 2019, Chapter 348)  
900 **76-16-512 (Effective 05/07/25)**, (Renumbered from 76-10-3112, as last amended by  
901 Laws of Utah 2013, Chapter 285 and renumbered and amended by Laws of Utah 2013,  
902 Chapter 187)  
903 **76-17-202 (Effective 05/07/25)**, (Renumbered from 76-10-3201, as last amended by  
904 Laws of Utah 2023, Chapters 515, 536)  
905 **76-17-301 (Effective 05/07/25)**, (Renumbered from 76-6a-101, as renumbered and  
906 amended by Laws of Utah 2023, Chapter 111)  
907 **76-17-302 (Effective 05/07/25)**, (Renumbered from 76-6a-104, as renumbered and  
908 amended by Laws of Utah 2023, Chapter 111)  
909 **76-17-303 (Effective 05/07/25)**, (Renumbered from 76-6a-102, as enacted by Laws of  
910 Utah 2023, Chapter 111)  
911 **76-17-304 (Effective 05/07/25)**, (Renumbered from 76-6a-103, as enacted by Laws of  
912 Utah 2023, Chapter 111)  
913 **76-17-401 (Effective 05/07/25)**, (Renumbered from 76-10-1602, as last amended by  
914 Laws of Utah 2024, Chapter 96)

915 **76-17-402 (Effective 05/07/25)**, (Renumbered from 76-10-1604, as enacted by Laws  
916 of Utah 1981, Chapter 94)

917 **76-17-403 (Effective 05/07/25)**, (Renumbered from 76-10-1605, as last amended by  
918 Laws of Utah 2024, Chapter 158)

919 **76-17-404 (Effective 05/07/25)**, (Renumbered from 76-10-1607, as enacted by Laws  
920 of Utah 1981, Chapter 94)

921 **76-17-405 (Effective 05/07/25)**, (Renumbered from 76-10-1609, as enacted by Laws  
922 of Utah 1987, Chapter 238)

923 **76-17-406 (Effective 05/07/25)**, (Renumbered from 76-10-1608, as last amended by  
924 Laws of Utah 1987, Chapter 238)

925 **76-17-407 (Effective 05/07/25)**, (Renumbered from 76-10-1603, as repealed and  
926 reenacted by Laws of Utah 1987, Chapter 238)

927 REPEALS:

928 **76-5b-101**, as enacted by Laws of Utah 2011, Chapter 320

929 **76-9-406**, as enacted by Laws of Utah 1973, Chapter 196

930 **76-9-505**, as enacted by Laws of Utah 1973, Chapter 196

931 **76-9-801**, as enacted by Laws of Utah 2008, Chapter 15

932 **76-9-901**, as enacted by Laws of Utah 2009, Chapter 86

933 **76-9-902**, as last amended by Laws of Utah 2024, Chapter 96

934 **76-9-906**, as enacted by Laws of Utah 2009, Chapter 86

935 **76-9-907**, as last amended by Laws of Utah 2018, Chapter 200

936 **76-9-1001**, as enacted by Laws of Utah 2011, Chapter 21

937 **76-10-404**, as enacted by Laws of Utah 2002, Chapter 166

938 **76-10-405**, as enacted by Laws of Utah 2002, Chapter 166

939 **76-10-500**, as last amended by Laws of Utah 2022, Chapter 428

940 **76-10-512**, as last amended by Laws of Utah 2024, Chapter 301

941 **76-10-521**, as last amended by Laws of Utah 1993, Chapter 234

942 **76-10-604**, as last amended by Laws of Utah 1995, Chapter 20

943 **76-10-803**, as last amended by Laws of Utah 2019, Chapters 81, 227

944 **76-10-1008**, as last amended by Laws of Utah 1995, Chapter 20

945 **76-10-1009**, as enacted by Laws of Utah 1973, Chapter 196

946 **76-10-1010**, as enacted by Laws of Utah 1973, Chapter 196

947 **76-10-1101.5**, as enacted by Laws of Utah 2020, Chapter 291

948 **76-10-1106**, as last amended by Laws of Utah 1990, Chapter 118

949 **76-10-1108**, as last amended by Laws of Utah 2023, Chapter 448  
 950 **76-10-1218**, as enacted by Laws of Utah 1977, Chapter 93  
 951 **76-10-1221**, as last amended by Laws of Utah 2010, Chapter 43  
 952 **76-10-1224**, as enacted by Laws of Utah 1977, Chapter 93  
 953 **76-10-1225**, as last amended by Laws of Utah 1993, Chapter 38  
 954 **76-10-1226**, as last amended by Laws of Utah 1990, Chapter 138  
 955 **76-10-1227**, as last amended by Laws of Utah 2007, Chapter 123  
 956 **76-10-1229.5**, as enacted by Laws of Utah 1995, Chapter 131  
 957 **76-10-1234**, as last amended by Laws of Utah 2008, Chapter 382  
 958 **76-10-1308**, as enacted by Laws of Utah 1991, Chapter 107  
 959 **76-10-1310**, as last amended by Laws of Utah 2011, Chapter 70  
 960 **76-10-1501**, as enacted by Laws of Utah 1979, Chapter 72  
 961 **76-10-1502**, as enacted by Laws of Utah 1979, Chapter 72  
 962 **76-10-1511**, as enacted by Laws of Utah 1979, Chapter 72  
 963 **76-10-1601**, as last amended by Laws of Utah 1987, Chapter 238  
 964 **76-10-1603.5**, as last amended by Laws of Utah 2013, Chapter 394  
 965 **76-10-1901**, as enacted by Laws of Utah 1989, Chapter 241  
 966 **76-10-1904**, as last amended by Laws of Utah 1996, Chapter 17  
 967 **76-10-1907**, as enacted by Laws of Utah 1989, Chapter 241  
 968 **76-10-2001**, as enacted by Laws of Utah 1989, Chapter 179  
 969 **76-10-2401**, as last amended by Laws of Utah 2002, Chapter 31  
 970 **76-10-2702**, as enacted by Laws of Utah 2008, Chapter 22  
 971 **76-10-3003**, as renumbered and amended by Laws of Utah 2013, Chapter 187  
 972 **76-10-3004**, as renumbered and amended by Laws of Utah 2013, Chapter 187  
 973 **76-10-3101**, as renumbered and amended by Laws of Utah 2013, Chapter 187  
 974 **76-10-3113**, as renumbered and amended by Laws of Utah 2013, Chapter 187  
 975 **76-10-3118**, as renumbered and amended by Laws of Utah 2013, Chapter 187

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

978 Section 1. Section **4-2-903** is amended to read:

979 **4-2-903 (Effective 05/07/25). Animal care violations.**

980 (1) "Animal care facility" means the same as that term is defined in Section [76-9-301.9]

981 76-13-215.

982 (2) The department may, in accordance with this section and as resources allow, respond to

- 983 a complaint that an animal care facility has violated Subsection [~~76-9-301(2)(a)~~  
 984 76-13-202(2)(a) or Section [~~76-9-301.9~~] 76-13-215.
- 985 (3) If the department determines that a person has violated Subsection [~~76-9-301(2)(a)~~  
 986 76-13-202(2)(a) or Section [~~76-9-301.9~~] 76-13-215, the department may:
- 987 (a) impose a civil fine of up to \$500 per violation;  
 988 (b) seek a temporary restraining order;  
 989 (c) seek an injunction;  
 990 (d) seek an order of seizure or condemnation for an animal that is the subject of the  
 991 violation, if the department has identified a suitable animal care facility that accepts  
 992 custody of the animal; or  
 993 (e) report the circumstances to law enforcement or a prosecutor.
- 994 (4) An action by the department under Subsection (3) may precede and does not preclude a  
 995 criminal penalty or criminal prosecution under Section [~~76-9-301 or 76-9-301.9~~]  
 996 76-13-202, 76-13-203, 76-13-204, or 76-13-215.
- 997 (5) The department shall deposit a fine imposed under Subsection (3) into the General Fund  
 998 as a dedicated credit to be used by the department for enforcement of this section.

999 Section 2. Section **4-25-303** is amended to read:

1000 **4-25-303 (Effective 05/07/25). Feral swine detrimental to state's interests --**  
 1001 **Seizure, capture, or destruction of feral swine.**

- 1002 (1) Feral swine are detrimental to the state's interests in agriculture and wildlife.
- 1003 (2) Feral swine may be seized, captured, or destroyed at any time, in any place, and in any  
 1004 manner by:
- 1005 (a) the department and the department's authorized agents;  
 1006 (b) the Division of Wildlife Resources and the Division of Wildlife Resources'  
 1007 authorized agents; or  
 1008 (c) a certified peace officer.
- 1009 (3)(a) Notwithstanding [~~Section 76-9-301~~] Section 76-13-202, 76-13-203, or 76-13-204,  
 1010 and subject to the requirements of this section, an individual may kill a feral swine  
 1011 roaming on private or public land.
- 1012 (b) An individual shall obtain the consent of the landowner before killing a feral swine  
 1013 on private land.
- 1014 (c) Feral swine may be killed:
- 1015 (i) year-round;  
 1016 (ii) in any number; and

- 1017 (iii) with a firearm, bow and arrow, or crossbow.
- 1018 (4) Feral swine may not be hunted or killed under Subsection (3)(c):
- 1019 (a) with the use of artificial light or night vision equipment, except as authorized by
- 1020 county ordinance; or
- 1021 (b) from or with any airborne vehicle or device, except as provided in Section 4-23-106.
- 1022 (5) An individual may not receive compensation, or attempt to receive compensation, from
- 1023 hunting feral swine.
- 1024 (6) An authorized individual who kills a swine under this section is not liable to the owner
- 1025 for the loss of the swine, unless:
- 1026 (a) the swine is conspicuously identified by an ear tag or other form of visual
- 1027 identification; and
- 1028 (b) the individual who killed the swine knew the swine was identified by an ear tag or
- 1029 other form of usual identification.
- 1030 Section 3. Section **4-41a-102** is amended to read:
- 1031 **4-41a-102 (Effective 05/07/25). Definitions.**
- 1032 As used in this chapter:
- 1033 (1) "Adulterant" means any poisonous or deleterious substance in a quantity that may be
- 1034 injurious to health, including:
- 1035 (a) pesticides;
- 1036 (b) heavy metals;
- 1037 (c) solvents;
- 1038 (d) microbial life;
- 1039 (e) artificially derived cannabinoid;
- 1040 (f) toxins; or
- 1041 (g) foreign matter.
- 1042 (2) "Advertise" or "advertising" means information provided by a person in any medium:
- 1043 (a) to the public; and
- 1044 (b) that is not age restricted to an individual who is at least 21 years old.
- 1045 (3) "Advisory board" means the Medical Cannabis Policy Advisory Board created in
- 1046 Section 26B-1-435.
- 1047 (4)(a) "Anticompetitive business practice" means any practice that reduces the amount
- 1048 of competition in the medical cannabis market that would be considered an attempt to
- 1049 monopolize, as defined in Section [76-10-3103] 76-16-501.
- 1050 (b) "Anticompetitive business practice" may include:

- 1051 (i) agreements that may be considered unreasonable when competitors interact to the  
1052 extent that they are:
- 1053 (A) no longer acting independently; or  
1054 (B) when collaborating are able to wield market power together;
- 1055 (ii) monopolizing or attempting to monopolize trade by:
- 1056 (A) acting to maintain or acquire a dominant position in the market; or  
1057 (B) preventing new entry into the market; or  
1058 (iii) other conduct outlined in rule.
- 1059 (5)(a) "Artificially derived cannabinoid" means a chemical substance that is created by  
1060 a chemical reaction that changes the molecular structure of any chemical substance  
1061 derived from the cannabis plant.
- 1062 (b) "Artificially derived cannabinoid" does not include:
- 1063 (i) a naturally occurring chemical substance that is separated from the cannabis plant  
1064 by a chemical or mechanical extraction process; or  
1065 (ii) a cannabinoid that is produced by decarboxylation from a naturally occurring  
1066 cannabinoid acid without the use of a chemical catalyst.
- 1067 (6) "Cannabis Research Review Board" means the Cannabis Research Review Board  
1068 created in Section 26B-1-420.
- 1069 (7) "Cannabis" means the same as that term is defined in Section 26B-4-201.
- 1070 (8) "Cannabis concentrate" means:
- 1071 (a) the product of any chemical or physical process applied to naturally occurring  
1072 biomass that concentrates or isolates the cannabinoids contained in the biomass; and  
1073 (b) any amount of a natural cannabinoid or artificially derived cannabinoid in an  
1074 artificially derived cannabinoid's purified state.
- 1075 (9) "Cannabis cultivation byproduct" means any portion of a cannabis plant that is not  
1076 intended to be sold as a cannabis plant product.
- 1077 (10) "Cannabis cultivation facility" means a person that:
- 1078 (a) possesses cannabis;  
1079 (b) grows or intends to grow cannabis; and  
1080 (c) sells or intends to sell cannabis to a cannabis cultivation facility, a cannabis  
1081 processing facility, or a medical cannabis research licensee.
- 1082 (11) "Cannabis cultivation facility agent" means an individual who  
1083 holds a valid cannabis production establishment agent registration card with a  
1084 cannabis cultivation facility designation.



- 1085 (12) "Cannabis derivative product" means a product made using cannabis concentrate.
- 1086 (13) "Cannabis plant product" means any portion of a cannabis plant intended to be sold in  
1087 a form that is recognizable as a portion of a cannabis plant.
- 1088 (14) "Cannabis processing facility" means a person that:
- 1089 (a) acquires or intends to acquire cannabis from a cannabis production establishment;
- 1090 (b) possesses cannabis with the intent to manufacture a cannabis product;
- 1091 (c) manufactures or intends to manufacture a cannabis product from unprocessed  
1092 cannabis or a cannabis extract; and
- 1093 (d) sells or intends to sell a cannabis product to a medical cannabis pharmacy or a  
1094 medical cannabis research licensee.
- 1095 (15) "Cannabis processing facility agent" means an individual who  
1096 holds a valid cannabis production establishment agent registration card with a  
1097 cannabis processing facility designation.
- 1098 (16) "Cannabis product" means the same as that term is defined in Section 26B-4-201.
- 1099 (17) "Cannabis production establishment" means a cannabis cultivation facility, a cannabis  
1100 processing facility, or an independent cannabis testing laboratory.
- 1101 (18) "Cannabis production establishment agent" means a cannabis cultivation facility agent,  
1102 a cannabis processing facility agent, or an independent cannabis testing laboratory agent.
- 1103 (19) "Cannabis production establishment agent registration card" means a registration card  
1104 that the department issues that:
- 1105 (a) authorizes an individual to act as a cannabis production establishment agent; and
- 1106 (b) designates the type of cannabis production establishment for which an individual is  
1107 authorized to act as an agent.
- 1108 (20) "Closed-door medical cannabis pharmacy" means a facility operated by a home  
1109 delivery medical cannabis pharmacy for delivering cannabis or a medical cannabis  
1110 product.
- 1111 (21) "Community location" means a public or private elementary or secondary school, a  
1112 church, a public library, a public playground, or a public park.
- 1113 (22) "Cultivation space" means, quantified in square feet, the horizontal area in which a  
1114 cannabis cultivation facility cultivates cannabis, including each level of horizontal area  
1115 if the cannabis cultivation facility hangs, suspends, stacks, or otherwise positions plants  
1116 above other plants in multiple levels.
- 1117 (23) "Delivery address" means:
- 1118 (a) for a medical cannabis cardholder who is not a facility:

- 1119 (i) the medical cannabis cardholder's home address; or  
1120 (ii) an address designated by the medical cannabis cardholder that:  
1121 (A) is the medical cannabis cardholder's workplace; and  
1122 (B) is not a community location; or  
1123 (b) for a medical cannabis cardholder that is a facility, the facility's address.
- 1124 (24) "Department" means the Department of Agriculture and Food.
- 1125 (25) "Family member" means a parent, step-parent, spouse, child, sibling, step-sibling,  
1126 uncle, aunt, nephew, niece, first cousin, mother-in-law, father-in-law, brother-in-law,  
1127 sister-in-law, son-in-law, daughter-in-law, grandparent, or grandchild.
- 1128 (26) "Government issued photo identification" means the same as that term is defined in  
1129 Section 26B-4-201, including expired identification in accordance with Section  
1130 26B-4-244.
- 1131 (27) "Home delivery medical cannabis pharmacy" means a medical cannabis pharmacy that  
1132 the department authorizes, as part of the pharmacy's license, to deliver medical cannabis  
1133 shipments to a delivery address to fulfill electronic orders that the state central patient  
1134 portal facilitates.
- 1135 (28)(a) "Independent cannabis testing laboratory" means a person that:  
1136 (i) conducts a chemical or other analysis of cannabis or a cannabis product; or  
1137 (ii) acquires, possesses, and transports cannabis or a cannabis product with the intent  
1138 to conduct a chemical or other analysis of the cannabis or cannabis product.
- 1139 (b) "Independent cannabis testing laboratory" includes a laboratory that the department  
1140 or a research university operates in accordance with Subsection 4-41a-201(14).
- 1141 (29) "Independent cannabis testing laboratory agent" means an individual who  
1142 holds a valid cannabis production establishment agent registration card with an  
1143 independent cannabis testing laboratory designation.
- 1144 (30) "Inventory control system" means a system described in Section 4-41a-103.
- 1145 (31) "Licensing board" or "board" means the Cannabis Production Establishment and  
1146 Pharmacy Licensing Advisory Board created in Section 4-41a-201.1.
- 1147 (32) "Medical cannabis" means the same as that term is defined in Section 26B-4-201.
- 1148 (33) "Medical cannabis card" means the same as that term is defined in Section 26B-4-201.
- 1149 (34) "Medical cannabis courier" means a courier that:  
1150 (a) the department licenses in accordance with Section 4-41a-1201; and  
1151 (b) contracts with a home delivery medical cannabis pharmacy to deliver medical  
1152 cannabis shipments to fulfill electronic orders that the state central patient portal

- 1153 facilitates.
- 1154 (35) "Medical cannabis courier agent" means an individual who:
- 1155 (a) is an employee of a medical cannabis courier; and
- 1156 (b) who holds a valid medical cannabis courier agent registration card.
- 1157 (36) "Medical cannabis pharmacy" means the same as that term is defined in Section
- 1158 26B-4-201.
- 1159 (37) "Medical cannabis pharmacy agent" means the same as that term is defined in Section
- 1160 26B-4-201.
- 1161 (38) "Medical cannabis research license" means a license that the department issues to a
- 1162 research university for the purpose of obtaining and possessing medical cannabis for
- 1163 academic research.
- 1164 (39) "Medical cannabis research licensee" means a research university that the department
- 1165 licenses to obtain and possess medical cannabis for academic research, in accordance
- 1166 with Section 4-41a-901.
- 1167 (40) "Medical cannabis shipment" means a shipment of medical cannabis that a home
- 1168 delivery medical cannabis pharmacy or a medical cannabis courier delivers to a delivery
- 1169 address to fulfill an electronic medical cannabis order that the state central patient portal
- 1170 facilitates.
- 1171 (41) "Medical cannabis treatment" means the same as that term is defined in Section
- 1172 26B-4-201.
- 1173 (42) "Medicinal dosage form" means the same as that term is defined in Section 26B-4-201.
- 1174 (43) "Pharmacy ownership limit" means an amount equal to 30% of the total number of
- 1175 medical cannabis pharmacy licenses issued by the department rounded down to the
- 1176 nearest whole number.
- 1177 (44) "Pharmacy medical provider" means the same as that term is defined in Section
- 1178 26B-4-201.
- 1179 (45) "Qualified medical provider" means the same as that term is defined in Section
- 1180 26B-4-201.
- 1181 (46) "Qualified Production Enterprise Fund" means the fund created in Section 4-41a-104.
- 1182 (47) "Recommending medical provider" means the same as that term is defined in Section
- 1183 26B-4-201.
- 1184 (48) "Research university" means the same as that term is defined in Section 53B-7-702 and
- 1185 a private, nonprofit college or university in the state that:
- 1186 (a) is accredited by the Northwest Commission on Colleges and Universities;

- 1187 (b) grants doctoral degrees; and  
1188 (c) has a laboratory containing or a program researching a schedule I controlled  
1189 substance described in Section 58-37-4.
- 1190 (49) "State electronic verification system" means the system described in Section 26B-4-202.  
1191 (50) "Targeted marketing" means the promotion of a cannabis product, medical cannabis  
1192 brand, or a medical cannabis device using any of the following methods:  
1193 (a) electronic communication to an individual who is at least 21 years old and has  
1194 requested to receive promotional information;  
1195 (b) an in-person marketing event that is:  
1196 (i) held inside a medical cannabis pharmacy; and  
1197 (ii) in an area where only a medical cannabis cardholder may access the event;  
1198 (c) other marketing material that is physically available or digitally displayed in a  
1199 medical cannabis pharmacy; or  
1200 (d) a leaflet a medical cannabis pharmacy places in the opaque package or box that is  
1201 provided to an individual when obtaining medical cannabis:  
1202 (i) in the medical cannabis pharmacy;  
1203 (ii) at the medical cannabis pharmacy's drive-through pick up window; or  
1204 (iii) in a medical cannabis shipment.
- 1205 (51) "Tetrahydrocannabinol" or "THC" means the same as that term is defined in Section  
1206 4-41-102.
- 1207 (52) "THC analog" means the same as that term is defined in Section 4-41-102.
- 1208 (53) "Total composite tetrahydrocannabinol" means all detectable forms of  
1209 tetrahydrocannabinol.
- 1210 (54) "Total tetrahydrocannabinol" or "total THC" means the same as that term is defined in  
1211 Section 4-41-102.
- 1212 Section 4. Section **4-44-202** is amended to read:  
1213 **4-44-202 (Effective 05/07/25). Application of other statutes -- Ordinances.**
- 1214 (1)(a) In a civil action for nuisance or a criminal action for public nuisance under  
1215 Section [~~76-10-803~~] 76-9-1301, it is a defense if the action involves agricultural  
1216 operations and those agricultural operations are conducted in the normal and ordinary  
1217 course of agricultural operations or conducted in accordance with sound agricultural  
1218 practices.  
1219 (b) Agricultural operations undertaken in conformity with federal, state, and local laws  
1220 and regulations, including zoning ordinances, are presumed to be operating within

1221 sound agricultural practices.

1222 (2) If the agricultural operations occur in an agricultural protection area, as defined in  
1223 Section 17-41-101, Section 17-41-403 governs the action for nuisance.

1224 (3)(a) An ordinance of a political subdivision that would make the operation of an  
1225 agricultural operation or appurtenances to an agricultural operation a nuisance or that  
1226 provide for abatement of the agricultural operation as a nuisance does not apply to an  
1227 agricultural operation that is conducted in the normal and ordinary course of  
1228 agricultural operations or conducted in accordance with sound agricultural practices.

1229 (b) An agricultural operation undertaken in conformity with federal, state, and local laws  
1230 and regulations, including zoning ordinances, are presumed to be operating within  
1231 sound agricultural practices.

1232 Section 5. Section **9-7-215** is amended to read:

1233 **9-7-215 (Effective 05/07/25). Internet and online access policy required.**

1234 (1) As used in this section:

1235 (a) "Child sexual abuse material" means the same as that term is defined in Section  
1236 76-5b-103.

1237 (b) "Harmful to minors" means the same as that term is defined in Section [~~76-10-1201~~]  
1238 76-5c-101.

1239 (c) "Obscene" means the same as that term is defined in 20 U.S.C. Sec. 9101.

1240 (d) "Technology protection measure" means a technology that blocks or filters Internet  
1241 access to visual depictions.

1242 (2) State funds may not be provided to any public library that provides public access to the  
1243 Internet unless the library:

1244 (a)(i) has in place a policy of Internet safety for minors, including the operation of a  
1245 technology protection measure:

1246 (A) with respect to any computer or other device while connected to the Internet  
1247 through a network provided by the library, including a wireless network; and

1248 (B) that protects against access to visual depictions that are child sexual abuse  
1249 materials, harmful to minors, or obscene; and

1250 (ii) is enforcing the operation of the technology protection measure described in  
1251 Subsection (2)(a)(i) during any use by a minor of a computer or other device that  
1252 is connected to the Internet through a network provided by the library, including a  
1253 wireless network; and

1254 (b)(i) has in place a policy of Internet safety, including the operation of a technology

1255 protection measure:

1256 (A) with respect to any computer or other device while connected to the Internet  
1257 through a network provided by the library, including a wireless network; and

1258 (B) that protects against access to visual depictions that are child sexual abuse  
1259 materials, harmful to minors, or obscene; and

1260 (ii) is enforcing the operation of the technology protection measure described in  
1261 Subsection (2)(b)(i) during any use of a computer or other device that is connected  
1262 to the Internet through a network provided by the library, including a wireless  
1263 network.

1264 (3) This section does not prohibit a public library from limiting Internet access or otherwise  
1265 protecting against materials other than the materials specified in this section.

1266 (4) An administrator, supervisor, or other representative of a public library may disable a  
1267 technology protection measure described in Subsection (2):

1268 (a) at the request of a library patron who is not a minor; and

1269 (b) to enable access for research or other lawful purposes.

1270 Section 6. Section **9-8a-304** is amended to read:

1271 **9-8a-304 (Effective 05/07/25). Antiquities Section created -- Duties.**

1272 (1) There is created within the office the Antiquities Section.

1273 (2) The Antiquities Section shall:

1274 (a) promote research, study, and activities in the field of antiquities;

1275 (b) assist with the marking, protection, and preservation of sites;

1276 (c) assist with the collection, preservation, and administration of specimens until the  
1277 specimens are placed in a repository or curation facility;

1278 (d) provide advice on the protection and orderly development of archaeological  
1279 resources, and in doing so confer with the Public Lands Policy Coordinating Office if  
1280 requested;

1281 (e) assist with the excavation, retrieval, and proper care of ancient human remains  
1282 discovered on nonfederal lands in accordance with:

1283 (i) Section 9-8a-309;

1284 (ii) Section 9-9-403;

1285 (iii) ~~Subsection 76-9-704(3)~~ Subsection 76-5-802(4);

1286 ~~(iv)~~ Subsection 76-5-803(4); and

1287 ~~(iv)~~ (v) federal law;

1288 (f) collect and administer site survey and excavation records;

- 1289 (g) edit and publish antiquities records;
- 1290 (h) inform the officer in writing about any request for advice or consultation from an
- 1291 agency or an agency's agent; and
- 1292 (i) employ an archaeologist meeting the requirements of 36 C.F.R. 61.4.
- 1293 (3) The Antiquities Section shall cooperate with local, state, and federal agencies and all
- 1294 interested persons to achieve the purposes of this part and Part 4, Historic Sites.
- 1295 (4) Before performing the duties specified in Subsections (2)(a) through (e), the Antiquities
- 1296 Section shall obtain permission from the landowner.
- 1297 Section 7. Section **9-8a-309** is amended to read:
- 1298 **9-8a-309 (Effective 05/07/25). Ancient human remains on nonfederal lands that**
- 1299 **are not state lands.**
- 1300 (1) If a person knows or has reason to know that the person discovered ancient human
- 1301 remains on nonfederal land that is not state land:
- 1302 (a) the person shall:
- 1303 (i) cease activity in the area of the discovery until activity may be resumed in
- 1304 accordance with Subsection (1)(e);
- 1305 (ii) notify a local law enforcement agency in accordance with Section [~~76-9-704~~]
- 1306 76-5-803; and
- 1307 (iii) notify the person who owns or controls the nonfederal land, if that person is
- 1308 different than the person who discovers the ancient human remains; and
- 1309 (b) the person who owns or controls the nonfederal land shall:
- 1310 (i) require that activity in the area of the discovery cease until activity may be
- 1311 resumed in accordance with Subsection (1)(e); and
- 1312 (ii) make a reasonable effort to protect the discovered ancient human remains before
- 1313 activity may be resumed in accordance with Subsection (1)(e).
- 1314 (c)(i) If the local law enforcement agency believes after being notified under this
- 1315 Subsection (1) that a person may have discovered ancient human remains, the
- 1316 local law enforcement agency shall contact the Antiquities Section.
- 1317 (ii) The Antiquities Section shall:
- 1318 (A) within two business days of the day on which the Antiquities Section is
- 1319 notified by local law enforcement, notify the landowner that the Antiquities
- 1320 Section may excavate and retrieve the human remains with the landowner's
- 1321 permission; and
- 1322 (B) if the landowner gives the landowner's permission, excavate the human

- 1323 remains by no later than:
- 1324 (I) five business days from the day on which the Antiquities Section obtains the
- 1325 permission of the landowner under this Subsection (1); or
- 1326 (II) if extraordinary circumstances exist as provided in Subsection (1)(d),
- 1327 within the time period designated by the director not to exceed 30 days from
- 1328 the day on which the Antiquities Section obtains the permission of the
- 1329 landowner under this Subsection (1).
- 1330 (d)(i) The director may grant the Antiquities Section an extension of time for
- 1331 excavation and retrieval of ancient human remains not to exceed 30 days from the
- 1332 day on which the Antiquities Section obtains the permission of the landowner
- 1333 under this Subsection (1), if the director determines that extraordinary
- 1334 circumstances exist on the basis of objective criteria such as:
- 1335 (A) the unusual scope of the ancient human remains;
- 1336 (B) the complexity or difficulty of excavation or retrieval of the ancient human
- 1337 remains; or
- 1338 (C) the landowner's concerns related to the excavation or retrieval of the ancient
- 1339 human remains.
- 1340 (ii) If the landowner objects to the time period designated by the director, the
- 1341 landowner may appeal the decision to the executive director of the department in
- 1342 writing.
- 1343 (iii) If the executive director receives an appeal from the landowner under this
- 1344 Subsection (1)(d), the executive director shall:
- 1345 (A) decide on the appeal within two business days; and
- 1346 (B)(I) uphold the decision of the director; or
- 1347 (II) designate a shorter time period than the director designated for the
- 1348 excavation and retrieval of the ancient human remains.
- 1349 (iv) An appeal under this Subsection (1)(d) may not be the cause for the delay of the
- 1350 excavation and retrieval of the ancient human remains.
- 1351 (v) A decision and appeal under this Subsection (1)(d) is exempt from Title 63G,
- 1352 Chapter 4, Administrative Procedures Act.
- 1353 (e) A person that owns or controls nonfederal land that is not state land may engage in or
- 1354 permit others to engage in activities in the area of the discovery without violating this
- 1355 part or ~~[Section 76-9-704]~~ Sections 76-5-802 and 76-5-803 if once notified of the
- 1356 discovery of ancient human remains on the nonfederal land, the person:



- 1357 (i) consents to the Antiquities Section excavating and retrieving the ancient human  
1358 remains; and
- 1359 (ii) engages in or permits others to engage in activities in the area of the discovery  
1360 only after:
- 1361 (A) the day on which the Antiquities Section removes the ancient human remains  
1362 from the nonfederal land; or
- 1363 (B) the time period described in Subsection (1)(c)(ii)(B).
- 1364 (2) A person that owns or controls nonfederal land that is not state land may not be required  
1365 to pay any costs incurred by the state associated with the ancient human remains,  
1366 including costs associated with the costs of the:
- 1367 (a) discovery of ancient human remains;
- 1368 (b) excavation or retrieval of ancient human remains; or
- 1369 (c) determination of ownership or disposition of ancient human remains.
- 1370 (3) For nonfederal land that is not state land, nothing in this section limits or prohibits the  
1371 Antiquities Section and a person who owns or controls the nonfederal land from entering  
1372 into an agreement addressing the ancient human remains that allows for different terms  
1373 than those provided in this section.
- 1374 (4) The ownership and control of ancient human remains that are the ancient human  
1375 remains of a Native American shall be determined in accordance with Chapter 9, Part 4,  
1376 Native American Grave Protection and Repatriation Act:
- 1377 (a) if the ancient human remains are in possession of the state;
- 1378 (b) if the ancient human remains are not known to have been discovered on lands  
1379 owned, controlled, or held in trust by the federal government; and
- 1380 (c) regardless of when the ancient human remains are discovered.
- 1381 (5) This section:
- 1382 (a) does not apply to ancient human remains that are subject to the provisions and  
1383 procedures of:
- 1384 (i) federal law; or
- 1385 (ii) Part 4, Historic Sites; and
- 1386 (b) does not modify any property rights of a person that owns or controls nonfederal  
1387 land except as to the ownership of the ancient human remains.
- 1388 (6) The office, Antiquities Section, or Division of Indian Affairs may not make rules that  
1389 impose any requirement on a person who discovers ancient human remains or who owns  
1390 or controls nonfederal land that is not state land on which ancient human remains are

1391 discovered that is not expressly provided for in this section.

1392 Section 8. Section **9-9-403** is amended to read:

1393 **9-9-403 (Effective 05/07/25). Ownership and disposition of Native American**  
1394 **remains.**

1395 (1) If Native American remains are discovered on nonfederal lands on or after April 30,  
1396 2007, the ownership or control of the Native American remains shall be determined in  
1397 the following priority:

1398 (a) first, in the lineal descendants of the Native American;

1399 (b) second, if the lineal descendants cannot be ascertained, in the Indian tribe that:

1400 (i) has the closest cultural affiliation with the Native American remains; and

1401 (ii) states a claim for the Native American remains; or

1402 (c) third:

1403 (i) in the Indian tribe that is recognized as aboriginally occupying the area in which  
1404 the Native American remains are discovered, if:

1405 (A) cultural affiliation of the Native American remains cannot be reasonably  
1406 ascertained;

1407 (B) the land is recognized either by a final judgment of the Indian Claims  
1408 Commission or through other evidence as the exclusive or joint aboriginal land  
1409 of some Indian tribe; and

1410 (C) that tribe states a claim for the Native American remains; or

1411 (ii) in a different tribe if:

1412 (A) it can be shown by a preponderance of the evidence that that different tribe  
1413 has a stronger genetic or cultural relationship with the Native American  
1414 remains; and

1415 (B) that different tribe states a claim for the Native American remains.

1416 (2) Subject to Subsection (7), Native American remains discovered on nonfederal lands that  
1417 are not claimed under Subsection (1) shall be disposed of in accordance with rules made  
1418 by the division:

1419 (a) consistent with Chapter 8a, Part 3, Antiquities; and

1420 (b) in consultation with Native American groups, representatives of repositories, and the  
1421 review committee established under Section 9-9-405.

1422 (3) The intentional removal or excavation of Native American remains from state lands  
1423 may be permitted only if:

1424 (a) the Native American remains are excavated or removed pursuant to a permit issued

- 1425 under Section 9-8a-305;
- 1426 (b) the Native American remains are excavated or removed after consultation with and  
1427 written consent of the owner of the state land; and
- 1428 (c) the ownership or right of control of the disposition of the Native American remains is  
1429 determined as provided in Subsections (1) and (2).
- 1430 (4)(a) A person who knows or has reason to know that the person has discovered Native  
1431 American remains on state lands after March 17, 1992, shall notify, in writing, the  
1432 appropriate state agency having primary management authority over the lands as  
1433 provided in Chapter 8a, Part 3, Antiquities.
- 1434 (b) If the discovery occurs in connection with construction, mining, logging, agriculture,  
1435 or a related activity, the person shall:
- 1436 (i) cease the activity in the area of the discovery;
- 1437 (ii) make a reasonable effort to protect the Native American remains discovered  
1438 before resuming the activity; and
- 1439 (iii) provide notice of discovery to the appropriate state agency under Subsection  
1440 (4)(a).
- 1441 (c) Following notification under Subsections (4)(a) and (b) and upon certification by the  
1442 head of the appropriate state agency that notification is received, the activity may  
1443 resume after compliance with ~~[Section 76-9-704]~~ Sections 76-5-802 and 76-5-803.
- 1444 (5)(a) Scientific study of Native American remains may be carried out only with  
1445 approval of the owner of the Native American remains as established in Subsections  
1446 (1) and (2).
- 1447 (b)(i) If ownership is unknown, study before identifying ownership is restricted to  
1448 those sufficient to identify ownership.
- 1449 (ii) Study to identify ownership shall be approved only in accordance with rules made  
1450 by the division in consultation with the review committee.
- 1451 (c) The Native American remains may not be retained longer than 90 days after the date  
1452 of establishing ownership.
- 1453 (6)(a) Ownership of Native American remains shall be determined in accordance with  
1454 this Subsection (6) if:
- 1455 (i) there are multiple claims of ownership under Subsection (1) of Native American  
1456 remains; and
- 1457 (ii) the division cannot clearly determine which claimant is the most appropriate  
1458 claimant.

- 1459 (b) If the conditions of Subsection (6)(a) are met, the appropriate state agency having  
1460 primary authority over the lands as provided in Chapter 8a, Part 3, Antiquities, may  
1461 retain the remains until:
- 1462 (i) the multiple claimants for the Native American remains enter into an agreement  
1463 concerning the disposition of the Native American remains;
- 1464 (ii) the dispute is resolved through an administrative process:
- 1465 (A) established by rules made by the division in accordance with Title 63G,  
1466 Chapter 3, Utah Administrative Rulemaking Act; and
- 1467 (B) that is exempt from Title 63G, Chapter 4, Administrative Procedures Act; or
- 1468 (iii) after the administrative process described in Subsection (6)(b)(ii) is complete,  
1469 the dispute is resolved by a court of competent jurisdiction.
- 1470 (7) The division may not make rules that impose any requirement on a person who  
1471 discovers Native American remains or owns or controls nonfederal land that is not state  
1472 land on which Native American remains are discovered that is not expressly provided  
1473 for in Section 9-8a-309.
- 1474 (8) For purposes of this part, if Native American remains are discovered on nonfederal land  
1475 that is not state land, the Antiquities Section is considered the state agency having  
1476 primary authority over the nonfederal land.
- 1477 (9) This part does not modify any property rights of a person that owns or controls  
1478 nonfederal land except as to the ownership of Native American remains.
- 1479 Section 9. Section **9-23-306** is amended to read:
- 1480 **9-23-306 (Effective 05/07/25). Club fighting prohibited.**
- 1481 (1) Club fighting is prohibited.
- 1482 (2) Any person who publicizes, promotes, conducts, or engages in a club fighting match is:
- 1483 (a) guilty of a class A misdemeanor as provided in Section [76-9-705] 76-9-112; and
- 1484 (b) subject to license revocation under this chapter.
- 1485 Section 10. Section **10-8-41.5** is amended to read:
- 1486 **10-8-41.5 (Effective 05/07/25). Regulation of sexually oriented business.**
- 1487 (1) As used in this section:
- 1488 (a) "Adult service" means dancing, serving food or beverages, modeling, posing,  
1489 wrestling, singing, reading, talking, listening, or other performances or activities  
1490 conducted by a nude or partially denuded individual for compensation.
- 1491 (b) "Compensation" means:
- 1492 (i) a salary;

- 1493 (ii) a fee;
- 1494 (iii) a commission;
- 1495 (iv) employment;
- 1496 (v) a profit; or
- 1497 (vi) other pecuniary gain.
- 1498 (c)(i) "Escort" means a person who, for compensation, dates, socializes with, visits,
- 1499 consorts with, or accompanies another, or offers to date, consort with, socialize
- 1500 with, visit, or accompany another:
- 1501 (A) to a social affair, entertainment, or a place of amusement; or
- 1502 (B) within a place of public or private resort, a business or commercial
- 1503 establishment, or a private quarter.
- 1504 (ii) "Escort" does not mean a person who provides business or personal services,
- 1505 including:
- 1506 (A) a licensed private nurse;
- 1507 (B) an aide for the elderly or a person with a disability;
- 1508 (C) a social secretary or similar service personnel whose relationship with a patron
- 1509 is characterized by a contractual relationship having a duration of 12 hours or
- 1510 more and who provides a service not principally characterized as dating or
- 1511 socializing; or
- 1512 (D) a person who provides services such as singing telegrams, birthday greetings,
- 1513 or similar activities that are characterized by an appearance in a public place,
- 1514 contracted for by a party other than the person for whom the service is being
- 1515 performed, and of a duration not to exceed one hour.
- 1516 (d) "Escort service" means any person who furnishes or arranges for an escort to
- 1517 accompany another individual for compensation.
- 1518 (e) "Nude or partially denuded individual" means an individual with any of the
- 1519 following less than completely and opaquely covered:
- 1520 (i) genitals;
- 1521 (ii) the pubic region; or
- 1522 (iii) a female breast below a point immediately above the top of the areola.
- 1523 (f)(i) "Sexually oriented business" means a business at which any nude or partially
- 1524 denuded individual, regardless of whether the nude or partially denuded individual
- 1525 is an employee of the sexually oriented business or an independent contractor,
- 1526 performs any service for compensation.

- 1527 (ii) "Sexually oriented business" includes:
- 1528 (A) an escort service; or
- 1529 (B) an adult service.
- 1530 (2) A person employed in a sexually oriented business may not work in a municipality if:
- 1531 (a) the municipality requires that a person employed in a sexually oriented business
- 1532 obtain an individual license; and
- 1533 (b) the person has not obtained an individual license from the municipality.
- 1534 (3) A business entity that conducts a sexually oriented business may not conduct business
- 1535 in a municipality if:
- 1536 (a) the municipality requires that a sexually oriented business obtain a license; and
- 1537 (b) the business entity has not obtained a license from the municipality.
- 1538 (4)(a) A violation of this section by an individual who is at least 18 years old is a class
- 1539 A misdemeanor.
- 1540 (b) A person charged under this section may not also be charged under Section [
- 1541 ~~76-10-1302~~] 76-5d-202.
- 1542 Section 11. Section **10-8-41.6** is amended to read:
- 1543 **10-8-41.6 (Effective 05/07/25). Regulation of retail tobacco specialty business.**
- 1544 (1) As used in this section:
- 1545 (a) "Community location" means:
- 1546 (i) a public or private kindergarten, elementary, middle, junior high, or high school;
- 1547 (ii) a licensed child-care facility or preschool;
- 1548 (iii) a trade or technical school;
- 1549 (iv) a church;
- 1550 (v) a public library;
- 1551 (vi) a public playground;
- 1552 (vii) a public park;
- 1553 (viii) a youth center or other space used primarily for youth oriented activities;
- 1554 (ix) a public recreational facility;
- 1555 (x) a public arcade; or
- 1556 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.
- 1557 (b) "Department" means the Department of Health and Human Services created in
- 1558 Section 26B-1-201.
- 1559 (c) "Electronic cigarette product" means the same as that term is defined in Section [
- 1560 ~~76-10-101~~] 76-9-1101.

- 1561 (d) "Licensee" means a person licensed under this section to conduct business as a retail  
 1562 tobacco specialty business.
- 1563 (e) "Local health department" means the same as that term is defined in Section  
 1564 26A-1-102.
- 1565 (f) "Nicotine product" means the same as that term is defined in Section [~~76-10-101~~]  
 1566 76-9-1101.
- 1567 (g) "Retail tobacco specialty business" means a commercial establishment in which:  
 1568 (i) sales of tobacco products, electronic cigarette products, and nicotine products  
 1569 account for more than 35% of the total quarterly gross receipts for the  
 1570 establishment;  
 1571 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
 1572 storage of tobacco products, electronic cigarette products, or nicotine products;  
 1573 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage  
 1574 of tobacco products, electronic cigarette products, or nicotine products;  
 1575 (iv) the commercial establishment:  
 1576 (A) holds itself out as a retail tobacco specialty business; and  
 1577 (B) causes a reasonable person to believe the commercial establishment is a retail  
 1578 tobacco specialty business; or  
 1579 (v) the retail space features a self-service display for tobacco products, electronic  
 1580 cigarette products, or nicotine products.
- 1581 (h) "Self-service display" means the same as that term is defined in Section [~~76-10-105.1~~]  
 1582 76-9-1107.
- 1583 (i) "Tobacco product" means:  
 1584 (i) a tobacco product as defined in Section [~~76-10-101~~] 76-9-1101; or  
 1585 (ii) tobacco paraphernalia as defined in Section [~~76-10-101~~] 76-9-1101.
- 1586 (2) The regulation of a retail tobacco specialty business is an exercise of the police powers  
 1587 of the state by the state or by delegation of the state's police powers to other  
 1588 governmental entities.
- 1589 (3)(a) A person may not operate a retail tobacco specialty business in a municipality  
 1590 unless the person obtains a license from the municipality in which the retail tobacco  
 1591 specialty business is located.
- 1592 (b) A municipality may only issue a retail tobacco specialty business license to a person  
 1593 if the person complies with the provisions of Subsections (4) and (5).
- 1594 (4)(a) Except as provided in Subsection (7), a municipality may not issue a license for a

- 1595 person to conduct business as a retail tobacco specialty business if the retail tobacco  
1596 specialty business is located within:
- 1597 (i) 1,000 feet of a community location;
  - 1598 (ii) 600 feet of another retail tobacco specialty business; or
  - 1599 (iii) 600 feet from property used or zoned for:
    - 1600 (A) agriculture use; or
    - 1601 (B) residential use.
  - 1602 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in a  
1603 straight line from the nearest entrance of the retail tobacco specialty business to the  
1604 nearest property boundary of a location described in Subsections (4)(a)(i) through (iii),  
1605 without regard to intervening structures or zoning districts.
- 1606 (5) A municipality may not issue or renew a license for a person to conduct business as a  
1607 retail tobacco specialty business until the person provides the municipality with proof  
1608 that the retail tobacco specialty business has:
- 1609 (a) a valid permit for a retail tobacco specialty business issued under Title 26B, Chapter  
1610 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products, by the  
1611 local health department having jurisdiction over the area in which the retail tobacco  
1612 specialty business is located; and
  - 1613 (b)(i) for a retailer that sells a tobacco product, a valid license issued by the State  
1614 Tax Commission in accordance with Section 59-14-201 or 59-14-301 to sell a  
1615 tobacco product; and
  - 1616 (ii) for a retailer that sells an electronic cigarette product or a nicotine product, a valid  
1617 license issued by the State Tax Commission in accordance with Section 59-14-803  
1618 to sell an electronic cigarette product or a nicotine product.
- 1619 (6)(a) Nothing in this section:
- 1620 (i) requires a municipality to issue a retail tobacco specialty business license; or
  - 1621 (ii) prohibits a municipality from adopting more restrictive requirements on a person  
1622 seeking a license or renewal of a license to conduct business as a retail tobacco  
1623 specialty business.
  - 1624 (b) A municipality may suspend or revoke a retail tobacco specialty business license  
1625 issued under this section:
    - 1626 (i) if a licensee engages in a pattern of unlawful activity under [~~Title 76, Chapter 10,~~  
1627 ~~Part 16, Pattern of Unlawful Activity Act~~] Title 76, Chapter 17, Part 4, Offenses  
1628 Concerning a Pattern of Unlawful Activity;



- 1629 (ii) if a licensee violates federal law or federal regulations restricting the sale and  
1630 distribution of tobacco products or electronic cigarette products to protect children  
1631 and adolescents;
- 1632 (iii) upon the recommendation of the department or a local health department under  
1633 Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and  
1634 Nicotine Products; or
- 1635 (iv) under any other provision of state law or local ordinance.
- 1636 (7)(a) A retail tobacco specialty business is exempt from Subsection (4) if:
- 1637 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
1638 license to conduct business as a retail tobacco specialty business;
- 1639 (ii) the retail tobacco specialty business is operating in a municipality in accordance  
1640 with all applicable laws except for the requirement in Subsection (4); and
- 1641 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
1642 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or  
1643 high school.
- 1644 (b) A retail tobacco specialty business may maintain an exemption under Subsection  
1645 (7)(a) if:
- 1646 (i) the license described in Subsection (7)(a)(i) is renewed continuously without lapse  
1647 or permanent revocation;
- 1648 (ii) the retail tobacco specialty business does not close for business or otherwise  
1649 suspend the sale of tobacco products, electronic cigarette products, or nicotine  
1650 products for more than 60 consecutive days;
- 1651 (iii) the retail tobacco specialty business does not substantially change the business  
1652 premises or business operation; and
- 1653 (iv) the retail tobacco specialty business maintains the right to operate under the  
1654 terms of other applicable laws, including:
- 1655 (A) Section 26B-7-503;
- 1656 (B) zoning ordinances;
- 1657 (C) building codes; and
- 1658 (D) the requirements of the license described in Subsection (7)(a)(i).
- 1659 (c) A retail tobacco specialty business that does not qualify for an exemption under  
1660 Subsection (7)(a) is exempt from Subsection (4) if:
- 1661 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
1662 general tobacco retailer permit or a retail tobacco specialty business permit under

- 1663 Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and  
1664 Nicotine Products, by the local health department having jurisdiction over the area  
1665 in which the retail tobacco specialty business is located;
- 1666 (ii) the retail tobacco specialty business is operating in the municipality in accordance  
1667 with all applicable laws except for the requirement in Subsection (4); and
- 1668 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
1669 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or  
1670 high school.
- 1671 (d) Except as provided in Subsection (7)(e), a retail tobacco specialty business may  
1672 maintain an exemption under Subsection (7)(c) if:
- 1673 (i) on or before December 31, 2020, the retail tobacco specialty business receives a  
1674 retail tobacco specialty business permit from the local health department having  
1675 jurisdiction over the area in which the retail tobacco specialty business is located;
- 1676 (ii) the permit described in Subsection (7)(d)(i) is renewed continuously without  
1677 lapse or permanent revocation;
- 1678 (iii) the retail tobacco specialty business does not close for business or otherwise  
1679 suspend the sale of tobacco products, electronic cigarette products, or nicotine  
1680 products for more than 60 consecutive days;
- 1681 (iv) the retail tobacco specialty business does not substantially change the business  
1682 premises or business operation as the business existed when the retail tobacco  
1683 specialty business received a permit under Subsection (7)(d)(i); and
- 1684 (v) the retail tobacco specialty business maintains the right to operate under the terms  
1685 of other applicable laws, including:
- 1686 (A) Section 26B-7-503;
- 1687 (B) zoning ordinances;
- 1688 (C) building codes; and
- 1689 (D) the requirements of the retail tobacco permit described in Subsection (7)(d)(i).
- 1690 (e) A retail tobacco specialty business described in Subsection (7)(a) or (b) that is  
1691 located within 1,000 feet of a public or private kindergarten, elementary, middle,  
1692 junior high, or high school before July 1, 2022, is exempt from Subsection  
1693 (4)(a)(iii)(B) if the retail tobacco specialty business:
- 1694 (i) relocates, before July 1, 2022, to a property that is used or zoned for commercial  
1695 use and located within a group of architecturally unified commercial  
1696 establishments built on a site that is planned, developed, owned, and managed as

1697 an operating unit; and  
 1698 (ii) continues to meet the requirements described in Subsection (7)(b) that are not  
 1699 directly related to the relocation described in this Subsection (7)(e).

1700 Section 12. Section **10-8-47** is amended to read:

1701 **10-8-47 (Effective 05/07/25). Intoxication -- Fights -- Disorderly conduct --**  
 1702 **Assault and battery -- Petit larceny -- Riots and disorderly assemblies -- Firearms and**  
 1703 **fireworks -- False pretenses and embezzlement -- Sale of liquor, narcotics, tobacco**  
 1704 **products, electronic cigarette products, or nicotine products to minors -- Possession of**  
 1705 **controlled substances -- Treatment of alcoholics and narcotics or drug addicts.**

1706 (1) A municipal legislative body may:

- 1707 (a) prevent intoxication, fighting, quarreling, dog fights, cockfights, prize fights,  
 1708 bullfights, and all disorderly conduct and provide against and punish the offenses of  
 1709 assault and battery and petit larceny;
- 1710 (b) restrain riots, routs, noises, disturbances, or disorderly assemblies in any street,  
 1711 house, or place in the city;
- 1712 (c) regulate and prevent the discharge of firearms, rockets, powder, fireworks in  
 1713 accordance with Section 53-7-225, or any other dangerous or combustible material;
- 1714 (d) provide against and prevent the offense of obtaining money or property under false  
 1715 pretenses and the offense of embezzling money or property in the cases when the  
 1716 money or property embezzled or obtained under false pretenses does not exceed in  
 1717 value the sum of \$500;
- 1718 (e) prohibit the sale, giving away, or furnishing of narcotics or alcoholic beverages to an  
 1719 individual younger than 21 years old; or
- 1720 (f) prohibit the sale, giving away, or furnishing of a tobacco product, an electronic  
 1721 cigarette product, or a nicotine product as those terms are defined in Section [  
 1722 ~~76-10-101~~] 76-9-1101 to an individual younger than 21 years old.

1723 (2) A city may:

- 1724 (a) by ordinance, prohibit the possession of controlled substances as defined in the Utah  
 1725 Controlled Substances Act or any other endangering or impairing substance, provided  
 1726 the conduct is not a class A misdemeanor or felony; and
- 1727 (b) provide for treatment of alcoholics, narcotic addicts, and other individuals who are  
 1728 addicted to the use of drugs or intoxicants such that an individual substantially lacks  
 1729 the capacity to control the individual's use of the drugs or intoxicants, and judicial  
 1730 supervision may be imposed as a means of effecting the individual's rehabilitation.

1731 Section 13. Section **10-18-103** is amended to read:

1732 **10-18-103 (Effective 05/07/25). Antitrust immunity.**

1733 (1) When a municipality is offering or providing a cable television service or public  
1734 telecommunications service, the immunity from antitrust liability afforded to political  
1735 subdivisions of the state under Section [~~76-10-3109~~] 76-16-511 does not apply to the  
1736 municipality providing those services.

1737 (2) A municipality that provides a cable television service or a public telecommunications  
1738 service is subject to applicable antitrust liabilities under the federal Local Government  
1739 Antitrust Act of 1984, 15 U.S.C. Secs. 34 to 36.

1740 Section 14. Section **11-46-303** is amended to read:

1741 **11-46-303 (Effective 05/07/25). Community cats.**

1742 (1) A cat received by a shelter under the provisions of Section 11-46-103 may be released  
1743 prior to the five-day holding period to a sponsor that operates a community cat program.

1744 (2) A community cat is:

1745 (a) exempt from licensing requirements and feeding bans; and

1746 (b) eligible for release from an animal shelter prior to the mandatory five-day hold  
1747 period in Section 11-46-103.

1748 (3) Community cat sponsors or caretakers do not have custody, as defined in Section [  
1749 ~~76-9-304~~] 76-13-202, of any cat in a community cat colony. Cats in a colony that are  
1750 obviously owned, as evidenced by a collar, tags, microchip, or other discernable owner  
1751 identification, are not exempt from the provisions of [~~Title 76, Chapter 9, Part 3, Cruelty~~  
1752 ~~to Animals~~] Title 76, Chapter 13, Offenses Involving Cruelty to Animals.

1753 (4) Sterilization and vaccination records shall be maintained for a minimum of three years  
1754 and be available to an animal control officer upon request.

1755 Section 15. Section **11-48-104**, which is renumbered from Section 76-9-905 is renumbered  
1756 and amended to read:

1757

#### **CHAPTER 48. EMERGENCY RESPONSE AND PREVENTION**

1758 [~~76-9-905~~]11-48-104 (Effective 05/07/25). **Designation of public places where orders to  
1759 disperse are**

**authorized and gang loitering is prohibited.**

1760 (1) As used in this section:

1761 (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.

1762 (b) "Gang loitering" means the same as that term is defined in Section 76-9-802.

- 1763 (c) "Public place" means the same as that term is defined in Section 76-9-802.  
 1764 [~~(1)~~ Municipal and county legislative bodies shall, within their respective  
 1765 jurisdictions, designate the areas within their jurisdictions that they have  
 1766 determined are]
- 1767 (2) A municipal or county legislative body shall designate public places within the  
 1768 municipal or county jurisdiction as areas where gang loitering is prohibited and subject  
 1769 to [the-]enforcement [of] by law enforcement officers as described in Section [76-9-903  
 1770 because] 53-25-602 and to criminal penalties under Section 76-9-805 if criminal street  
 1771 gangs have been able to, or are attempting to:
- 1772 (a) establish control over [~~these identifiable~~] the areas;  
 1773 (b) intimidate [~~others~~] other individuals from entering [~~those~~] the areas; or  
 1774 (c) conceal illegal activities conducted in [~~those~~] the areas.
- 1775 [~~(2)~~] (3)(a) [~~Prior to designating areas subject to enforcement under Section 76-9-903,~~  
 1776 ~~the~~] Before a legislative body designates a public place as an area where gang  
 1777 loitering is prohibited, the legislative body shall consult, as appropriate, with [~~persons~~]  
 1778 individuals who are knowledgeable about the effects of gang activity in [~~areas where~~  
 1779 ~~Section 76-9-903 may be enforced~~] the area.
- 1780 (b) [~~Persons~~] Individuals consulted under Subsection [~~(2)(a)~~] (3)(a) may include:  
 1781 (i) members of local law enforcement agencies who have training or experience  
 1782 related to criminal street gangs;  
 1783 (ii) other agency personnel with particular knowledge of gang activities in the  
 1784 proposed designated area;  
 1785 (iii) elected and appointed officials of the area where the proposed designated area is  
 1786 located; and  
 1787 (iv) representatives of community-based organizations.
- 1788 [~~(3)~~] (4) The municipal or county legislative body shall develop and implement procedures  
 1789 for periodic review and update of area designations [~~it makes~~] made under Subsection [  
 1790 ~~(1)~~] (2).
- 1791 (5) This section does not affect or limit an individual's constitutional right to engage in  
 1792 collective advocacy activities that are protected by the constitution or laws of this state  
 1793 or by the constitution or laws of the United States.
- 1794 Section 16. Section **13-39-202** is amended to read:  
 1795 **13-39-202 (Effective 05/07/25). Prohibition of sending certain materials to a**  
 1796 **registered contact point -- Exception for consent.**

- 1797 (1) A person may not send, cause to be sent, or conspire with a third party to send a  
1798 communication to a contact point or domain that has been registered for more than 30  
1799 calendar days with the unit under Section 13-39-201 if the communication:
- 1800 (a) has the primary purpose of advertising or promoting a product or service that a minor  
1801 is prohibited by law from purchasing; or
- 1802 (b) contains or has the primary purpose of advertising or promoting material that is  
1803 harmful to minors, as defined in Section ~~[76-10-1201]~~ 76-5c-101.
- 1804 (2) Except as provided in Subsection (4), consent of a minor is not a defense to a violation  
1805 of this section.
- 1806 (3) An Internet service provider does not violate this section for solely transmitting a  
1807 message across the network of the Internet service provider.
- 1808 (4)(a) Notwithstanding Subsection (1), a person may send a communication to a contact  
1809 point if, before sending the communication, the person sending the communication  
1810 receives consent from an adult who controls the contact point.
- 1811 (b) Any person who proposes to send a communication under Subsection (4)(a) shall:
- 1812 (i) verify the age of the adult who controls the contact point by inspecting the adult's  
1813 government-issued identification card in a face-to-face transaction;
- 1814 (ii) obtain a written record indicating the adult's consent that is signed by the adult;
- 1815 (iii) include in each communication:
- 1816 (A) a notice that the adult may rescind the consent; and
- 1817 (B) information that allows the adult to opt out of receiving future  
1818 communications; and
- 1819 (iv) notify the unit that the person intends to send communications under this  
1820 Subsection (4).
- 1821 (c) The unit shall implement rules to verify that a person providing notification under  
1822 Subsection (4)(b)(iv) complies with this Subsection (4).
- 1823 Section 17. Section **13-40-102** is amended to read:
- 1824 **13-40-102 (Effective 05/07/25). Definitions.**
- 1825 As used in this chapter:
- 1826 (1)(a) "Cause to be copied" means to distribute or transfer computer software, or any  
1827 component of computer software.
- 1828 (b) "Cause to be copied" does not include providing:
- 1829 (i) transmission, routing, intermediate temporary storage, or caching of software;
- 1830 (ii) a storage or hosting medium, such as a compact disk, website, or computer server

- 1831 through which the software was distributed by a third party; or  
1832 (iii) an information location tool, such as a directory, index, reference, pointer, or  
1833 hypertext link, through which the user of the computer located the software.
- 1834 (2)(a) "Computer software" means a sequence of instructions written in any  
1835 programming language that is executed on a computer.
- 1836 (b) "Computer software" does not include a data component of a webpage that is not  
1837 executable independently of the webpage.
- 1838 (3) "Computer virus" means a computer program or other set of instructions that is designed  
1839 to degrade the performance of or disable a computer or computer network and is  
1840 designed to have the ability to replicate itself on another computer or computer network  
1841 without the authorization of the owner of the other computer or computer network.
- 1842 (4) "Damage" means any significant impairment to the:
- 1843 (a) performance of a computer; or  
1844 (b) integrity or availability of data, software, a system, or information.
- 1845 (5) "Execute," when used with respect to computer software, means the performance of the  
1846 functions or the carrying out of the instructions of the computer software.
- 1847 (6) "False pretenses" means the representation of a fact or circumstance that is not true and  
1848 is calculated to mislead.
- 1849 (7)(a) "Identifying information" means any information that can be used to access a  
1850 person's financial accounts or to obtain goods and services, including the person's:
- 1851 (i) address;  
1852 (ii) birth date;  
1853 (iii) Social Security number;  
1854 (iv) driver license number;  
1855 (v) non-driver governmental identification number;  
1856 (vi) telephone number;  
1857 (vii) bank account number;  
1858 (viii) student identification number;  
1859 (ix) credit or debit card number;  
1860 (x) personal identification number;  
1861 (xi) unique biometric data;  
1862 (xii) employee or payroll number;  
1863 (xiii) automated or electronic signature;  
1864 (xiv) computer image file;

- 1865 (xv) photograph; or  
1866 (xvi) computer screen name or password.
- 1867 (b) "Identifying information" does not include information that is lawfully obtained from  
1868 publicly available information, or from federal, state, or local government records  
1869 lawfully made available to the general public.
- 1870 (8) "Intentionally deceptive" means any of the following:  
1871 (a) an intentionally and materially false or fraudulent statement;  
1872 (b) a statement or description that intentionally omits or misrepresents material  
1873 information in order to deceive an owner or operator of a computer; or  
1874 (c) an intentional and material failure to provide a notice to an owner or operator  
1875 concerning the installation or execution of computer software, for the purpose of  
1876 deceiving the owner or operator.
- 1877 (9) "Internet" means the global information system that is logically linked together by a  
1878 globally unique address space based on the Internet protocol (IP), or its subsequent  
1879 extensions, and that is able to support communications using the transmission control  
1880 protocol/Internet protocol (TCP/IP) suite, or its subsequent extensions, or other  
1881 IP-compatible protocols, and that provides, uses, or makes accessible, either publicly or  
1882 privately, high-level services layered on communications and related infrastructure.
- 1883 (10) "Internet service provider" means:  
1884 (a) an Internet service provider, as defined in Section ~~[76-10-1230]~~ 76-5c-401; or  
1885 (b) a hosting company, as defined in Section ~~[76-10-1230]~~ 76-5c-401.
- 1886 (11) "Message" means a graphical or text communication presented to an authorized user of  
1887 a computer.
- 1888 (12)(a) "Owner or operator" means the owner or lessee of a computer, or a person using  
1889 a computer with the owner's or lessee's authorization.  
1890 (b) "Owner or operator" does not include a person who owned a computer before the  
1891 first retail sale of the computer.
- 1892 (13) "Person" means any individual, partnership, corporation, limited liability company, or  
1893 other organization, or any combination thereof.
- 1894 (14) "Personally identifiable information" means any of the following information if it  
1895 allows the entity holding the information to identify the owner or operator of a computer:  
1896 (a) the first name or first initial in combination with the last name and a home or other  
1897 physical address including street name;  
1898 (b) a personal identification code in conjunction with a password required to access an



1899 identified account, other than a password, personal identification number, or other  
1900 identification number transmitted by an authorized user to the issuer of the account or  
1901 its agent;

1902 (c) a Social Security number, tax identification number, driver license number, passport  
1903 number, or any other government-issued identification number; or

1904 (d) an account balance, overdraft history, or payment history that personally identifies an  
1905 owner or operator of a computer.

1906 (15) "Webpage" means a location that has a single uniform resource locator (URL) with  
1907 respect to the World Wide Web or another location that can be accessed on the Internet.

1908 Section 18. Section **13-44-301** is amended to read:

1909 **13-44-301 (Effective 05/07/25). Enforcement -- Confidentiality agreement --**

1910 **Penalties.**

1911 (1) The attorney general may enforce this chapter's provisions.

1912 (2)(a) Nothing in this chapter creates a private right of action.

1913 (b) Nothing in this chapter affects any private right of action existing under other law,  
1914 including contract or tort.

1915 (3) A person who violates this chapter's provisions is subject to a civil penalty of:

1916 (a) no greater than \$2,500 for a violation or series of violations concerning a specific  
1917 consumer; and

1918 (b) no greater than \$100,000 in the aggregate for related violations concerning more than  
1919 one consumer, unless:

1920 (i) the violations concern:

1921 (A) 10,000 or more consumers who are residents of the state; and

1922 (B) 10,000 or more consumers who are residents of other states; or

1923 (ii) the person agrees to settle for a greater amount.

1924 (4)(a) In addition to the penalties provided in Subsection (3), the attorney general may  
1925 seek, in an action brought under this chapter:

1926 (i) injunctive relief to prevent future violations of this chapter; and

1927 (ii) attorney fees and costs.

1928 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, if the attorney  
1929 general brings an action under this chapter in the district court, the attorney general  
1930 shall bring the action in:

1931 (i) Salt Lake City; or

1932 (ii) the county in which resides a consumer who is affected by the violation.

- 1933 (5) The attorney general shall deposit any amount received under Subsection (3), (4), or (10)  
1934 into the Attorney General Litigation Fund created in Section [76-10-3114] 67-5-40.
- 1935 (6) In enforcing this chapter, the attorney general may:
- 1936 (a) investigate the actions of any person alleged to violate Section 13-44-201 or  
1937 13-44-202;
- 1938 (b) subpoena a witness;
- 1939 (c) subpoena a document or other evidence;
- 1940 (d) require the production of books, papers, contracts, records, or other information  
1941 relevant to an investigation;
- 1942 (e) conduct an adjudication in accordance with Title 63G, Chapter 4, Administrative  
1943 Procedures Act, to enforce a civil provision under this chapter; and
- 1944 (f) enter into a confidentiality agreement in accordance with Subsection (7).
- 1945 (7)(a) If the attorney general has reasonable cause to believe that an individual is in  
1946 possession, custody, or control of information that is relevant to enforcing this  
1947 chapter, the attorney general may enter into a confidentiality agreement with the  
1948 individual.
- 1949 (b) In a civil action brought under this chapter, a court may issue a confidentiality order  
1950 that incorporates the confidentiality agreement described in Subsection (7)(a).
- 1951 (c) A confidentiality agreement entered into under Subsection (7)(a) or a confidentiality  
1952 order issued under Subsection (7)(b) may:
- 1953 (i) address a procedure;
- 1954 (ii) address testimony taken, a document produced, or material produced under this  
1955 section;
- 1956 (iii) provide whom may access testimony taken, a document produced, or material  
1957 produced under this section;
- 1958 (iv) provide for safeguarding testimony taken, a document produced, or material  
1959 produced under this section; or
- 1960 (v) require that the attorney general:
- 1961 (A) return a document or material to an individual; or
- 1962 (B) notwithstanding Section 63A-12-105 or a retention schedule created in  
1963 accordance with Section 63G-2-604, destroy the document or material at a  
1964 designated time.
- 1965 (8) A subpoena issued under Subsection (6) may be served by certified mail.
- 1966 (9) A person's failure to respond to a request or subpoena from the attorney general under

- 1967 Subsection (6)(b), (c), or (d) is a violation of this chapter.
- 1968 (10)(a) The attorney general may inspect and copy all records related to the business  
1969 conducted by the person alleged to have violated this chapter, including records  
1970 located outside the state.
- 1971 (b) For records located outside of the state, the person who is found to have violated this  
1972 chapter shall pay the attorney general's expenses to inspect the records, including  
1973 travel costs.
- 1974 (c) Upon notification from the attorney general of the attorney general's intent to inspect  
1975 records located outside of the state, the person who is found to have violated this  
1976 chapter shall pay the attorney general \$500, or a higher amount if \$500 is estimated  
1977 to be insufficient, to cover the attorney general's expenses to inspect the records.
- 1978 (d) To the extent an amount paid to the attorney general by a person who is found to  
1979 have violated this chapter is not expended by the attorney general, the amount shall  
1980 be refunded to the person who is found to have violated this chapter.
- 1981 (e) The Division of Corporations and Commercial Code or any other relevant entity  
1982 shall revoke any authorization to do business in this state of a person who fails to pay  
1983 any amount required under this Subsection (10).
- 1984 (11)(a) Subject to Subsection (11)(c), the attorney general shall keep confidential a  
1985 procedure agreed to, testimony taken, a document produced, or material produced  
1986 under this section pursuant to a subpoena, confidentiality agreement, or  
1987 confidentiality order, unless the individual who agreed to the procedure, provided  
1988 testimony, produced the document, or produced material waives confidentiality in  
1989 writing.
- 1990 (b) Subject to Subsections (11)(c) and (11)(d), the attorney general may use, in an  
1991 enforcement action taken under this section, testimony taken, a document produced,  
1992 or material produced under this section to the extent the use is not restricted or  
1993 prohibited by a confidentiality agreement or a confidentiality order.
- 1994 (c) The attorney general may use, in an enforcement action taken under this section,  
1995 testimony taken, a document produced, or material produced under this section that is  
1996 restricted or prohibited from use by a confidentiality agreement or a confidentiality  
1997 order if the individual who provided testimony or produced the document or material  
1998 waives the restriction or prohibition in writing.
- 1999 (d) The attorney general may disclose testimony taken, a document produced, or  
2000 material produced under this section, without consent of the individual who provided

2001 the testimony or produced the document or material, or the consent of an individual  
 2002 being investigated, to:

2003 (i) a grand jury; or

2004 (ii) a federal or state law enforcement officer, if the person from whom the  
 2005 information was obtained is notified 20 days or greater before the day on which  
 2006 the information is disclosed, and the federal or state law enforcement officer  
 2007 certifies that the federal or state law enforcement officer will:

2008 (A) maintain the confidentiality of the testimony, document, or material; and

2009 (B) use the testimony, document, or material solely for an official law  
 2010 enforcement purpose.

2011 (12)(a) An administrative action filed under this chapter shall be commenced no later  
 2012 than 10 years after the day on which the alleged breach of system security last  
 2013 occurred.

2014 (b) A civil action under this chapter shall be commenced no later than five years after  
 2015 the day on which the alleged breach of system security last occurred.

2016 Section 19. Section **13-45-401** is amended to read:

2017 **13-45-401 (Effective 05/07/25). Enforcement -- Confidentiality agreement --**  
 2018 **Penalties.**

2019 (1) The attorney general may enforce the provisions of this chapter.

2020 (2) A person who violates a provision of this chapter is subject to a civil fine of:

2021 (a) no greater than \$2,500 for a violation or series of violations concerning a specific  
 2022 consumer; and

2023 (b) no greater than \$100,000 in the aggregate for related violations concerning more than  
 2024 one consumer, unless:

2025 (i) the violations concern:

2026 (A) 10,000 or more consumers who are residents of the state; and

2027 (B) 10,000 or more consumers who are residents of other states; or

2028 (ii) the person agrees to settle for a greater amount.

2029 (3)(a) In addition to the penalties provided in Subsection (2), the attorney general may  
 2030 seek, in an action brought under this chapter:

2031 (i) injunctive relief to prevent future violations of this chapter; and

2032 (ii) attorney fees and costs.

2033 (b) Notwithstanding Title 78B, Chapter 3a, Venue for Civil Actions, if the attorney  
 2034 general brings an action under this chapter in the district court, the attorney general

- 2035 shall bring the action in:
- 2036 (i) Salt Lake City; or
- 2037 (ii) the county in which resides a consumer who is the subject of a credit report on
- 2038 which a violation occurs.
- 2039 (4) The attorney general shall deposit any amount received under Subsection (2) or (3) into
- 2040 the Attorney General Litigation Fund created in Section ~~[76-10-3114]~~ 67-5-40.
- 2041 (5)(a) If the attorney general has reasonable cause to believe that an individual is in
- 2042 possession, custody, or control of information that is relevant to enforcing this
- 2043 chapter, the attorney general may enter into a confidentiality agreement with the
- 2044 individual.
- 2045 (b) In a civil action brought under this chapter, a court may issue a confidentiality order
- 2046 that incorporates the confidentiality agreement described in Subsection (5)(a).
- 2047 (c) A confidentiality agreement entered into under Subsection (5)(a) or a confidentiality
- 2048 order issued under Subsection (5)(b) may:
- 2049 (i) address a procedure;
- 2050 (ii) address testimony taken, a document produced, or material produced under this
- 2051 section;
- 2052 (iii) provide whom may access testimony taken, a document produced, or material
- 2053 produced under this section;
- 2054 (iv) provide for safeguarding testimony taken, a document produced, or material
- 2055 produced under this section; or
- 2056 (v) require that the attorney general:
- 2057 (A) return a document or material to an individual; or
- 2058 (B) notwithstanding Section 63A-12-105 or a retention schedule created in
- 2059 accordance with Section 63G-2-604, destroy the document or material at a
- 2060 designated time.
- 2061 (6)(a) Subject to Subsection (6)(c), the attorney general shall keep confidential a
- 2062 procedure agreed to, testimony taken, a document produced, or material produced
- 2063 under this section pursuant to a subpoena, confidentiality agreement, or
- 2064 confidentiality order, unless the individual who agreed to the procedure, provided
- 2065 testimony, or produced the document or material waives confidentiality in writing.
- 2066 (b) Subject to Subsections (6)(c) and (6)(d), the attorney general may use, in an
- 2067 enforcement action taken under this section, testimony taken, a document produced,
- 2068 or material produced under this section to the extent the use is not restricted or

- 2069 prohibited by a confidentiality agreement or a confidentiality order.
- 2070 (c) The attorney general may use, in an enforcement action taken under this section,  
2071 testimony taken, a document produced, or material produced under this section that is  
2072 restricted or prohibited from use by a confidentiality agreement or a confidentiality  
2073 order if the individual who provided testimony, produced the document, or produced  
2074 the material waives the restriction or prohibition in writing.
- 2075 (d) The attorney general may disclose testimony taken, a document produced, or  
2076 material produced under this section, without consent of the individual who provided  
2077 the testimony, produced the document, or produced the material, or without the  
2078 consent of an individual being investigated, to:
- 2079 (i) a grand jury; or
- 2080 (ii) a federal or state law enforcement officer, if the person from whom the  
2081 information was obtained is notified 20 days or greater before the day on which  
2082 the information is disclosed, and the federal or state law enforcement officer  
2083 certifies that the federal or state law enforcement officer will:
- 2084 (A) maintain the confidentiality of the testimony, document, or material; and  
2085 (B) use the testimony, document, or material solely for an official law  
2086 enforcement purpose.
- 2087 (7) A civil action filed under this chapter shall be commenced no later than five years after  
2088 the day on which the alleged violation last occurred.
- 2089 Section 20. Section **13-74-101** is amended to read:
- 2090 **13-74-101 (Effective 05/07/25). Definitions.**
- 2091 (1) "Ammunition" means ammunition or cartridge cases, primers, bullets, or propellant  
2092 powder designed for use in a firearm.
- 2093 (2) "Customer" means an individual who presents a payment card to a merchant for the  
2094 purchase of a good or service.
- 2095 (3) "Financial entity" means any person involved in facilitating or processing a payment  
2096 card transaction, including:
- 2097 (a) a payment card network;
- 2098 (b) a merchant acquirer; or
- 2099 (c) a payment facilitator.
- 2100 (4) "Firearm" means the same as that term is defined in Section ~~[76-10-504]~~ 76-11-101.
- 2101 (5)(a) "Firearm accessory or component" means a device specifically adapted to:
- 2102 (i) enable the wearing or carrying about one's person or the storage or mounting in or

- 2103 on any conveyance of a firearm; or
- 2104 (ii) be inserted into or affixed to a firearm to enable, alter, or improve the functioning
- 2105 or capabilities of the firearm.
- 2106 (b) "Firearm accessory or component" includes a telescopic or laser sight, magazine,
- 2107 flash or sound suppressor, folding or aftermarket stock or grip, speedloader, brace,
- 2108 ammunition carrier, or light for target illumination.
- 2109 (6) "Firearms code" means the merchant category code 5723, approved in September 2022
- 2110 by the International Organization for Standardization, for firearms retailers.
- 2111 (7) "Firearms retailer" means a merchant engaged in the lawful business of selling or
- 2112 trading firearms, firearm accessories or components, or ammunition.
- 2113 (8) "Merchant" means a person physically located in the state who accepts a payment card
- 2114 from a customer for the purchase of a good or service.
- 2115 (9) "Payment card" means a card, code, or other means by which a person may debit a
- 2116 deposit account or use a line of credit to purchase a good or service.
- 2117 (10) "Reloading supplies" means any equipment, component, or material designed for the
- 2118 reloading of ammunition, including reloading presses, shell holders, powder measures,
- 2119 priming tools, reloading manuals, casings, and gunpowder.

2120 Section 21. Section **16-6a-1414** is amended to read:

2121 **16-6a-1414 (Effective 05/07/25). Grounds and procedure for judicial dissolution.**

- 2122 (1) The attorney general or the division director may bring an action in a court with
- 2123 jurisdiction under Title 78A, Judiciary and Judicial Administration, to dissolve a
- 2124 nonprofit corporation if it is established that:
- 2125 (a) the nonprofit corporation obtained the nonprofit corporation's articles of
- 2126 incorporation through fraud; or
- 2127 (b) the nonprofit corporation has continued to exceed or abuse the authority conferred
- 2128 upon the nonprofit corporation by law.
- 2129 (2) A member or director of a nonprofit corporation may bring an action in a court with
- 2130 jurisdiction under Title 78A, Judiciary and Judicial Administration, to dissolve the
- 2131 nonprofit corporation if it is established that:
- 2132 (a)(i) the directors are deadlocked in the management of the corporate affairs;
- 2133 (ii) the members, if any, are unable to break the deadlock; and
- 2134 (iii) irreparable injury to the nonprofit corporation is threatened or being suffered;
- 2135 (b) the directors or those in control of the nonprofit corporation have acted, are acting, or
- 2136 will act in a manner that is illegal, oppressive, or fraudulent;

- 2137 (c) the members are deadlocked in voting power and have failed, for a period that  
 2138 includes at least two consecutive annual meeting dates, to elect successors to  
 2139 directors whose terms have expired or would have expired upon the election of their  
 2140 successors; or
- 2141 (d) the corporate assets are being misapplied or wasted.
- 2142 (3) A creditor may bring an action in a court with jurisdiction under Title 78A, Judiciary  
 2143 and Judicial Administration, to dissolve a nonprofit corporation if it is established that:
- 2144 (a)(i) the creditor's claim has been reduced to judgment;  
 2145 (ii) the execution on the judgment has been returned unsatisfied; and  
 2146 (iii) the nonprofit corporation is insolvent; or
- 2147 (b)(i) the nonprofit corporation is insolvent; and  
 2148 (ii) the nonprofit corporation has admitted in writing that the creditor's claim is due  
 2149 and owing.
- 2150 (4)(a) As used in this Subsection (4):
- 2151 (i) "Misconduct claim" means:
- 2152 (A) a claim for wrongful death, fraud, breach of public trust, or an intentional tort;  
 2153 or
- 2154 (B) a claim regarding criminal conduct by a director, member, or employee of the  
 2155 nonprofit corporation that is a felony offense or an offense described in:
- 2156 (I) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 2157 76-5-418, 76-5-419, or 76-5-420;
- 2158 (II) [;]Title 76, Chapter 5b, Sexual Exploitation Act[;] ; or
- 2159 (III) Section 76-7-102, [Section 76-9-702] 76-5-419, or [Section 76-9-702.1]  
 2160 76-5-418.
- 2161 (ii) "Nonprofit corporation" does not include a bona fide church or religious  
 2162 organization.
- 2163 (b) If a person brings a misconduct claim in an action against a nonprofit corporation,  
 2164 the person may also bring an action to dissolve the nonprofit corporation.
- 2165 (c) If a person brings a dissolution action under Subsection (4)(b), the court may only  
 2166 dissolve the nonprofit corporation if the court finds the nonprofit corporation is liable  
 2167 for the misconduct claim.
- 2168 (d) Upon a motion by the plaintiff in a dissolution action described in Subsection (4)(b),  
 2169 the court may:
- 2170 (i) issue an injunction preventing the nonprofit corporation from selling or disposing



- 2171 of any assets held by the nonprofit corporation; and
- 2172 (ii) require the nonprofit corporation to deposit funds, or post a bond, with the court
- 2173 for the amount of damages pleaded in the complaint.
- 2174 (e) The court may void a transaction that is made by the nonprofit corporation within 12
- 2175 months before the day on which the action was filed with the court if the court finds
- 2176 that the transaction is voidable under Section 25-6-202.
- 2177 (5) If an action is brought under this section, it is not necessary to make directors or
- 2178 members parties to the action to dissolve the nonprofit corporation unless relief is sought
- 2179 against the members individually.
- 2180 (6) In an action under this section, the court may:
- 2181 (a) issue injunctions;
- 2182 (b) appoint a receiver or a custodian pendente lite with all powers and duties the court
- 2183 directs; or
- 2184 (c) take other action required to preserve the nonprofit corporation's assets wherever
- 2185 located and carry on the business of the nonprofit corporation until a full hearing can
- 2186 be held.
- 2187 (7) If a nonprofit corporation has been dissolved by voluntary or another action taken under
- 2188 this part:
- 2189 (a) the nonprofit corporation may bring a proceeding to wind up and liquidate its
- 2190 business and affairs under judicial supervision in accordance with Section 16-6a-1405;
- 2191 and
- 2192 (b) the attorney general, a director, a member, a creditor, or a plaintiff under Subsection
- 2193 (4) may bring a proceeding to wind up and liquidate the affairs of the nonprofit
- 2194 corporation under judicial supervision in accordance with Section 16-6a-1405, upon
- 2195 establishing the grounds set forth in Subsections (1) through (4).
- 2196 Section 22. Section **17-41-403** is amended to read:
- 2197 **17-41-403 (Effective 05/07/25). Nuisances.**
- 2198 (1) A political subdivision shall ensure that any of the political subdivision's laws or
- 2199 ordinances that define or prohibit a public nuisance exclude from the definition or
- 2200 prohibition:
- 2201 (a) for an agriculture protection area, any agricultural activity or operation within an
- 2202 agriculture protection area conducted using sound agricultural practices unless that
- 2203 activity or operation bears a direct relationship to public health or safety;
- 2204 (b) for an industrial protection area, any industrial use of the land within the industrial

2205 protection area that is consistent with sound practices applicable to the industrial use,  
2206 unless that use bears a direct relationship to public health or safety; or

2207 (c) for a critical infrastructure materials protection area, any critical infrastructure  
2208 materials operations on the land within the critical infrastructure materials protection  
2209 area that is consistent with sound practices applicable to the critical infrastructure  
2210 materials operations, unless that use bears a direct relationship to public health or  
2211 safety.

2212 (2) In a civil action for nuisance or a criminal action for public nuisance under Section [  
2213 ~~76-10-803~~] 76-9-1301, it is a complete defense if the action involves agricultural  
2214 activities and:

2215 (a) those agricultural activities were:

2216 (i) conducted within an agriculture protection area; and

2217 (ii) not in violation of any federal, state, or local law or regulation relating to the  
2218 alleged nuisance or were conducted according to sound agricultural practices; or

2219 (b) a defense under Section 4-44-201 applies.

2220 (3)(a) A vested mining use undertaken in conformity with applicable federal and state  
2221 law and regulations is presumed to be operating within sound mining practices.

2222 (b) A vested mining use that is consistent with sound mining practices:

2223 (i) is presumed to be reasonable; and

2224 (ii) may not constitute a private or public nuisance under Section [~~76-10-803~~]  
2225 76-9-1301.

2226 (c) A vested mining use in operation for more than three years may not be considered to  
2227 have become a private or public nuisance because of a subsequent change in the  
2228 condition of land within the vicinity of the vested mining use.

2229 (4)(a) For any new subdivision development located in whole or in part within 300 feet of the  
2230 boundary of an agriculture protection area, the owner of the development shall provide notice  
2231 on any plat filed with the county recorder the following notice:

2232

"Agriculture Protection Area

2233 This property is located in the vicinity of an established agriculture protection area in  
2234 which normal agricultural uses and activities have been afforded the highest priority use status.  
2235 It can be anticipated that such agricultural uses and activities may now or in the future be  
2236 conducted on property included in the agriculture protection area. The use and enjoyment of  
2237 this property is expressly conditioned on acceptance of any annoyance or inconvenience which

2238 may result from such normal agricultural uses and activities."

2239 (b) For any new subdivision development located in whole or in part within 1,000 feet of the  
2240 boundary of an industrial protection area, the owner of the development shall provide notice  
2241 on any plat filed with the county recorder the following notice:  
2242

"Industrial Protection Area

2243 This property is located in the vicinity of an established industrial protection area in  
2244 which normal industrial uses and activities have been afforded the highest priority use status.  
2245 It can be anticipated that such industrial uses and activities may now or in the future be  
2246 conducted on property included in the industrial protection area. The use and enjoyment of  
2247 this property is expressly conditioned on acceptance of any annoyance or inconvenience which  
2248 may result from such normal industrial uses and activities."

2249 (c) For any new subdivision development located in whole or in part within 1,000 feet of the  
2250 boundary of a critical infrastructure materials protection area, the owner of the development  
2251 shall provide notice on any plat filed with the county recorder the following notice:  
2252

"Critical Infrastructure Materials Protection Area

2253 This property is located in the vicinity of an established critical infrastructure  
2254 materials protection area in which critical infrastructure materials operations have been  
2255 afforded the highest priority use status. It can be anticipated that such operations may now or  
2256 in the future be conducted on property included in the critical infrastructure materials  
2257 protection area. The use and enjoyment of this property is expressly conditioned on acceptance  
2258 of any annoyance or inconvenience which may result from such normal critical infrastructure  
2259 materials operations."

2260 (d) For any new subdivision development located in whole or in part within 1,000 feet of the  
2261 boundary of a mining protection area, the owner of the development shall provide notice on  
2262 any plat filed with the county recorder the following notice:

2263 "This property is located within the vicinity of an established mining protection area  
2264 in which normal mining uses and activities have been afforded the highest priority use status.  
2265 It can be anticipated that the mining uses and activities may now or in the future be conducted  
2266 on property included in the mining protection area. The use and enjoyment of this property is  
2267 expressly conditioned on acceptance of any annoyance or inconvenience that may result from  
2268 the normal mining uses and activities."

2269 Section 23. Section **17-50-333** is amended to read:

2270 **17-50-333 (Effective 05/07/25). Regulation of retail tobacco specialty business.**

2271 (1) As used in this section:

2272 (a) "Community location" means:

2273 (i) a public or private kindergarten, elementary, middle, junior high, or high school;

2274 (ii) a licensed child-care facility or preschool;

2275 (iii) a trade or technical school;

2276 (iv) a church;

2277 (v) a public library;

2278 (vi) a public playground;

2279 (vii) a public park;

2280 (viii) a youth center or other space used primarily for youth oriented activities;

2281 (ix) a public recreational facility;

2282 (x) a public arcade; or

2283 (xi) for a new license issued on or after July 1, 2018, a homeless shelter.

2284 (b) "Department" means the Department of Health and Human Services created in  
2285 Section 26B-1-201.2286 (c) "Electronic cigarette product" means the same as that term is defined in Section [  
2287 ~~76-10-101~~] 76-9-1101.2288 (d) "Licensee" means a person licensed under this section to conduct business as a retail  
2289 tobacco specialty business.2290 (e) "Local health department" means the same as that term is defined in Section  
2291 26A-1-102.2292 (f) "Nicotine product" means the same as that term is defined in Section [~~76-10-101~~]  
2293 76-9-1101.

2294 (g) "Retail tobacco specialty business" means a commercial establishment in which:

2295 (i) sales of tobacco products, electronic cigarette products, and nicotine products  
2296 account for more than 35% of the total quarterly gross receipts for the  
2297 establishment;2298 (ii) 20% or more of the public retail floor space is allocated to the offer, display, or  
2299 storage of tobacco products, electronic cigarette products, or nicotine products;2300 (iii) 20% or more of the total shelf space is allocated to the offer, display, or storage  
2301 of tobacco products, electronic cigarette products, or nicotine products;

2302 (iv) the commercial establishment:

2303 (A) holds itself out as a retail tobacco specialty business; and

- 2304 (B) causes a reasonable person to believe the commercial establishment is a retail  
 2305 tobacco specialty business; or
- 2306 (v) the retail space features a self-service display for tobacco products, electronic  
 2307 cigarette products, or nicotine products.
- 2308 (h) "Self-service display" means the same as that term is defined in Section [~~76-10-105.1~~]  
 2309 76-9-1107.
- 2310 (i) "Tobacco product" means:
- 2311 (i) the same as that term is defined in Section [~~76-10-101~~] 76-9-1101; or
- 2312 (ii) tobacco paraphernalia as defined in Section [~~76-10-101~~] 76-9-1101.
- 2313 (2) The regulation of a retail tobacco specialty business is an exercise of the police powers  
 2314 of the state by the state or by the delegation of the state's police power to other  
 2315 governmental entities.
- 2316 (3)(a) A person may not operate a retail tobacco specialty business in a county unless  
 2317 the person obtains a license from the county in which the retail tobacco specialty  
 2318 business is located.
- 2319 (b) A county may only issue a retail tobacco specialty business license to a person if the  
 2320 person complies with the provisions of Subsections (4) and (5).
- 2321 (4)(a) Except as provided in Subsection (7), a county may not issue a license for a  
 2322 person to conduct business as a retail tobacco specialty business if the retail tobacco  
 2323 specialty business is located within:
- 2324 (i) 1,000 feet of a community location;
- 2325 (ii) 600 feet of another retail tobacco specialty business; or
- 2326 (iii) 600 feet from property used or zoned for:
- 2327 (A) agriculture use; or
- 2328 (B) residential use.
- 2329 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in a  
 2330 straight line from the nearest entrance of the retail tobacco specialty business to the  
 2331 nearest property boundary of a location described in Subsections (4)(a)(i) through (iii),  
 2332 without regard to intervening structures or zoning districts.
- 2333 (5) A county may not issue or renew a license for a person to conduct business as a retail  
 2334 tobacco specialty business until the person provides the county with proof that the retail  
 2335 tobacco specialty business has:
- 2336 (a) a valid permit for a retail tobacco specialty business issued under Title 26B, Chapter  
 2337 7, Part 5, Regulation of Smoking, Tobacco Products, and Nicotine Products, by the

- 2338 local health department having jurisdiction over the area in which the retail tobacco  
2339 specialty business is located; and
- 2340 (b)(i) for a retailer that sells a tobacco product, a valid license issued by the State  
2341 Tax Commission in accordance with Section 59-14-201 or 59-14-301 to sell a  
2342 tobacco product; or
- 2343 (ii) for a retailer that sells an electronic cigarette product or a nicotine product, a valid  
2344 license issued by the State Tax Commission in accordance with Section 59-14-803  
2345 to sell an electronic cigarette product or a nicotine product.
- 2346 (6)(a) Nothing in this section:
- 2347 (i) requires a county to issue a retail tobacco specialty business license; or
- 2348 (ii) prohibits a county from adopting more restrictive requirements on a person  
2349 seeking a license or renewal of a license to conduct business as a retail tobacco  
2350 specialty business.
- 2351 (b) A county may suspend or revoke a retail tobacco specialty business license issued  
2352 under this section:
- 2353 (i) if a licensee engages in a pattern of unlawful activity under [~~Title 76, Chapter 10,~~  
2354 ~~Part 16, Pattern of Unlawful Activity Act~~] Title 76, Chapter 17, Part 4, Offenses  
2355 Concerning a Pattern of Unlawful Activity;
- 2356 (ii) if a licensee violates federal law or federal regulations restricting the sale and  
2357 distribution of tobacco products or electronic cigarette products to protect children  
2358 and adolescents;
- 2359 (iii) upon the recommendation of the department or a local health department under  
2360 Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and  
2361 Nicotine Products; or
- 2362 (iv) under any other provision of state law or local ordinance.
- 2363 (7)(a) Except as provided in Subsection (7)(e), a retail tobacco specialty business is  
2364 exempt from Subsection (4) if:
- 2365 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
2366 license to conduct business as a retail tobacco specialty business;
- 2367 (ii) the retail tobacco specialty business is operating in a county in accordance with  
2368 all applicable laws except for the requirement in Subsection (4); and
- 2369 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
2370 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or  
2371 high school.

- 2372 (b) A retail tobacco specialty business may maintain an exemption under Subsection  
2373 (7)(a) if:
- 2374 (i) the license described in Subsection (7)(a)(i) is renewed continuously without lapse  
2375 or permanent revocation;
- 2376 (ii) the retail tobacco specialty business does not close for business or otherwise  
2377 suspend the sale of tobacco products, electronic cigarette products, or nicotine  
2378 products for more than 60 consecutive days;
- 2379 (iii) the retail tobacco specialty business does not substantially change the business  
2380 premises or business operation; and
- 2381 (iv) the retail tobacco specialty business maintains the right to operate under the  
2382 terms of other applicable laws, including:
- 2383 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;
- 2384 (B) zoning ordinances;
- 2385 (C) building codes; and
- 2386 (D) the requirements of the license described in Subsection (7)(a)(i).
- 2387 (c) A retail tobacco specialty business that does not qualify for an exemption under  
2388 Subsection (7)(a) is exempt from Subsection (4) if:
- 2389 (i) on or before December 31, 2018, the retail tobacco specialty business was issued a  
2390 general tobacco retailer permit or a retail tobacco specialty business permit under  
2391 Title 26, Chapter 62, Tobacco, Electronic Cigarette, and Nicotine Product Retail  
2392 Permit, by the local health department having jurisdiction over the area in which  
2393 the retail tobacco specialty business is located;
- 2394 (ii) the retail tobacco specialty business is operating in the county in accordance with  
2395 all applicable laws except for the requirement in Subsection (4); and
- 2396 (iii) beginning July 1, 2022, the retail tobacco specialty business is not located within  
2397 1,000 feet of a public or private kindergarten, elementary, middle, junior high, or  
2398 high school.
- 2399 (d) A retail tobacco specialty business may maintain an exemption under Subsection  
2400 (7)(c) if:
- 2401 (i) on or before December 31, 2020, the retail tobacco specialty business receives a  
2402 retail tobacco specialty business permit from the local health department having  
2403 jurisdiction over the area in which the retail tobacco specialty business is located;
- 2404 (ii) the permit described in Subsection (7)(d)(i) is renewed continuously without  
2405 lapse or permanent revocation;

- 2406 (iii) the retail tobacco specialty business does not close for business or otherwise  
 2407 suspend the sale of tobacco products, electronic cigarette products, or nicotine  
 2408 products for more than 60 consecutive days;
- 2409 (iv) the retail tobacco specialty business does not substantially change the business  
 2410 premises or business operation as the business existed when the retail tobacco  
 2411 specialty business received a permit under Subsection (7)(d)(i); and
- 2412 (v) the retail tobacco specialty business maintains the right to operate under the terms  
 2413 of other applicable laws, including:
- 2414 (A) Title 26, Chapter 38, Utah Indoor Clean Air Act;
- 2415 (B) zoning ordinances;
- 2416 (C) building codes; and
- 2417 (D) the requirements of the retail tobacco permit described in Subsection (7)(d)(i).
- 2418 (e) A retail tobacco specialty business described in Subsection (7)(a) or (b) that is  
 2419 located within 1,000 feet of a public or private kindergarten, elementary, middle,  
 2420 junior high, or high school before July 1, 2022, is exempt from Subsection  
 2421 (4)(a)(iii)(B) if the retail tobacco specialty business:
- 2422 (i) relocates, before July 1, 2022, to a property that is used or zoned for commercial  
 2423 use and located within a group of architecturally unified commercial  
 2424 establishments built on a site that is planned, developed, owned, and managed as  
 2425 an operating unit; and
- 2426 (ii) continues to meet the requirements described in Subsection (7)(b) that are not  
 2427 directly related to the relocation described in this Subsection (7)(e).

2428 Section 24. Section **19-2-114** is amended to read:

2429 **19-2-114 (Effective 05/07/25). Activities not in violation of chapter or rules.**

- 2430 (1) As used in this section, "attainment area" means an area that meets the national primary  
 2431 and secondary ambient air quality standard for pollution.
- 2432 (2) The following are not a violation of this chapter or of a rule made under this chapter:
- 2433 (a) burning incident to horticultural or agricultural operations of:
- 2434 (i) prunings from trees, bushes, and plants; or
- 2435 (ii) dead or diseased trees, bushes, and plants, including stubble;
- 2436 (b) burning of weed growth along ditch banks incident to clearing these ditches for  
 2437 irrigation purposes;
- 2438 (c) controlled heating of orchards or other crops to lessen the chances of their being  
 2439 frozen so long as the emissions from this heating do not violate minimum standards



2440 set by the board; and  
 2441 (d) the controlled burning of not more than two structures per year by an organized and  
 2442 operating fire department for the purpose of training fire service personnel when the  
 2443 United States Weather Service clearing index for the area where the burn is to occur  
 2444 is above 500.

2445 (3)(a) The board or division may not prohibit a burn during the time period beginning  
 2446 November 1 and ending March 31 if the burn:

- 2447 (i) occurs in an attainment area;
- 2448 (ii) occurs on private property within an incorporated portion of a county;
- 2449 (iii) occurs when the United States Weather Service clearing index for the area in  
 2450 which the burn is to occur is above 250;
- 2451 (iv) is the open burning of clippings, bushes, plants, prunings from trees, or dead or  
 2452 diseased trees, bushes, and plants, that are:
  - 2453 (A) incident to property and residential clean-up activities; and
  - 2454 (B) thoroughly dry;
- 2455 (v) does not include trash, rubbish, tires, or oil in the material to be burned, used to  
 2456 start the burn, or used to keep a fire burning; and
- 2457 (vi) does not create a nuisance as defined in Section ~~[76-10-803]~~ 76-9-1301.

2458 (b) Notwithstanding Subsection (3)(a), the board by rule, made in accordance with Title  
 2459 63G, Chapter 3, Utah Administrative Rulemaking Act, may establish the process for  
 2460 issuing a burn permit under this chapter.

2461 Section 25. Section **19-6-429** is amended to read:

2462 **19-6-429 (Effective 05/07/25). False information and claims.**

2463 (1) Any person who presents or causes to be presented any oral or written statement,  
 2464 knowing the statement contains false information, in order to obtain a certificate of  
 2465 compliance is guilty of a class B misdemeanor.

2466 (2)(a) Any person who presents or causes to be presented any claim for payment from  
 2467 the fund, knowing the claim contains materially false information or knowing the  
 2468 claim is not eligible for payment from the fund, is subject to the criminal penalties  
 2469 under Section ~~[76-10-1801]~~ 76-6-525 regarding fraud.

2470 (b) The level of criminal penalty shall be determined by the value involved, in the same  
 2471 manner as in Section ~~[76-10-1801]~~ 76-6-525.

2472 Section 26. Section **23A-4-1106** is amended to read:

2473 **23A-4-1106 (Effective 05/07/25). Suspension of license or permit privileges --**

2474 **Suspension of certificates of registration.**

2475 (1) As used in this section:

2476 (a) "License or permit privileges" means the privilege of applying for, purchasing, and  
2477 exercising the benefits conferred by a license or permit issued by the division.

2478 (b) "Livestock guardian dog" means the same as that term is defined in Section 76-6-111.

2479 (2) A hearing officer, appointed by the division, may suspend a person's license or permit  
2480 privileges if:

2481 (a) in a court of law, the person:

2482 (i) is convicted of:

2483 (A) violating this title or a rule of the Wildlife Board;

2484 (B) killing or injuring domestic livestock or a livestock guardian dog while  
2485 engaged in an activity regulated under this title;

2486 (C) violating Section 76-6-111; or

2487 (D) violating Section [~~76-10-508~~] 76-11-207 while engaged in an activity  
2488 regulated under this title;2489 (ii) enters into a plea in abeyance agreement, in which the person pleads guilty or no  
2490 contest to an offense listed in Subsection (2)(a)(i), and the plea is held in  
2491 abeyance; or2492 (iii) is charged with committing an offense listed in Subsection (2)(a)(i), and the  
2493 person enters into a diversion agreement which suspends the prosecution of the  
2494 offense; and2495 (b) the hearing officer determines the person committed the offense intentionally,  
2496 knowingly, or recklessly, as defined in Section 76-2-103.2497 (3)(a) The Wildlife Board shall make rules establishing guidelines that a hearing officer  
2498 shall consider in determining:

2499 (i) the type of license or permit privileges to suspend; and

2500 (ii) the duration of the suspension.

2501 (b) The Wildlife Board shall ensure that the guidelines established under Subsection  
2502 (3)(a) are consistent with Subsections (4), (5), and (6).2503 (4) Except as provided in Subsections (5) and (6), a hearing officer may suspend a person's  
2504 license or permit privileges according to Subsection (2) for a period of time not to  
2505 exceed:

2506 (a) seven years for:

2507 (i) a felony conviction;

- 2508 (ii) a plea of guilty or no contest to an offense punishable as a felony, which plea is  
2509 held in abeyance pursuant to a plea in abeyance agreement; or
- 2510 (iii) being charged with an offense punishable as a felony, the prosecution of which is  
2511 suspended pursuant to a diversion agreement;
- 2512 (b) five years for:
- 2513 (i) a class A misdemeanor conviction;
- 2514 (ii) a plea of guilty or no contest to an offense punishable as a class A misdemeanor,  
2515 which plea is held in abeyance pursuant to a plea in abeyance agreement; or
- 2516 (iii) being charged with an offense punishable as a class A misdemeanor, the  
2517 prosecution of which is suspended pursuant to a diversion agreement;
- 2518 (c) three years for:
- 2519 (i) a class B misdemeanor conviction;
- 2520 (ii) a plea of guilty or no contest to an offense punishable as a class B misdemeanor  
2521 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 2522 (iii) being charged with an offense punishable as a class B misdemeanor, the  
2523 prosecution of which is suspended pursuant to a diversion agreement; and
- 2524 (d) one year for:
- 2525 (i) a class C misdemeanor conviction;
- 2526 (ii) a plea of guilty or no contest to an offense punishable as a class C misdemeanor,  
2527 when the plea is held in abeyance according to a plea in abeyance agreement; or
- 2528 (iii) being charged with an offense punishable as a class C misdemeanor, the  
2529 prosecution of which is suspended according to a diversion agreement.
- 2530 (5) The hearing officer may double a suspension period established in Subsection (4) for  
2531 offenses:
- 2532 (a) committed in violation of an existing suspension or revocation order issued by the  
2533 courts, division, or Wildlife Board; or
- 2534 (b) involving the unlawful taking of a trophy animal, as defined in Section 23A-1-101.
- 2535 (6)(a) A hearing officer may suspend, according to Subsection (2), a person's license or  
2536 permit privileges for a particular license or permit only once for each single criminal  
2537 episode, as defined in Section 76-1-401.
- 2538 (b) If a hearing officer addresses two or more single criminal episodes in a hearing, the  
2539 suspension periods of license or permit privileges of the same type suspended,  
2540 according to Subsection (2), may run consecutively.
- 2541 (c) If a hearing officer suspends, according to Subsection (2), license or permit

- 2542 privileges of the type that have been previously suspended by a court, a hearing  
2543 officer, or the Wildlife Board and the suspension period has not expired, the  
2544 suspension periods may run consecutively.
- 2545 (7)(a) A hearing officer, appointed by the division, may suspend a person's privilege of  
2546 applying for, purchasing, and exercising the benefits conferred by a certificate of  
2547 registration if:
- 2548 (i) the hearing officer determines the person intentionally, knowingly, or recklessly,  
2549 as defined in Section 76-2-103, violated:
    - 2550 (A) this title;
    - 2551 (B) a rule or order of the Wildlife Board;
    - 2552 (C) the terms of a certificate of registration; or
    - 2553 (D) the terms of a certificate of registration application or agreement; or
  - 2554 (ii) the person, in a court of law:
    - 2555 (A) is convicted of an offense that the hearing officer determines bears a  
2556 reasonable relationship to the person's ability to safely and responsibly perform  
2557 the activities authorized by the certificate of registration;
    - 2558 (B) pleads guilty or no contest to an offense that the hearing officer determines  
2559 bears a reasonable relationship to the person's ability to safely and responsibly  
2560 perform the activities authorized by the certificate of registration, and the plea  
2561 is held in abeyance in accordance with a plea in abeyance agreement; or
    - 2562 (C) is charged with an offense that the hearing officer determines bears a  
2563 reasonable relationship to the person's ability to safely and responsibly perform  
2564 the activities authorized by the certificate of registration, and prosecution of the  
2565 offense is suspended in accordance with a diversion agreement.
- 2566 (b) A hearing officer shall suspend a certificate of registration for the harvesting of brine  
2567 shrimp eggs, as defined in Section 59-23-3, if the hearing officer determines the  
2568 holder of the certificate of registration has violated Section 59-23-5.
- 2569 (8)(a) The director shall appoint a qualified person as a hearing officer to perform the  
2570 adjudicative functions provided in this section.
- 2571 (b) The director may not appoint a division employee who investigates or enforces  
2572 wildlife violations.
- 2573 (9)(a) The courts may suspend, in criminal sentencing, a person's privilege to apply for,  
2574 purchase, or exercise the benefits conferred by a license, permit, or certificate of  
2575 registration.

- 2576 (b) The courts shall promptly notify the division of suspension orders or  
2577 recommendations entered.
- 2578 (c) The division, upon receiving notification of suspension from the courts, shall prohibit  
2579 the person from applying for, purchasing, or exercising the benefits conferred by a  
2580 license, permit, or certification of registration for the duration and of the type  
2581 specified in the court order.
- 2582 (d) The hearing officer shall consider a recommendation made by a sentencing court  
2583 concerning suspension before issuing a suspension order.
- 2584 (10) Before suspension under this section, the division shall give a person:
- 2585 (a) written notice of action the division intends to take; and  
2586 (b) an opportunity for a hearing.
- 2587 (11)(a) A person may file an appeal of a hearing officer's decision with the Wildlife  
2588 Board.
- 2589 (b) The Wildlife Board shall review the hearing officer's findings and conclusions and  
2590 any written documentation submitted at the hearing.
- 2591 (c) The Wildlife Board may:
- 2592 (i) take no action;  
2593 (ii) vacate or remand the decision; or  
2594 (iii) amend the period or type of suspension.
- 2595 (12) The division shall suspend and reinstate all hunting, fishing, trapping, and falconry  
2596 privileges consistent with Chapter 2, Part 5, Wildlife Violator Compact.
- 2597 (13) Within 30 days after the day on which an individual's privilege to hunt or fish is  
2598 suspended under this title, the division shall report to the Division of Professional  
2599 Licensing the:
- 2600 (a) identifying information for the individual; and  
2601 (b) time period of the suspension.
- 2602 (14) The Wildlife Board may make rules to implement this section in accordance with Title  
2603 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2604 Section 27. Section **23A-13-303** is amended to read:  
2605 **23A-13-303 (Effective 05/07/25). Nuisances.**
- 2606 (1)(a) A county shall exclude the activities described in Subsection (1)(b) from the  
2607 definition of public nuisance in a county law or ordinance regulating a public  
2608 nuisance.
- 2609 (b) An activity or occurrence normally associated with a migratory bird production area

- 2610 is not a nuisance, including:
- 2611 (i) hunting;
- 2612 (ii) discharging a firearm;
- 2613 (iii) improving habitat;
- 2614 (iv) trapping;
- 2615 (v) eradicating weeds;
- 2616 (vi) discing;
- 2617 (vii) planting;
- 2618 (viii) impounding water;
- 2619 (ix) raising a bird or other domestic animal;
- 2620 (x) grazing;
- 2621 (xi) an activity conducted in the normal course of an agricultural operation as defined
- 2622 in Section 4-44-102; and
- 2623 (xii) an odor.
- 2624 (2) In a civil action for nuisance or a criminal action for public nuisance under Section [
- 2625 ~~76-10-803~~] 76-9-1301, it is a complete defense if the action is:
- 2626 (a) normally associated with a migratory bird production area;
- 2627 (b) conducted within a migratory bird production area; and
- 2628 (c) not in violation of federal or state law.
- 2629 (3) An owner of a new development located in whole or in part within 1,000 feet of a
- 2630 migratory bird production area shall provide the following notice on a plat filed with the
- 2631 county recorder:
- 2632

"Migratory Bird Production Area

2633 This property is located in the vicinity of an established migratory bird production

2634 area in which hunting and activities related to the management and operation of land for the

2635 benefit of migratory birds have been afforded the highest priority use status. It can be

2636 anticipated that these uses and activities may now or in the future be conducted on land within

2637 the migratory bird production area. The use and enjoyment of this property is expressly

2638 conditioned on acceptance of any annoyance or inconvenience that may result from activities

2639 normally associated with a migratory bird production area."

2640 Section 28. Section **26B-2-120** is amended to read:

2641 **26B-2-120 (Effective 05/07/25). Background check -- Direct access to children or**

2642 **vulnerable adults.**

- 2643 (1) As used in this section:
- 2644 (a)(i) "Applicant" means an individual who is associated with a certification,
- 2645 contract, or licensee with the department under this part and has direct access,
- 2646 including:
- 2647 (A) an adoptive parent or prospective adoptive parent, including an applicant for
  - 2648 an adoption in accordance with Section 78B-6-128;
  - 2649 (B) a foster parent or prospective foster parent;
  - 2650 (C) an individual who provides respite care to a foster parent or an adoptive parent
  - 2651 on more than one occasion;
  - 2652 (D) an individual who transports a child for a youth transportation company;
  - 2653 (E) an individual who provides certified peer support, as defined in Section
  - 2654 26B-5-610;
  - 2655 (F) an individual who provides peer supports, has a disability or a family member
  - 2656 with a disability, or is in recovery from a mental illness or a substance use
  - 2657 disorder;
  - 2658 (G) an individual who has lived experience with the services provided by the
  - 2659 department, and uses that lived experience to provide support, guidance, or
  - 2660 services to promote resiliency and recovery;
  - 2661 (H) an individual who is identified as a mental health professional, licensed under
  - 2662 Title 58, Chapter 60, Mental Health Professional Practice Act, and engaged in
  - 2663 the practice of mental health therapy, as defined in Section 58-60-102;
  - 2664 (I) an individual, other than the child or vulnerable adult receiving the service,
  - 2665 who is 12 years old or older and resides in a home, that is licensed or certified
  - 2666 by the division;
  - 2667 (J) an individual who is 12 years old or older and is associated with a certification,
  - 2668 contract, or licensee with the department under this part and has or will likely
  - 2669 have direct access;
  - 2670 (K) a foster home licensee that submits an application for an annual background
  - 2671 screening as required by Subsection 26B-2-105(4)(d)(iii); or
  - 2672 (L) a short-term relief care provider.
- 2673 (ii) "Applicant" does not include:
- 2674 (A) an individual who is in the custody of the Division of Child and Family
  - 2675 Services or the Division of Juvenile Justice and Youth Services;
  - 2676 (B) an individual who applies for employment with, or is employed by, the

- 2677 Department of Health and Human Services;
- 2678 (C) a parent of a person receiving services from the Division of Services for  
2679 People with Disabilities, if the parent provides direct care to and resides with  
2680 the person, including if the parent provides direct care to and resides with the  
2681 person pursuant to a court order; or
- 2682 (D) an individual or a department contractor who provides services in an adults  
2683 only substance use disorder program, as defined by rule adopted by the  
2684 Department of Health and Human Services in accordance with Title 63G,  
2685 Chapter 3, Utah Administrative Rulemaking Act, and who is not a program  
2686 director or a member, as defined by Section 26B-2-105, of the program.
- 2687 (b) "Application" means a background check application to the office.
- 2688 (c) "Bureau" means the Bureau of Criminal Identification within the Department of  
2689 Public Safety, created in Section 53-10-201.
- 2690 (d) "Criminal finding" means a record of:
- 2691 (i) an arrest for a criminal offense;
- 2692 (ii) a warrant for a criminal arrest;
- 2693 (iii) charges for a criminal offense; or
- 2694 (iv) a criminal conviction.
- 2695 (e) "Direct access" means that an individual has, or likely will have:
- 2696 (i) contact with or access to a child or vulnerable adult by which the individual will  
2697 have the opportunity for personal communication or touch with the child or  
2698 vulnerable adult; or
- 2699 (ii) an opportunity to view medical, financial, or other confidential personal  
2700 identifying information of the child, the child's parent or legal guardian, or the  
2701 vulnerable adult.
- 2702 (f)(i) "Direct access qualified" means that the applicant has an eligible determination  
2703 by the office within the license and renewal time period; and
- 2704 (ii) no more than 180 days have passed since the date on which the applicant's  
2705 association with a certification, contract, or licensee with the department expires.
- 2706 (g) "Incidental care" means occasional care, not in excess of five hours per week and  
2707 never overnight, for a foster child.
- 2708 (h) "Licensee" means an individual or a human services program licensed by the  
2709 division.
- 2710 (i) "Non-criminal finding" means a record maintained in:



- 2711 (i) the Division of Child and Family Services' Management Information System  
2712 described in Section 80-2-1001;
- 2713 (ii) the Division of Child and Family Services' Licensing Information System  
2714 described in Section 80-2-1002;
- 2715 (iii) the Division of Aging and Adult Services' vulnerable adult abuse, neglect, or  
2716 exploitation database described in Section 26B-6-210;
- 2717 (iv) juvenile court arrest, adjudication, and disposition records;
- 2718 (v) the Sex, Kidnap, and Child Abuse Offender Registry described in Title 77,  
2719 Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex  
2720 offender registry; or
- 2721 (vi) a state child abuse or neglect registry.
- 2722 (j) "Office" means the Office of Background Processing within the department.
- 2723 (k) "Personal identifying information" means:
- 2724 (i) current name, former names, nicknames, and aliases;
- 2725 (ii) date of birth;
- 2726 (iii) physical address and email address;
- 2727 (iv) telephone number;
- 2728 (v) driver license or other government-issued identification;
- 2729 (vi) social security number;
- 2730 (vii) only for applicants who are 18 years old or older, fingerprints, in a form  
2731 specified by the office; and
- 2732 (viii) other information specified by the office by rule made in accordance with Title  
2733 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 2734 (2) Except as provided in Subsection (12), an applicant or a representative shall submit the  
2735 following to the office:
- 2736 (a) personal identifying information;
- 2737 (b) a fee established by the office under Section 63J-1-504;
- 2738 (c) a disclosure form, specified by the office, for consent for:
- 2739 (i) an initial background check upon association with a certification, contract, or  
2740 licensee with the department;
- 2741 (ii) ongoing monitoring of fingerprints and registries until no longer associated with a  
2742 certification, contract, or licensee with the department for 180 days;
- 2743 (iii) a background check when the office determines that reasonable cause exists; and  
2744 (iv) retention of personal identifying information, including fingerprints, for

- 2745 monitoring and notification as described in Subsections (3)(c) and (4);
- 2746 (d) if an applicant resided outside of the United States and its territories during the five  
2747 years immediately preceding the day on which the information described in  
2748 Subsections (2)(a) through (c) is submitted to the office, documentation establishing  
2749 whether the applicant was convicted of a crime during the time that the applicant  
2750 resided outside of the United States or its territories; and
- 2751 (e) an application showing an applicant's association with a certification, contract, or a  
2752 licensee with the department, for the purpose of the office tracking the direct access  
2753 qualified status of the applicant, which expires 180 days after the date on which the  
2754 applicant is no longer associated with a certification, contract, or a licensee with the  
2755 department.
- 2756 (3) The office:
- 2757 (a) shall perform the following duties as part of a background check of an applicant  
2758 before the office grants or denies direct access qualified status to an applicant:
- 2759 (i) check state and regional criminal background databases for the applicant's  
2760 criminal history by:
- 2761 (A) submitting personal identifying information to the bureau for a search; or  
2762 (B) using the applicant's personal identifying information to search state and  
2763 regional criminal background databases as authorized under Section 53-10-108;
- 2764 (ii) submit the applicant's personal identifying information and fingerprints to the  
2765 bureau for a criminal history search of applicable national criminal background  
2766 databases;
- 2767 (iii) search the Division of Child and Family Services' Licensing Information System  
2768 described in Section 80-2-1002;
- 2769 (iv) search the Sex, Kidnap, and Child Abuse Offender Registry described in Title  
2770 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national  
2771 sex offender registry for an applicant 18 years old or older;
- 2772 (v) if the applicant is associated with a licensee for a prospective foster or adoptive  
2773 parent, search the Division of Child and Family Services' Management  
2774 Information System described in Section 80-2-1001;
- 2775 (vi) search the Division of Aging and Adult Services' vulnerable adult abuse, neglect,  
2776 or exploitation database described in Section 26B-6-210;
- 2777 (vii) search the juvenile court records for substantiated findings of severe child abuse  
2778 or neglect described in Section 80-3-404; and

- 2779 (viii) search the juvenile court arrest, adjudication, and disposition records, as  
2780 provided under Section 78A-6-209;
- 2781 (b) may conduct all or portions of a background check in connection with determining  
2782 whether an applicant is direct access qualified, as provided by rule, made by the  
2783 office in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act:  
2784 (i) for an annual renewal; or  
2785 (ii) when the office determines that reasonable cause exists;
- 2786 (c) may submit an applicant's personal identifying information, including fingerprints, to  
2787 the bureau for checking, retaining, and monitoring of state and national criminal  
2788 background databases and for notifying the office of new criminal activity associated  
2789 with the applicant;
- 2790 (d) shall track the status of an applicant under this section to ensure that the applicant is  
2791 not required to duplicate the submission of the applicant's fingerprints if the applicant  
2792 is associated with more than one certification, contract, or licensee with the  
2793 department;
- 2794 (e) shall notify the bureau when a direct access qualified individual has not been  
2795 associated with a certification, contract, or licensee with the department for a period  
2796 of 180 days;
- 2797 (f) shall adopt measures to strictly limit access to personal identifying information solely  
2798 to the individuals responsible for processing and entering the applications for  
2799 background checks and to protect the security of the personal identifying information  
2800 the office reviews under this Subsection (3);
- 2801 (g) as necessary to comply with the federal requirement to check a state's child abuse  
2802 and neglect registry regarding any applicant working in a congregate care program,  
2803 shall:
- 2804 (i) search the Division of Child and Family Services' Licensing Information System  
2805 described in Section 80-2-1002; and  
2806 (ii) require the child abuse and neglect registry be checked in each state where an  
2807 applicant resided at any time during the five years immediately preceding the day  
2808 on which the application is submitted to the office; and
- 2809 (h) shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative  
2810 Rulemaking Act, to implement the provisions of this Subsection (3) relating to  
2811 background checks.
- 2812 (4)(a) With the personal identifying information the office submits to the bureau under

- 2813 Subsection (3), the bureau shall check against state and regional criminal background  
2814 databases for the applicant's criminal history.
- 2815 (b) With the personal identifying information and fingerprints the office submits to the  
2816 bureau under Subsection (3), the bureau shall check against national criminal  
2817 background databases for the applicant's criminal history.
- 2818 (c) Upon direction from the office, and with the personal identifying information and  
2819 fingerprints the office submits to the bureau under Subsection (3)(c), the bureau shall:
- 2820 (i) maintain a separate file of the fingerprints for search by future submissions to the  
2821 local and regional criminal records databases, including latent prints; and  
2822 (ii) monitor state and regional criminal background databases and identify criminal  
2823 activity associated with the applicant.
- 2824 (d) The bureau is authorized to submit the fingerprints to the Federal Bureau of  
2825 Investigation Next Generation Identification System, to be retained in the Federal  
2826 Bureau of Investigation Next Generation Identification System for the purpose of:
- 2827 (i) being searched by future submissions to the national criminal records databases,  
2828 including the Federal Bureau of Investigation Next Generation Identification  
2829 System and latent prints; and  
2830 (ii) monitoring national criminal background databases and identifying criminal  
2831 activity associated with the applicant.
- 2832 (e) The Bureau shall notify and release to the office all information of criminal activity  
2833 associated with the applicant.
- 2834 (f) Upon notice that an individual who has direct access qualified status will no longer  
2835 be associated with a certification, contract, or licensee with the department, the  
2836 bureau shall:
- 2837 (i) discard and destroy any retained fingerprints; and  
2838 (ii) notify the Federal Bureau of Investigation when the license has expired or an  
2839 individual's direct access to a child or a vulnerable adult has ceased, so that the  
2840 Federal Bureau of Investigation will discard and destroy the retained fingerprints  
2841 from the Federal Bureau of Investigation Next Generation Identification System.
- 2842 (5)(a) Except as provided in Subsection (5)(b), the office shall deny direct access  
2843 qualified status to an applicant who, within three years from the date on which the  
2844 office conducts the background check, was convicted of:
- 2845 (i) a felony or misdemeanor involving conduct that constitutes any of the following:  
2846 (A) an offense identified as domestic violence, lewdness, voyeurism, battery,

- 2847 cruelty to animals, or bestiality;
- 2848 (B) a violation of any pornography law, including sexual exploitation of a minor
- 2849 or aggravated sexual exploitation of a minor;
- 2850 (C) sexual solicitation or prostitution;
- 2851 (D) a violent offense committed in the presence of a child, as described in Section
- 2852 76-3-203.10;
- 2853 (E) an offense included in Title 76, Chapter 4, Part 4, Enticement of a Minor;
- 2854 (F) an offense included in Title 76, Chapter 5, Offenses Against the Individual;
- 2855 (G) an offense included in Title 76, Chapter 5b, Sexual Exploitation Act;
- 2856 (H) an offense included in Title 76, Chapter 7, Offenses Against the Family;
- 2857 (I) an offense included in [~~Title 76, Chapter 9, Part 4, Offenses Against Privacy~~]
- 2858 Title 76, Chapter 12, Part 3, Privacy Offenses;
- 2859 (J) an offense included in [~~Title 76, Chapter 10, Part 4, Weapons of Mass~~
- 2860 ~~Destruction~~] Title 76, Chapter 15, Part 3, Weapons of Mass Destruction;
- 2861 (K) an offense included in Title 78B, Chapter 7, Protective Orders and Stalking
- 2862 Injunctions;
- 2863 (L) aggravated arson, as described in Section 76-6-103;
- 2864 (M) aggravated burglary, as described in Section 76-6-203;
- 2865 (N) aggravated exploitation of prostitution, as described in Section [~~76-10-1306~~]
- 2866 76-5d-208;
- 2867 (O) aggravated robbery, as described in Section 76-6-302;
- 2868 (P) endangering persons in a human services program, as described in Section
- 2869 26B-2-113;
- 2870 (Q) failure to report, as described in Section 80-2-609;
- 2871 (R) identity fraud crime, as described in Section 76-6-1102;
- 2872 (S) leaving a child unattended in a motor vehicle, as described in Section [~~76-10-2202~~]
- 2873 76-5-115;
- 2874 (T) riot, as described in Section 76-9-101;
- 2875 (U) sexual battery, as described in Section [~~76-9-702.1~~] 76-5-418; or
- 2876 (V) threatening with or using a dangerous weapon in a fight or quarrel, as
- 2877 described in Section [~~76-10-506~~] 76-11-205; or
- 2878 (ii) a felony or misdemeanor offense committed outside of the state that, if committed
- 2879 in the state, would constitute a violation of an offense described in Subsection
- 2880 (5)(a)(i).

- 2881 (b)(i) Subsection (5)(a) does not apply to an applicant who is seeking a position as a  
2882 peer support provider or a mental health professional, if the applicant provides  
2883 services in a program that serves only adults with a primary mental health  
2884 diagnosis, with or without a co-occurring substance use disorder.
- 2885 (ii) The office shall conduct a comprehensive review of an applicant described in  
2886 Subsection (5)(b)(i) in accordance with Subsection (7).
- 2887 (c) The office shall deny direct access qualified status to an applicant if the office finds  
2888 that a court order prohibits the applicant from having direct access to a child or  
2889 vulnerable adult.
- 2890 (6) The office shall conduct a comprehensive review of an applicant's background check if  
2891 the applicant:
- 2892 (a) has a felony or class A misdemeanor conviction that is more than three years from  
2893 the date on which the office conducts the background check, for an offense described  
2894 in Subsection (5)(a);
- 2895 (b) has a felony charge or conviction that is no more than 10 years from the date on  
2896 which the office conducts the background check for an offense not described in  
2897 Subsection (5)(a);
- 2898 (c) has a felony charge or conviction that is more than 10 years from the date on which  
2899 the office conducts the background check, for an offense not described in Subsection  
2900 (5)(a), with criminal or non-criminal findings after the date of the felony charge or  
2901 conviction;
- 2902 (d) has a class B misdemeanor or class C misdemeanor conviction that is more than  
2903 three years and no more than 10 years from the date on which the office conducts the  
2904 background check for an offense described in Subsection (5)(a);
- 2905 (e) has a class B misdemeanor or class C misdemeanor conviction that is more than 10  
2906 years from the date on which the office conducts the background check, for an  
2907 offense described in Subsection (5)(a), with criminal or non-criminal findings after  
2908 the date of conviction;
- 2909 (f) has a misdemeanor charge or conviction that is no more than three years from the  
2910 date on which the office conducts the background check for an offense not described  
2911 in Subsection (5)(a);
- 2912 (g) has a misdemeanor charge or conviction that is more than three years from the date  
2913 on which the office conducts the background check, for an offense not described in  
2914 Subsection (5)(a), with criminal or non-criminal findings after the date of charge or

- 2915 conviction;
- 2916 (h) is currently subject to a plea in abeyance or diversion agreement for an offense  
2917 described in Subsection (5)(a);
- 2918 (i) appears on the Sex, Kidnap, and Child Abuse Offender Registry described in Title  
2919 77, Chapter 41, Sex, Kidnap, and Child Abuse Offender Registry, or a national sex  
2920 offender registry;
- 2921 (j) has a record of an adjudication in juvenile court for an act that, if committed by an  
2922 adult, would be a felony or misdemeanor, if the applicant is:
- 2923 (i) under 28 years old; or
- 2924 (ii) 28 years old or older and has been convicted of, has pleaded no contest to, or is  
2925 currently subject to a plea in abeyance or diversion agreement for a felony or a  
2926 misdemeanor offense described in Subsection (5)(a);
- 2927 (k) has a pending charge for an offense described in Subsection (5)(a);
- 2928 (l) has a listing that occurred no more than 15 years from the date on which the office  
2929 conducts the background check in the Division of Child and Family Services'  
2930 Licensing Information System described in Section ;
- 2931 (m) has a listing that occurred more than 15 years from the date on which the office  
2932 conducts the background check in the Division of Child and Family Services'  
2933 Licensing Information System described in Section 80-2-1002, with criminal or  
2934 non-criminal findings after the date of the listing;
- 2935 (n) has a listing that occurred no more than 15 years from the date on which the office  
2936 conducts the background check in the Division of Aging and Adult Services'  
2937 vulnerable adult abuse, neglect, or exploitation database described in Section  
2938 26B-6-210;
- 2939 (o) has a listing that occurred more than 15 years from the date on which the office  
2940 conducts the background check in the Division of Aging and Adult Services'  
2941 vulnerable adult abuse, neglect, or exploitation database described in Section  
2942 26B-6-210, with criminal or non-criminal findings after the date of the listing;
- 2943 (p) has a substantiated finding that occurred no more than 15 years from the date on  
2944 which the office conducts the background check of severe child abuse or neglect  
2945 under Section 80-3-404 or 80-3-504 ; or
- 2946 (q) has a substantiated finding that occurred more than 15 years from the date on which  
2947 the office conducts the background check of severe child abuse or neglect under  
2948 Section 80-3-404 or 80-3-504, with criminal or non-criminal findings after the date of

- 2949 the listing.
- 2950 (7)(a) The comprehensive review shall include an examination of:
- 2951 (i) the date of the offense or incident;
- 2952 (ii) the nature and seriousness of the offense or incident;
- 2953 (iii) the circumstances under which the offense or incident occurred;
- 2954 (iv) the age of the perpetrator when the offense or incident occurred;
- 2955 (v) whether the offense or incident was an isolated or repeated incident;
- 2956 (vi) whether the offense or incident directly relates to abuse of a child or vulnerable
- 2957 adult, including:
- 2958 (A) actual or threatened, nonaccidental physical, mental, or financial harm;
- 2959 (B) sexual abuse;
- 2960 (C) sexual exploitation; or
- 2961 (D) negligent treatment;
- 2962 (vii) any evidence provided by the applicant of rehabilitation, counseling, psychiatric
- 2963 treatment received, or additional academic or vocational schooling completed;
- 2964 (viii) the applicant's risk of harm to clientele in the program or in the capacity for
- 2965 which the applicant is applying; and
- 2966 (ix) if the background check of an applicant is being conducted for the purpose of
- 2967 giving direct access qualified status to an applicant seeking a position in a
- 2968 congregate care program or to become a prospective foster or adoptive parent, any
- 2969 listing in the Division of Child and Family Services' Management Information
- 2970 System described in Section 80-2-1001.
- 2971 (b) At the conclusion of the comprehensive review, the office shall deny direct access
- 2972 qualified status to an applicant if the office finds the approval would likely create a
- 2973 risk of harm to a child or vulnerable adult.
- 2974 (8) The office shall grant direct access qualified status to an applicant who is not denied
- 2975 under this section.
- 2976 (9)(a) The office may conditionally grant direct access qualified status to an applicant,
- 2977 for a maximum of 60 days after the day on which the office sends written notice,
- 2978 without requiring that the applicant be directly supervised, if the office:
- 2979 (i) is awaiting the results of the criminal history search of national criminal
- 2980 background databases; and
- 2981 (ii) would otherwise grant direct access qualified status to the applicant under this
- 2982 section.



- 2983 (b) The office may conditionally grant direct access qualified status to an applicant, for a  
2984 maximum of one year after the day on which the office sends written notice, without  
2985 requiring that the applicant be directly supervised if the office:
- 2986 (i) is awaiting the results of an out-of-state registry for providers other than foster and  
2987 adoptive parents; and
- 2988 (ii) would otherwise grant direct access qualified status to the applicant under this  
2989 section.
- 2990 (c) Upon receiving the results of the criminal history search of a national criminal  
2991 background database, the office shall grant or deny direct access qualified status to  
2992 the applicant in accordance with this section.
- 2993 (10)(a) Each time an applicant is associated with a licensee, the department shall review  
2994 the current status of the applicant's background check to ensure the applicant is still  
2995 eligible for direct access qualified status in accordance with this section.
- 2996 (b) A licensee may not permit an individual to have direct access to a child or a  
2997 vulnerable adult without being directly supervised unless:
- 2998 (i) the individual is the parent or guardian of the child, or the guardian of the  
2999 vulnerable adult;
- 3000 (ii) the individual is approved by the parent or guardian of the child, or the guardian  
3001 of the vulnerable adult, to have direct access to the child or the vulnerable adult;
- 3002 (iii) the individual is only permitted to have direct access to a vulnerable adult who  
3003 voluntarily invites the individual to visit; or
- 3004 (iv) the individual only provides incidental care for a foster child on behalf of a foster  
3005 parent who has used reasonable and prudent judgment to select the individual to  
3006 provide the incidental care for the foster child.
- 3007 (c) Notwithstanding any other provision of this section, an applicant who is denied direct  
3008 access qualified status shall not have direct access to a child or vulnerable adult  
3009 unless the office grants direct access qualified status to the applicant through a  
3010 subsequent application in accordance with this section.
- 3011 (11) If the office denies direct access qualified status to an applicant, the applicant may  
3012 request a hearing in the department's Office of Administrative Hearings to challenge the  
3013 office's decision.
- 3014 (12)(a) This Subsection (12) applies to an applicant associated with a certification,  
3015 contract, or licensee serving adults only.
- 3016 (b) A program director or a member, as defined in Section 26B-2-105, of the licensee

3017 shall comply with this section.

3018 (c) The office shall conduct a comprehensive review for an applicant if:

3019 (i) the applicant is seeking a position:

3020 (A) as a peer support provider;

3021 (B) as a mental health professional; or

3022 (C) in a program that serves only adults with a primary mental health diagnosis,  
3023 with or without a co-occurring substance use disorder; and

3024 (ii) within three years from the date on which the office conducts the background  
3025 check, the applicant has a felony or misdemeanor charge or conviction or a  
3026 non-criminal finding.

3027 (13)(a) This Subsection (13) applies to an applicant seeking a position in a congregate  
3028 care program, an applicant seeking to provide a prospective foster home, an applicant  
3029 seeking to provide a prospective adoptive home, and each adult living in the home of  
3030 the prospective foster or prospective adoptive home.

3031 (b) As federally required, the office shall:

3032 (i) check the child abuse and neglect registry in each state where each applicant  
3033 resided in the five years immediately preceding the day on which the applicant  
3034 applied to be a foster or adoptive parent, to determine whether the prospective  
3035 foster or adoptive parent is listed in the registry as having a substantiated or  
3036 supported finding of child abuse or neglect; and

3037 (ii) except for applicants seeking a position in a congregate care program, check the  
3038 child abuse and neglect registry in each state where each adult living in the home  
3039 of the prospective foster or adoptive home resided in the five years immediately  
3040 preceding the day on which the applicant applied to be a foster or adoptive parent,  
3041 to determine whether the adult is listed in the registry as having a substantiated or  
3042 supported finding of child abuse or neglect.

3043 (c) The requirements described in Subsection (13)(b) do not apply to the extent that:

3044 (i) federal law or rule permits otherwise; or

3045 (ii) the requirements would prohibit the Division of Child and Family Services or a  
3046 court from placing a child with:

3047 (A) a noncustodial parent under Section 80-2a-301, 80-3-302, or 80-3-303; or

3048 (B) a relative, other than a noncustodial parent, under Section 80-2a-301, 80-3-302,  
3049 or 80-3-303, pending completion of the background check described in  
3050 Subsections (5), (6), and (7).

- 3051 (d) Notwithstanding Subsections (5) through (10), the office shall deny direct access  
 3052 qualified status if the applicant has been convicted of:
- 3053 (i) a felony involving conduct that constitutes any of the following:
- 3054 (A) child abuse, as described in Sections 76-5-109, 76-5-109.2, and 76-5-109.3;
  - 3055 (B) commission of domestic violence in the presence of a child, as described in  
 3056 Section 76-5-114;
  - 3057 (C) abuse or neglect of a child with a disability, as described in Section 76-5-110;
  - 3058 (D) intentional aggravated abuse of a vulnerable adult, as described in Section  
 3059 76-5-111;
  - 3060 (E) endangerment of a child or vulnerable adult, as described in Section  
 3061 76-5-112.5;
  - 3062 (F) aggravated murder, as described in Section 76-5-202;
  - 3063 (G) murder, as described in Section 76-5-203;
  - 3064 (H) manslaughter, as described in Section 76-5-205;
  - 3065 (I) child abuse homicide, as described in Section 76-5-208;
  - 3066 (J) homicide by assault, as described in Section 76-5-209;
  - 3067 (K) kidnapping, as described in Section 76-5-301;
  - 3068 (L) child kidnapping, as described in Section 76-5-301.1;
  - 3069 (M) aggravated kidnapping, as described in Section 76-5-302;
  - 3070 (N) human trafficking of a child, as described in Section 76-5-308.5;
  - 3071 (O) an offense described in Title 76, Chapter 5, Part 4, Sexual Offenses,  
 3074 not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420;
  - 3075 (P) sexual exploitation of a minor, as described in Title 76, Chapter 5b, Sexual  
 3076 Exploitation Act;
  - 3077 (Q) aggravated exploitation of a minor, as described in Section 76-5b-201.1;
  - 3078 (R) aggravated arson, as described in Section 76-6-103;
  - 3079 (S) aggravated burglary, as described in Section 76-6-203;
  - 3080 (T) aggravated robbery, as described in Section 76-6-302;
  - 3081 [~~U~~] ~~lewdness involving a child, as described in Section 76-9-702.5;~~
  - 3082 [~~V~~] (U) incest, as described in Section 76-7-102; or
  - 3083 [~~W~~] (V) domestic violence, as described in Section 77-36-1; or
  - 3084 (ii) an offense committed outside the state that, if committed in the state, would  
 3085 constitute a violation of an offense described in Subsection (13)(d)(i).
- 3086 (e) Notwithstanding Subsections (5) through (10), the office shall deny direct access

- 3087 qualified status to an applicant if, within the five years from the date on which the  
3088 office conducts the background check, the applicant was convicted of a felony  
3089 involving conduct that constitutes a violation of any of the following:
- 3090 (i) aggravated assault, as described in Section 76-5-103;
  - 3091 (ii) aggravated assault by a prisoner, as described in Section 76-5-103.5;
  - 3092 (iii) mayhem, as described in Section 76-5-105;
  - 3093 (iv) an offense described in Title 58, Chapter 37, Utah Controlled Substances Act;
  - 3094 (v) an offense described in Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
  - 3095 (vi) an offense described in Title 58, Chapter 37b, Imitation Controlled Substances  
3096 Act;
  - 3097 (vii) an offense described in Title 58, Chapter 37c, Utah Controlled Substance  
3098 Precursor Act; or
  - 3099 (viii) an offense described in Title 58, Chapter 37d, Clandestine Drug Lab Act.
- 3100 (f) In addition to the circumstances described in Subsection (6), the office shall conduct  
3101 a comprehensive review of an applicant's background check under this section if the  
3102 applicant:
- 3103 (i) has an offense described in Subsection (5)(a);
  - 3104 (ii) has an infraction conviction entered on a date that is no more than three years  
3105 before the date on which the office conducts the background check;
  - 3106 (iii) has a listing in the Division of Child and Family Services' Licensing Information  
3107 System described in Section 80-2-1002;
  - 3108 (iv) has a listing in the Division of Aging and Adult Services' vulnerable adult,  
3109 neglect, or exploitation database described in Section 26B-2-210;
  - 3110 (v) has a substantiated finding of severe child abuse or neglect under Section  
3111 80-3-404 or 80-3-504; or
  - 3112 (vi) has a listing on the registry check described in Subsection (13)(b) as having a  
3113 substantiated or supported finding of a severe type of child abuse or neglect, as  
3114 defined in Section 80-1-102.
- 3115 (14) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3116 office may make rules, consistent with this part, to:
- 3117 (a) establish procedures for, and information to be examined in, the comprehensive  
3118 review described in Subsections (6), (7), and (13); and
  - 3119 (b) determine whether to consider an offense or incident that occurred while an  
3120 individual was in the custody of the Division of Child and Family Services or the

3121 Division of Juvenile Justice and Youth Services for purposes of granting or denying  
3122 direct access qualified status to an applicant.

3123 Section 29. Section **26B-4-501** is amended to read:

3124 **26B-4-501 (Effective 05/07/25). Definitions.**

3125 As used in this part:

3126 (1) "Controlled substance" means the same as that term is defined in Title 58, Chapter 37,  
3127 Utah Controlled Substances Act.

3128 (2) "Critical access hospital" means a critical access hospital that meets the criteria of 42  
3129 U.S.C. Sec. 1395i-4(c)(2) (1998).

3130 (3) "Designated facility" means:

3131 (a) a freestanding urgent care center;

3132 (b) a general acute hospital; or

3133 (c) a critical access hospital.

3134 (4) "Dispense" means the same as that term is defined in Section 58-17b-102.

3135 (5) "Division" means the Division of Professional Licensing created in Section 58-1-103.

3136 (6) "Emergency contraception" means the use of a substance, approved by the United States  
3137 Food and Drug Administration, to prevent pregnancy after sexual intercourse.

3138 (7) "Freestanding urgent care center" means the same as that term is defined in Section  
3139 59-12-801.

3140 (8) "General acute hospital" means the same as that term is defined in Section 26B-2-201.

3141 (9) "Health care facility" means a hospital, a hospice inpatient residence, a nursing facility,  
3142 a dialysis treatment facility, an assisted living residence, an entity that provides home-  
3143 and community-based services, a hospice or home health care agency, or another facility  
3144 that provides or contracts to provide health care services, which facility is licensed under  
3145 Chapter 2, Part 2, Health Care Facility Licensing and Inspection.

3146 (10) "Health care provider" means:

3147 (a) a physician, as defined in Section 58-67-102;

3148 (b) an advanced practice registered nurse, as defined in Section 58-31b-102;

3149 (c) a physician assistant, as defined in Section 58-70a-102; or

3150 (d) an individual licensed to engage in the practice of dentistry, as defined in Section  
3151 58-69-102.

3152 (11) "Increased risk" means risk exceeding the risk typically experienced by an individual  
3153 who is not using, and is not likely to use, an opiate.

3154 (12) "Opiate" means the same as that term is defined in Section 58-37-2.

- 3155 (13) "Opiate antagonist" means naloxone hydrochloride or any similarly acting drug that is  
3156 not a controlled substance and that is approved by the federal Food and Drug  
3157 Administration for the diagnosis or treatment of an opiate-related drug overdose.
- 3158 (14) "Opiate-related drug overdose event" means an acute condition, including a decreased  
3159 level of consciousness or respiratory depression resulting from the consumption or use  
3160 of a controlled substance, or another substance with which a controlled substance was  
3161 combined, and that a person would reasonably believe to require medical assistance.
- 3162 (15) "Overdose outreach provider" means:
- 3163 (a) a law enforcement agency;
- 3164 (b) a fire department;
- 3165 (c) an emergency medical service provider, as defined in Section 26B-4-101;
- 3166 (d) emergency medical service personnel, as defined in Section 26B-4-101;
- 3167 (e) an organization providing treatment or recovery services for drug or alcohol use;
- 3168 (f) an organization providing support services for an individual, or a family of an  
3169 individual, with a substance use disorder;
- 3170 (g) a certified peer support specialist, as defined in Section 26B-5-610;
- 3171 (h) an organization providing substance use or mental health services under contract  
3172 with a local substance abuse authority, as defined in Section 26B-5-101, or a local  
3173 mental health authority, as defined in Section 26B-5-101;
- 3174 (i) an organization providing services to the homeless;
- 3175 (j) a local health department;
- 3176 (k) an individual licensed to practice under:
- 3177 (i) Title 58, Chapter 17b, Pharmacy Practice Act;
- 3178 (ii) Title 58, Chapter 60, Part 2, Social Worker Licensing Act; or
- 3179 (iii) Title 58, Chapter 60, Part 5, Substance Use Disorder Counselor Act; or
- 3180 (l) an individual.
- 3181 (16) "Patient counseling" means the same as that term is defined in Section 58-17b-102.
- 3182 (17) "Pharmacist" means the same as that term is defined in Section 58-17b-102.
- 3183 (18) "Pharmacy intern" means the same as that term is defined in Section 58-17b-102.
- 3184 (19) "Physician" means the same as that term is defined in Section 58-67-102.
- 3185 (20) "Practitioner" means:
- 3186 (a) a physician; or
- 3187 (b) any other person who is permitted by law to prescribe emergency contraception.
- 3188 (21) "Prescribe" means the same as that term is defined in Section 58-17b-102.

- 3189 (22)(a) "Self-administered hormonal contraceptive" means a self-administered  
 3190 hormonal contraceptive that is approved by the United States Food and Drug  
 3191 Administration to prevent pregnancy.
- 3192 (b) "Self-administered hormonal contraceptive" includes an oral hormonal contraceptive,  
 3193 a hormonal vaginal ring, and a hormonal contraceptive patch.
- 3194 (c) "Self-administered hormonal contraceptive" does not include any drug intended to  
 3195 induce an abortion, as that term is defined in Section 76-7-301.
- 3196 (23) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4,  
 3197 Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, that  
 3198 may result in a pregnancy.
- 3199 (24) "Victim of sexual assault" means any person who presents to receive, or receives,  
 3200 medical care in consequence of being subjected to sexual assault.
- 3201 Section 30. Section **26B-7-205** is amended to read:
- 3202 **26B-7-205 (Effective 05/07/25). Willful introduction of communicable disease a**  
 3203 **misdemeanor.**
- 3204 Any person who willfully or knowingly introduces any communicable or  
 3205 infectious disease into any county, municipality, or community is guilty of a class A  
 3206 misdemeanor, except as provided in Section [~~76-10-1309~~] 76-5d-211.
- 3207 Section 31. Section **26B-7-501** is amended to read:
- 3208 **26B-7-501 (Effective 05/07/25). Definitions.**
- 3209 As used in this part:
- 3210 (1) "Community location" means the same as that term is defined:  
 3211 (a) as it relates to a municipality, in Section 10-8-41.6; and  
 3212 (b) as it relates to a county, in Section 17-50-333.
- 3213 (2) "Electronic cigarette" means the same as that term is defined in Section [~~76-10-101~~]  
 3214 76-9-1101.
- 3215 (3) "Electronic cigarette product" means the same as that term is defined in Section [  
 3216 ~~76-10-101~~] 76-9-1101.
- 3217 (4) "Electronic cigarette substance" means the same as that term is defined in Section [  
 3218 ~~76-10-101~~] 76-9-1101.
- 3219 (5) "Employee" means an employee of a tobacco retailer.
- 3220 (6) "Enforcing agency" means the department, or any local health department enforcing the  
 3221 provisions of this part.
- 3222 (7) "General tobacco retailer" means a tobacco retailer that is not a retail tobacco specialty

- 3223 business.
- 3224 (8) "Local health department" means the same as that term is defined in Section 26A-1-102.
- 3225 (9) "Manufacture" includes:
- 3226 (a) to cast, construct, or make electronic cigarettes; or
- 3227 (b) to blend, make, process, or prepare an electronic cigarette substance.
- 3228 (10) "Manufacturer sealed electronic cigarette substance" means an electronic cigarette
- 3229 substance that is sold in a container that:
- 3230 (a) is prefilled by the electronic cigarette substance manufacturer; and
- 3231 (b) the electronic cigarette manufacturer does not intend for a consumer to open.
- 3232 (11) "Manufacturer sealed electronic cigarette product" means:
- 3233 (a) an electronic cigarette substance or container that the electronic cigarette
- 3234 manufacturer does not intend for a consumer to open or refill; or
- 3235 (b) a prefilled electronic cigarette as that term is defined in Section ~~[76-10-101]~~
- 3236 76-9-1101.
- 3237 (12) "Nicotine" means the same as that term is defined in Section ~~[76-10-101]~~ 76-9-1101.
- 3238 (13) "Nicotine product" means the same as that term is defined in Section ~~[76-10-101]~~
- 3239 76-9-1101.
- 3240 (14) "Non-tobacco shisha" means any product that:
- 3241 (a) does not contain tobacco or nicotine; and
- 3242 (b) is smoked or intended to be smoked in a hookah or water pipe.
- 3243 (15) "Owner" means a person holding a 20% ownership interest in the business that is
- 3244 required to obtain a permit under this part.
- 3245 (16) "Permit" means a tobacco retail permit issued under Section 26B-7-507.
- 3246 (17) "Place of public access" means any enclosed indoor place of business, commerce,
- 3247 banking, financial service, or other service-related activity, whether publicly or privately
- 3248 owned and whether operated for profit or not, to which persons not employed at the
- 3249 place of public access have general and regular access or which the public uses,
- 3250 including:
- 3251 (a) buildings, offices, shops, elevators, or restrooms;
- 3252 (b) means of transportation or common carrier waiting rooms;
- 3253 (c) restaurants, cafes, or cafeterias;
- 3254 (d) taverns as defined in Section 32B-1-102, or cabarets;
- 3255 (e) shopping malls, retail stores, grocery stores, or arcades;
- 3256 (f) libraries, theaters, concert halls, museums, art galleries, planetariums, historical sites,



- 3257 auditoriums, or arenas;
- 3258 (g) barber shops, hair salons, or laundromats;
- 3259 (h) sports or fitness facilities;
- 3260 (i) common areas of nursing homes, hospitals, resorts, hotels, motels, "bed and  
3261 breakfast" lodging facilities, and other similar lodging facilities, including the  
3262 lobbies, hallways, elevators, restaurants, cafeterias, other designated dining areas, and  
3263 restrooms of any of these;
- 3264 (j)(i) any child care facility or program subject to licensure or certification under this  
3265 title, including those operated in private homes, when any child cared for under  
3266 that license is present; and
- 3267 (ii) any child care, other than child care as defined in Section 26B-2-401, that is not  
3268 subject to licensure or certification under this title, when any child cared for by the  
3269 provider, other than the child of the provider, is present;
- 3270 (k) public or private elementary or secondary school buildings and educational facilities  
3271 or the property on which those facilities are located;
- 3272 (l) any building owned, rented, leased, or otherwise operated by a social, fraternal, or  
3273 religious organization when used solely by the organization members or the  
3274 members' guests or families;
- 3275 (m) any facility rented or leased for private functions from which the general public is  
3276 excluded and arrangements for the function are under the control of the function  
3277 sponsor;
- 3278 (n) any workplace that is not a place of public access or a publicly owned building or  
3279 office but has one or more employees who are not owner-operators of the business;
- 3280 (o) any area where the proprietor or manager of the area has posted a conspicuous sign  
3281 stating "no smoking", "thank you for not smoking", or similar statement; and
- 3282 (p) a holder of a bar establishment license, as defined in Section 32B-1-102.
- 3283 (18)(a) "Proof of age" means:
- 3284 (i) a valid identification card issued under Title 53, Chapter 3, Part 8, Identification  
3285 Card Act;
- 3286 (ii) a valid identification that:
- 3287 (A) is substantially similar to an identification card issued under Title 53, Chapter  
3288 3, Part 8, Identification Card Act;
- 3289 (B) is issued in accordance with the laws of a state other than Utah in which the  
3290 identification is issued;

- 3291 (C) includes date of birth; and  
3292 (D) has a picture affixed;  
3293 (iii) a valid driver license certificate that is issued under Title 53, Chapter 3, Uniform  
3294 Driver License Act, or in accordance with the laws of the state in which the valid  
3295 driver license is issued;  
3296 (iv) a valid United States military identification card that:  
3297 (A) includes date of birth; and  
3298 (B) has a picture affixed; or  
3299 (v) a valid passport.  
3300 (b) "Proof of age" does not include a valid driving privilege card issued in accordance  
3301 with Section 53-3-207.  
3302 (19) "Publicly owned building or office" means any enclosed indoor place or portion of a  
3303 place owned, leased, or rented by any state, county, or municipal government, or by any  
3304 agency supported by appropriation of, or by contracts or grants from, funds derived from  
3305 the collection of federal, state, county, or municipal taxes.  
3306 (20) "Retail tobacco specialty business" means the same as that term is defined:  
3307 (a) as it relates to a municipality, in Section 10-8-41.6; and  
3308 (b) as it relates to a county, in Section 17-50-333.  
3309 (21) "Shisha" means any product that:  
3310 (a) contains tobacco or nicotine; and  
3311 (b) is smoked or intended to be smoked in a hookah or water pipe.  
3312 (22) "Smoking" means:  
3313 (a) the possession of any lighted or heated tobacco product in any form;  
3314 (b) inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, pipe, or  
3315 hookah that contains:  
3316 (i) tobacco or any plant product intended for inhalation;  
3317 (ii) shisha or non-tobacco shisha;  
3318 (iii) nicotine;  
3319 (iv) a natural or synthetic tobacco substitute; or  
3320 (v) a natural or synthetic flavored tobacco product;  
3321 (c) using an electronic cigarette; or  
3322 (d) using an oral smoking device intended to circumvent the prohibition of smoking in  
3323 this part.  
3324 (23) "Tax commission license" means a license issued by the State Tax Commission under:

- 3325 (a) Section 59-14-201 to sell a cigarette at retail;
- 3326 (b) Section 59-14-301 to sell a tobacco product at retail; or
- 3327 (c) Section 59-14-803 to sell an electronic cigarette product or a nicotine product.
- 3328 (24) "Tobacco product" means:
- 3329 (a) a tobacco product as defined in Section ~~[76-10-101]~~ 76-9-1101; or
- 3330 (b) tobacco paraphernalia as defined in Section ~~[76-10-101]~~ 76-9-1101.
- 3331 (25) "Tobacco retailer" means a person that is required to obtain a tax commission license.
- 3332 Section 32. Section **26B-7-505** is amended to read:
- 3333 **26B-7-505 (Effective 05/07/25). Electronic cigarette products -- Labeling --**
- 3334 **Requirements to sell -- Advertising -- Labeling of nicotine products containing nicotine.**
- 3335 (1) The department shall, in consultation with a local health department and with input from
- 3336 members of the public, establish by rule made in accordance with Title 63G, Chapter 3,
- 3337 Utah Administrative Rulemaking Act, the requirements to sell an electronic cigarette
- 3338 substance that is not a manufacturer sealed electronic cigarette substance regarding:
- 3339 (a) labeling;
- 3340 (b) nicotine content;
- 3341 (c) packaging; and
- 3342 (d) product quality.
- 3343 (2) On or before January 1, 2021, the department shall, in consultation with a local health
- 3344 department and with input from members of the public, establish by rule made in
- 3345 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3346 requirements to sell a manufacturer sealed electronic cigarette product regarding:
- 3347 (a) labeling;
- 3348 (b) nicotine content;
- 3349 (c) packaging; and
- 3350 (d) product quality.
- 3351 (3)(a) A person may not sell an electronic cigarette substance unless the electronic
- 3352 cigarette substance complies with the requirements established by the department
- 3353 under Subsection (1).
- 3354 (b) Beginning on July 1, 2021, a person may not sell a manufacturer sealed electronic
- 3355 cigarette product unless the manufacturer sealed electronic cigarette product complies
- 3356 with the requirements established by the department under Subsection (2).
- 3357 (c) Notwithstanding Subsections (3)(a) and (3)(b), beginning on January 1, 2025, a
- 3358 person may not sell an electronic cigarette product that is not a premarket authorized

3359 or pending electronic cigarette product as that term is defined in Section [~~76-10-101~~  
3360 76-9-1101].

3361 (4)(a) A local health department may not enact a rule or regulation regarding electronic  
3362 cigarette substance labeling, nicotine content, packaging, or product quality that is  
3363 not identical to the requirements established by the department under Subsections (1)  
3364 and (2).

3365 (b) Except as provided in Subsection (4)(c), a local health department may enact a rule  
3366 or regulation regarding electronic cigarette substance manufacturing.

3367 (c) A local health department may not enact a rule or regulation regarding a  
3368 manufacturer sealed electronic cigarette product.

3369 (5) A person may not advertise an electronic cigarette product as a tobacco cessation device.

3370 (6)(a) Any nicotine product shall contain the statement described in Subsection (6)(b) if  
3371 the nicotine product:

3372 (i)(A) is not a tobacco product as defined in 21 U.S.C. Sec. 321 and related  
3373 federal regulations; or

3374 (B) is not otherwise required under federal or state law to contain a nicotine  
3375 warning; and

3376 (ii) contains nicotine.

3377 (b) A statement shall appear on the exterior packaging of a nicotine product described in  
3378 Subsection (6)(a) as follows:

3379 "This product contains nicotine."

3380 Section 33. Section **26B-7-508** is amended to read:

3381 **26B-7-508 (Effective 05/07/25). Permit application.**

3382 (1) A local health department shall issue a permit for a tobacco retailer if the local health  
3383 department determines that the applicant:

3384 (a) accurately provided all information required under Subsection (3) and, if applicable,  
3385 Subsection (4); and

3386 (b) meets all requirements for a permit under this part.

3387 (2) An applicant for a permit shall:

3388 (a) submit an application described in Subsection (3) to the local health department with  
3389 jurisdiction over the area where the tobacco retailer is located; and

3390 (b) pay all applicable fees described in Section 26B-7-509.

3391 (3) The application for a permit shall include:

3392 (a) the name, address, and telephone number of each proprietor;

- 3393 (b) the name and mailing address of each proprietor authorized to receive permit-related  
 3394 communication and notices;
- 3395 (c) the business name, address, and telephone number of the single, fixed location for  
 3396 which a permit is sought;
- 3397 (d) evidence that the location for which a permit is sought has a valid tax commission  
 3398 license;
- 3399 (e) information regarding whether, in the past 24 months, any proprietor of the tobacco  
 3400 retailer has been determined to have violated, or has been a proprietor at a location  
 3401 that has been determined to have violated:
- 3402 (i) a provision of this part;
- 3403 (ii) Section 26B-7-503;
- 3404 (iii) Title 76, Chapter 9, Part 11, Cigarettes, Tobacco, and Psychotoxic Chemical  
 3405 Solvents;
- 3406 (iv) Title 76, Chapter 17, Part 4, Offenses Concerning a Pattern of Unlawful Activity;  
 3407 ~~[(iii) Title 76, Chapter 10, Part 1, Cigarettes and Tobacco and Psychotoxic Chemical~~  
 3408 ~~Solvents;]~~
- 3409 ~~[(iv) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;]~~
- 3410 (v) regulations restricting the sale and distribution of cigarettes and smokeless  
 3411 tobacco issued by the United States Food and Drug Administration, 21 C.F.R. Part  
 3412 1140; or
- 3413 (vi) any other provision of state law or local ordinance regarding the sale, marketing,  
 3414 or distribution of a tobacco product, an electronic cigarette product, or a nicotine  
 3415 product; and
- 3416 (f) the dates of all violations disclosed under this Subsection (3).
- 3417 (4)(a) In addition to the information described in Subsection (3), an applicant for a retail  
 3418 tobacco specialty business permit shall include evidence showing whether the  
 3419 business is located within:
- 3420 (i) 1,000 feet of a community location;
- 3421 (ii) 600 feet of another retail tobacco specialty business; or
- 3422 (iii) 600 feet of property used or zoned for agricultural or residential use.
- 3423 (b) For purposes of Subsection (4)(a), the proximity requirements shall be measured in a  
 3424 straight line from the nearest entrance of the retail tobacco specialty business to the  
 3425 nearest property boundary of a location described in Subsections (4)(a)(i) through (iii),  
 3426 without regard to intervening structures or zoning districts.

3427 (5) The department or a local health department may not deny a permit to a retail tobacco  
 3428 specialty business under Subsection (4) if the retail tobacco specialty business meets the  
 3429 requirements described in Subsection 10-8-41.6(7) or 17-50-333(7).

3430 (6)(a) The department shall establish by rule made in accordance with Title 63G,  
 3431 Chapter 3, Utah Administrative Rulemaking Act, a permit process for local health  
 3432 departments in accordance with this part.

3433 (b) The permit process established by the department under Subsection (6)(a) may not  
 3434 require any information in an application that is not required by this section.

3435 Section 34. Section **26B-7-511** is amended to read:

3436 **26B-7-511 (Effective 05/07/25). Permit requirements for a retail tobacco**  
 3437 **specialty business.**

3438 (1) A retail tobacco specialty business shall:

3439 (a) electronically verify proof of age for any individual that enters the premises of the  
 3440 business in accordance with Section 26B-7-521;

3441 (b) except as provided in [~~Subsection 76-10-105.1(4)~~] Section 76-9-1108, prohibit any  
 3442 individual from entering the business if the individual is under 21 years old; and

3443 (c) prominently display at the retail tobacco specialty business a sign on the public  
 3444 entrance of the business that communicates:

3445 (i) the prohibition on the presence of an individual under 21 years old in a retail  
 3446 tobacco specialty business in [~~Subsection 76-10-105.1(4)~~] Section 76-9-1108; and

3447 (ii) the prohibition on the sale of tobacco products and electronic cigarette products to  
 3448 an individual under 21 years old as described in Sections [~~76-10-104~~] 76-9-1104, [  
 3449 ~~76-10-104.1~~] 76-9-1105, [~~76-10-105.1~~] 76-9-1108, and [~~76-10-114~~] 76-9-1116.

3450 (2) A retail tobacco specialty business may not:

3451 (a) employ an individual under 21 years old to sell a tobacco product, an electronic  
 3452 cigarette product, or a nicotine product; or

3453 (b) permit an employee under 21 years old to sell a tobacco product, an electronic  
 3454 cigarette product, or a nicotine product.

3455 Section 35. Section **26B-7-514** is amended to read:

3456 **26B-7-514 (Effective 05/07/25). Permit violation.**

3457 A person is in violation of the permit issued under this part if the person violates:

3458 (1) a provision of this part;

3459 (2) a provision of licensing laws under Section 10-8-41.6 or Section 17-50-333;

3460 (3) a provision of [~~Title 76, Chapter 10, Part 1, Cigarettes and Tobacco and Psychotoxic~~]

- 3461 ~~Chemical Solvents]~~ Title 76, Chapter 9, Part 11, Cigarettes, Tobacco, and Psychotoxic  
 3462 Chemical Solvents;  
 3463 (4) a provision of [~~Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act]~~ Title 76,  
 3464 Chapter 17, Part 4, Offenses Concerning a Pattern of Unlawful Activity;  
 3465 (5) a regulation restricting the sale and distribution of cigarettes and smokeless tobacco  
 3466 issued by the United States Food and Drug Administration under 21 C.F.R. Part 1140; or  
 3467 (6) any other provision of state law or local ordinance regarding the sale, marketing, or  
 3468 distribution of a tobacco product, an electronic cigarette product, or a nicotine product.

3469 Section 36. Section **26B-7-516** is amended to read:

3470 **26B-7-516 (Effective 05/07/25). Inspection of retail tobacco businesses.**

3471 The department or a local health department may inspect a tobacco retailer to  
 3472 determine whether the tobacco retailer:

- 3473 (1) continues to meet the qualifications for the permit issued under this part;  
 3474 (2) if applicable, continues to meet the requirements for a retail tobacco specialty business  
 3475 license issued under Section 10-8-41.6 or Section 17-50-333;  
 3476 (3) engaged in a pattern of unlawful activity under [~~Title 76, Chapter 10, Part 16, Pattern of~~  
 3477 ~~Unlawful Activity Act]~~ Title 76, Chapter 17, Part 4, Offenses Concerning a Pattern of  
 3478 Unlawful Activity;  
 3479 (4) violated any of the regulations restricting the sale and distribution of cigarettes and  
 3480 smokeless tobacco issued by the United States Food and Drug Administration under 21  
 3481 C.F.R. Part 1140; or  
 3482 (5) has violated any other provision of state law or local ordinance.

3483 Section 37. Section **26B-7-517** is amended to read:

3484 **26B-7-517 (Effective 05/07/25). Hearing -- Evidence of criminal conviction.**

- 3485 (1) At a civil hearing conducted under Section 26B-7-515, evidence of the final criminal  
 3486 conviction of a tobacco retailer for violation of Section [~~76-10-114]~~ 76-9-1116 at the  
 3487 same location and within the same time period as the location and time period alleged in  
 3488 the civil hearing for violation of this part for sale of a tobacco product, an electronic  
 3489 cigarette product, or a nicotine product to an individual under 21 years old is prima facie  
 3490 evidence of a violation of this part.  
 3491 (2) If the tobacco retailer is convicted of violating Section [~~76-10-114]~~ 76-9-1116, the  
 3492 enforcing agency:  
 3493 (a) shall assess an additional monetary penalty under this part for the same offense for  
 3494 which the conviction was obtained; and

- 3495 (b) shall revoke or suspend a permit in accordance with Section 26B-7-518.  
3496 Section 38. Section **26B-7-521** is amended to read:  
3497 **26B-7-521 (Effective 05/07/25). Verification of proof of age.**
- 3498 (1) As used in this section:  
3499 (a) "Employee" means an employee of a retail tobacco specialty business.  
3500 (b) "Electronic verification program" means a technology used by a retail tobacco  
3501 specialty business to confirm proof of age for an individual.
- 3502 (2) A retail tobacco specialty business shall require that an employee verify proof of age as  
3503 provided in this section.
- 3504 (3) To comply with Subsection (2), an employee shall:  
3505 (a) request the individual present proof of age; and  
3506 (b) verify the validity of the proof of age electronically in accordance with Subsection (4).
- 3507 (4) A retail tobacco specialty business shall use an electronic verification program to assist  
3508 the business in complying with the requirements of this section.
- 3509 (5)(a) A retail tobacco specialty business may not disclose information obtained under  
3510 this section except as provided under this part.  
3511 (b) Information obtained under this section:  
3512 (i) shall be kept for at least 180 days; and  
3513 (ii) is subject to inspection upon request by a peace officer or the representative of an  
3514 enforcing agency.
- 3515 (6)(a) If an employee does not verify proof of age under this section, the employee may  
3516 not permit an individual to:  
3517 (i) except as provided in Subsection (6)(b), enter a retail tobacco specialty business; or  
3518 (ii) purchase a tobacco product or an electronic cigarette product.
- 3519 (b) In accordance with [~~Subsection 76-10-105.1(4)~~] Section 76-9-1108, an individual  
3520 who is under 21 years old may be permitted to enter a retail tobacco specialty  
3521 business if the individual is:  
3522 (i) accompanied by a parent or legal guardian who provides proof of age; or  
3523 (ii)(A) present at the retail tobacco specialty business solely for the purpose of  
3524 providing a commercial service to the retail tobacco specialty business,  
3525 including making a commercial delivery;  
3526 (B) monitored by the proprietor of the retail tobacco specialty business or an  
3527 employee of the retail tobacco specialty business; and  
3528 (C) not permitted to make any purchase or conduct any commercial transaction



3529 other than the service described in Subsection (6)(b)(ii)(A).

3530 (7) To determine whether the individual described in Subsection (2) is 21 years old or  
3531 older, the following may request an individual described in Subsection (2) to present  
3532 proof of age:

3533 (a) an employee;

3534 (b) a peace officer; or

3535 (c) a representative of an enforcing agency.

3536 Section 39. Section **26B-8-208** is amended to read:

3537 **26B-8-208 (Effective 05/07/25). Rendering a dead body unavailable for**  
3538 **postmortem investigation.**

3539 (1) As used in this section:

3540 (a) "Medical examiner" means the same as that term is defined in Section 26B-8-201.

3541 (b) "Unavailable for postmortem investigation" means the same as that term is defined in  
3542 Section 26B-8-201.

3543 (2) It is unlawful for a person to engage in any conduct that makes a dead body unavailable  
3544 for postmortem investigation, unless, before engaging in that conduct, the person obtains  
3545 a permit from the medical examiner to render the dead body unavailable for postmortem  
3546 investigation, under Section 26B-8-230, if the person intends to make the body  
3547 unavailable for postmortem investigation.

3548 (3) A person who violates Subsection (2) is guilty of a third degree felony.

3549 (4) If a person engages in conduct that constitutes both a violation of this section and a  
3550 violation of Section ~~[76-9-704]~~ 76-5-802 or 76-5-803, the provisions and penalties of  
3551 Section ~~[76-9-704]~~ 76-5-802 or 76-5-802 supersede the provisions and penalties of this  
3552 section.

3553 Section 40. Section **31A-21-501** is amended to read:

3554 **31A-21-501 (Effective 05/07/25). Definitions.**

3555 For purposes of this part:

3556 (1) "Applicant" means:

3557 (a) in the case of an individual life or accident and health policy, the person who seeks to  
3558 contract for insurance benefits; or

3559 (b) in the case of a group life or accident and health policy, the proposed certificate  
3560 holder.

3561 (2) "Cohabitant" means an emancipated individual pursuant to Section 15-2-1 or an  
3562 individual who is 16 years old or older who:

- 3563 (a) is or was a spouse of the other party;
- 3564 (b) is or was living as if a spouse of the other party;
- 3565 (c) is related by blood or marriage to the other party;
- 3566 (d) has one or more children in common with the other party; or
- 3567 (e) resides or has resided in the same residence as the other party.
- 3568 (3) "Child abuse" means the commission or attempt to commit against a child a criminal
- 3569 offense described in:
- 3570 (a) Title 76, Chapter 5, Part 1, Assault and Related Offenses; or
- 3571 (b) Title 76, Chapter 5, Part 4, Sexual Offenses[;] , not including Section 76-5-417.
- 3572 [~~(c) Section 76-9-702, Lewdness;~~]
- 3573 [~~(d) Section 76-9-702.1, Sexual battery; or~~]
- 3574 [~~(e) Section 76-9-702.5, Lewdness involving a child.~~]
- 3575 (4) "Domestic violence" means any criminal offense involving violence or physical harm or
- 3576 threat of violence or physical harm, or any attempt, conspiracy, or solicitation to commit
- 3577 a criminal offense involving violence or physical harm, when committed by one
- 3578 cohabitant against another and includes commission or attempt to commit, any of the
- 3579 following offenses by one cohabitant against another:
- 3580 (a) aggravated assault, as described in Section 76-5-103;
- 3581 (b) assault, as described in Section 76-5-102;
- 3582 (c) criminal homicide, as described in Section 76-5-201;
- 3583 (d) harassment, as described in Section 76-5-106;
- 3584 (e) electronic communication harassment, as described in [~~Section 76-9-201~~] Section
- 3585 76-12-202, 76-12-203, or 76-12-204;
- 3586 (f) kidnapping, child kidnapping, or aggravated kidnapping, as described in Sections
- 3587 76-5-301, 76-5-301.1, and 76-5-302;
- 3588 (g) mayhem, as described in Section 76-5-105;
- 3589 (h) sexual offenses, as described in Title 76, Chapter 5, Part 4, Sexual Offenses, and
- 3590 Sections 76-5b-201 and 76-5b-201.1;
- 3591 (i) stalking, as described in Section 76-5-106.5;
- 3592 (j) unlawful detention or unlawful detention of a minor, as described in Section 76-5-304;
- 3593 (k) violation of a protective order or ex parte protective order, as described in Section
- 3594 76-5-108;
- 3595 (l) any offense against property described in Title 76, Chapter 6, Part 1, Property
- 3596 Destruction, Part 2, Burglary and Criminal Trespass, or Part 3, Robbery;

- 3597 (m) possession of a deadly weapon with intent to assault, as described in Section [  
 3598 ~~76-10-507~~] 76-11-206; or
- 3599 (n) discharge of a firearm from a vehicle, near a highway, or in the direction of any  
 3600 person, building, or vehicle, as described in Section [~~76-10-508~~] 76-11-207.
- 3601 (5) "Subject of domestic abuse" means an individual who is, has been, may currently be, or  
 3602 may have been subject to domestic violence or child abuse.
- 3603 Section 41. Section **32B-3-303** is amended to read:
- 3604 **32B-3-303 (Effective 05/07/25). Acts making a person subject to this part.**
- 3605 (1) One or more of the following acts constitute a nuisance activity:
- 3606 (a) a single felony conviction within the last two years of:
- 3607 (i) a retail licensee; or
- 3608 (ii) supervisory or managerial level staff of the retail licensee;
- 3609 (b) a single conviction under Title 58, Chapter 37, Utah Controlled Substances Act:
- 3610 (i)(A) of a retail licensee; or
- 3611 (B) staff of the retail licensee;
- 3612 (ii) within the last two years; and
- 3613 (iii) made on the basis of an act that occurs on the licensed premises;
- 3614 (c) three or more convictions of patrons of a retail licensee under Title 58, Chapter 37,  
 3615 Utah Controlled Substances Act, if:
- 3616 (i) the convictions are made on the basis of an act that occurs on the licensed  
 3617 premises; and
- 3618 (ii) there is evidence that the retail licensee knew or should have known of the illegal  
 3619 activity;
- 3620 (d) a single conviction within the last two years of a retail licensee or staff of the retail  
 3621 licensee that is made on the basis of:
- 3622 (i) pornographic and harmful materials:
- 3623 (A) that violate [~~Title 76, Chapter 10, Part 12, Pornographic and Harmful~~  
 3624 ~~Materials and Performances~~] Title 76, Chapter 5c, Pornographic and Harmful  
 3625 Materials and Performances; and
- 3626 (B) if the violation occurs on the licensed premises;
- 3627 (ii) prostitution;
- 3628 (iii) engaging in or permitting gambling, as defined and proscribed in [~~Title 76,~~  
 3629 ~~Chapter 10, Part 11, Gambling~~] Title 76, Chapter 9, Part 14, Gambling, on the  
 3630 licensed premises;

- 3631 (iv) having any fringe gaming device, video gaming device, or gambling device or  
 3632 record as defined in Section [~~76-10-1101~~] 76-9-1401 on the licensed premises;  
 3633 (v) on the licensed premises engaging in or permitting a contest, game, gaming  
 3634 scheme, or gaming device that requires the risking of something of value for a  
 3635 return or for an outcome when the return or outcome is based upon an element of  
 3636 chance, excluding the playing of an amusement device that confers only an  
 3637 immediate and unrecorded right of replay not exchangeable for value;  
 3638 (vi) a disturbance of the peace that occurs on the licensed premises; or  
 3639 (vii) disorderly conduct that occurs on the licensed premises; or  
 3640 (e) three or more adjudicated violations of this title within the last two years by a retail  
 3641 licensee or by staff of the retail licensee that result in a criminal citation or an  
 3642 administrative referral to the department relating to:  
 3643 (i) the sale, offer for sale, or furnishing of an alcoholic product to a minor;  
 3644 (ii) the sale, offer for sale, or furnishing of an alcoholic product to a person actually,  
 3645 apparently, or obviously intoxicated;  
 3646 (iii) the sale, offer for sale, or furnishing of an alcoholic product after the lawful  
 3647 hours for the sale or furnishing; or  
 3648 (iv) acts or conduct on the licensed premises contrary to the public welfare and  
 3649 morals involving lewd acts or lewd entertainment prohibited by this title.  
 3650 (2) For purposes of Subsection (1), in the case of a retail licensee that is a partnership,  
 3651 corporation, or limited liability company, a conviction under Subsection (1)(c) includes  
 3652 a conviction of any of the following for an offense described in Subsection (1)(c):  
 3653 (a) a partner;  
 3654 (b) a managing agent;  
 3655 (c) a manager;  
 3656 (d) an officer;  
 3657 (e) a director;  
 3658 (f) a stockholder who holds at least 20% of the total issued and outstanding stock of a  
 3659 corporate retail licensee; or  
 3660 (g) a member who owns at least 20% of a limited liability company retail licensee.

3661 Section 42. Section **32B-4-423** is amended to read:

3662 **32B-4-423 (Effective 05/07/25). Immunity regarding alcohol consumption**  
 3663 **offenses when seeking emergency aid for another person.**

- 3664 (1) A law enforcement officer may not cite or arrest a person solely because of a person's

- 3665 violation of a provision under Subsection (2) if the officer came into contact with the  
 3666 person because:
- 3667 (a) the person had requested or acted in concert with another person to request  
 3668 emergency medical assistance for a third party who reasonably appeared to be in  
 3669 need of medical care due to the consumption of alcohol;
  - 3670 (b) the officer was responding to the request for emergency medical assistance;
  - 3671 (c) the person provided to the officer the person's name and identifying information as  
 3672 requested by the officer;
  - 3673 (d) the person remained at the location where the third party was located until  
 3674 emergency medical response personnel arrived at the location; and
  - 3675 (e) the person cooperated with the emergency medical assistance personnel and law  
 3676 enforcement officers at the location.
- 3677 (2) Offenses referred to in Subsection (1) are violations of:
- 3678 (a) Section 32B-4-403 regarding the unlawful sale, offer for sale, or furnishing of  
 3679 alcohol to a minor;
  - 3680 (b) Subsection 32B-4-409(1) regarding the unlawful purchase, possession, or  
 3681 consumption of alcohol by a minor; and
  - 3682 (c) Subsection [~~76-9-701(1)~~] 76-9-110(2) regarding intoxication when the offense  
 3683 involves consumption of alcohol.
- 3684 (3) An officer who declines to cite or arrest a person while acting in good faith under  
 3685 Subsection (1) is not civilly liable.
- 3686 Section 43. Section **32B-5-301** is amended to read:
- 3687 **32B-5-301 (Effective 05/07/25). General operational requirements.**
- 3688 (1)(a) A retail licensee and staff of a retail licensee shall comply with this title and the  
 3689 rules of the commission, including the relevant chapter or part for the specific type of  
 3690 retail license.
  - 3691 (b) Failure to comply as provided in Subsection (1)(a) may result in disciplinary action  
 3692 in accordance with Chapter 3, Disciplinary Actions and Enforcement Act, against:
    - 3693 (i) a retail licensee;
    - 3694 (ii) individual staff of a retail licensee; or
    - 3695 (iii) both a retail licensee and staff of the retail licensee.
  - 3696 (2)(a) If there is a conflict between this part and the relevant chapter or part for the  
 3697 specific type of retail license, the relevant chapter or part for the specific type of retail  
 3698 license governs.

- 3699 (b) Notwithstanding that this part refers to "liquor" or an "alcoholic product," a retail  
3700 licensee may only sell, offer for sale, furnish, or allow the consumption of an  
3701 alcoholic product specifically authorized by the relevant chapter or part for the retail  
3702 licensee's specific type of retail license.
- 3703 (c) Notwithstanding that this part or the relevant chapter or part for a specific retail  
3704 licensee refers to "retail licensee," staff of the retail licensee is subject to the same  
3705 requirement or prohibition.
- 3706 (3)(a) A retail licensee shall display in a prominent place in the licensed premises the  
3707 retail license that is issued by the department.
- 3708 (b) A retail licensee shall display in a prominent place a sign in large letters that consists  
3709 of text in the following order:
- 3710 (i) a header that reads: "WARNING";
- 3711 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy  
3712 can cause birth defects and permanent brain damage for the child.";
- 3713 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and  
3714 Human Services at [insert most current toll-free number] with questions or for  
3715 more information.";
- 3716 (iv) a header that reads: "WARNING"; and
- 3717 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is  
3718 a serious crime that is prosecuted aggressively in Utah."
- 3719 (c)(i) The text described in Subsections (3)(b)(i) through (iii) shall be in a different  
3720 font style than the text described in Subsections (3)(b)(iv) and (v).
- 3721 (ii) The warning statements in the sign described in Subsection (3)(b) shall be in the  
3722 same font size.
- 3723 (d) The Department of Health and Human Services shall work with the commission and  
3724 department to facilitate consistency in the format of a sign required under this section.
- 3725 (4) A retail licensee may not on the licensed premises:
- 3726 (a) engage in or permit any form of gambling, as defined in Section [~~76-10-1101~~]  
3727 76-9-1401, or fringe gambling, as defined in Section [~~76-10-1101~~] 76-9-1401;
- 3728 (b) have any fringe gaming device, video gaming device, or gambling device or record  
3729 as defined in Section [~~76-10-1101~~] 76-9-1401; or
- 3730 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires  
3731 the risking of something of value for a return or for an outcome when the return or  
3732 outcome is based upon an element of chance, excluding the playing of an amusement

- 3733 device that confers only an immediate and unrecorded right of replay not  
3734 exchangeable for value.
- 3735 (5) A retail licensee may not knowingly allow a person on the licensed premises to, in  
3736 violation of Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah  
3737 Drug Paraphernalia Act:
- 3738 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;  
3739 or
- 3740 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in  
3741 Section 58-37a-3.
- 3742 (6) Upon the presentation of credentials, at any time during which a retail licensee is open  
3743 for the transaction of business, the retail licensee shall immediately:
- 3744 (a) admit a commissioner, authorized department employee, or law enforcement officer  
3745 to the retail licensee's premises; and
- 3746 (b) permit, without hindrance or delay, the person described in Subsection (6)(a) to  
3747 inspect completely:
- 3748 (i) the entire premises of the retail licensee; and  
3749 (ii) the records of the retail licensee.
- 3750 (7) An individual may not consume an alcoholic product on the licensed premises of a retail  
3751 licensee on any day during the period:
- 3752 (a) beginning one hour after the time of day that the period during which a retail licensee  
3753 may not sell, offer for sale, or furnish an alcoholic product on the licensed premises  
3754 begins; and
- 3755 (b) ending at the time specified in the relevant chapter or part for the retail licensee's  
3756 specific type of retail license when the retail licensee may first sell, offer for sale, or  
3757 furnish an alcoholic product on the licensed premises on that day.
- 3758 (8) An employee of a retail licensee who sells, offers for sale, or furnishes an alcoholic  
3759 product to a patron shall wear an identification badge.
- 3760 (9) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3761 commission shall make rules:
- 3762 (a) related to the requirement described in Subsection (8); and  
3763 (b) for dispensing systems and dispensing areas of restaurant licensees, bar licensees,  
3764 and taverns, establishing standards:
- 3765 (i) in accordance with the provisions of this title; and  
3766 (ii) prohibiting a dispensing system to remain at a patron's table.

3767 Section 44. Section **32B-7-202** is amended to read:

3768 **32B-7-202 (Effective 05/07/25). General operational requirements for**  
3769 **off-premise beer retailer.**

3770 (1)(a) An off-premise beer retailer or staff of the off-premise beer retailer shall comply  
3771 with the provisions of this title and any applicable rules made by the commission.

3772 (b) Failure to comply with this section may result in a suspension or revocation of a  
3773 local license and, on or after July 1, 2018, disciplinary action in accordance with  
3774 Chapter 3, Disciplinary Actions and Enforcement Act.

3775 (2)(a)(i) An off-premise beer retailer may not purchase, acquire, possess for the  
3776 purpose of resale, or sell beer, except beer that the off-premise beer retailer  
3777 lawfully purchases from:

3778 (A) a beer wholesaler licensee; or

3779 (B) a small brewer that manufactures the beer.

3780 (ii) A violation of Subsection (2)(a) is a class A misdemeanor.

3781 (b)(i) If an off-premise beer retailer purchases beer under this Subsection (2) from a  
3782 beer wholesaler licensee, the off-premise beer retailer shall purchase beer only  
3783 from a beer wholesaler licensee who is designated by the manufacturer to sell beer  
3784 in the geographical area in which the off-premise beer retailer is located, unless an  
3785 alternate wholesaler is authorized by the department to sell to the off-premise beer  
3786 retailer as provided in Section 32B-13-301.

3787 (ii) A violation of Subsection (2)(b) is a class B misdemeanor.

3788 (3) An off-premise beer retailer may not possess, sell, offer for sale, or furnish beer in a  
3789 container larger than two liters.

3790 (4)(a) Staff of an off-premise beer retailer, while on duty, may not:

3791 (i) consume an alcoholic product; or

3792 (ii) be intoxicated.

3793 (b) A minor may not sell beer on the licensed premises of an off-premise beer retailer  
3794 unless:

3795 (i) the sale is done under the supervision of a person 21 years old or older who is on  
3796 the licensed premises; and

3797 (ii) the minor is at least 16 years old.

3798 (5) An off-premise beer retailer may not sell, offer for sale, or furnish an alcoholic product  
3799 to:

3800 (a) a minor;



- 3801 (b) a person actually, apparently, or obviously intoxicated;
- 3802 (c) a known interdicted person; or
- 3803 (d) a known habitual drunkard.
- 3804 (6)(a) Subject to the other provisions of this Subsection (6), an off-premise beer retailer
- 3805 shall:
- 3806 (i) display all beer accessible by and visible to a patron in no more than two locations
- 3807 on the retail sales floor, each of which is:
- 3808 (A) a display cabinet, cooler, aisle, floor display, or room where beer is the only
- 3809 beverage displayed; and
- 3810 (B) not adjacent to a display of nonalcoholic beverages, unless the location is a
- 3811 cooler with a door from which the nonalcoholic beverages are not accessible,
- 3812 or the beer is separated from the display of nonalcoholic beverages by a display
- 3813 of one or more nonbeverage products or another physical divider; and
- 3814 (ii) display a sign in the area described in Subsection (6)(a)(i) that:
- 3815 (A) is prominent;
- 3816 (B) is easily readable by a consumer;
- 3817 (C) meets the requirements for format established by the commission by rule; and
- 3818 (D) reads in print that is no smaller than .5 inches, bold type, "These beverages
- 3819 contain alcohol. Please read the label carefully."
- 3820 (b) Notwithstanding Subsection (6)(a), a nonalcoholic beer may be displayed with beer
- 3821 if the nonalcoholic beer is labeled, packaged, or advertised as a nonalcoholic beer.
- 3822 (c) The requirements of this Subsection (6) apply to beer notwithstanding that it is
- 3823 labeled, packaged, or advertised as:
- 3824 (i) a malt cooler; or
- 3825 (ii) a beverage that may provide energy.
- 3826 (d) A violation of this Subsection (6) is an infraction.
- 3827 (e)(i) Except as provided in Subsection (6)(e)(ii), the provisions of Subsection
- 3828 (6)(a)(i) apply on and after May 9, 2017.
- 3829 (ii) For a beer retailer that operates two or more off-premise beer retailers, the
- 3830 provisions of Subsection (6)(a)(i) apply on and after August 1, 2017.
- 3831 (7)(a) Staff of an off-premise beer retailer who directly supervises the sale of beer or
- 3832 who sells beer to a patron for consumption off the premises of the off-premise beer
- 3833 retailer shall wear a unique identification badge:
- 3834 (i) on the front of the staff's clothing;

- 3835 (ii) visible above the waist;
- 3836 (iii) bearing the staff's:
- 3837 (A) first or last name;
- 3838 (B) initials; or
- 3839 (C) unique identification in letters or numbers; and
- 3840 (iv) with the number or letters on the unique identification badge being sufficiently
- 3841 large to be clearly visible and identifiable while engaging in or directly
- 3842 supervising the retail sale of beer.
- 3843 (b) An off-premise beer retailer shall make and maintain a record of each current staff's
- 3844 unique identification badge assigned by the off-premise beer retailer that includes the
- 3845 staff's:
- 3846 (i) full name;
- 3847 (ii) address; and
- 3848 (iii)(A) driver license number; or
- 3849 (B) similar identification number.
- 3850 (c) An off-premise beer retailer shall make available a record required to be made or
- 3851 maintained under this Subsection (7) for immediate inspection by:
- 3852 (i) a peace officer;
- 3853 (ii) a representative of the local authority that issues the off-premise beer retailer
- 3854 license; or
- 3855 (iii) for an off-premise beer retailer state license, a representative of the commission
- 3856 or department.
- 3857 (d) A local authority may impose a fine of up to \$250 against an off-premise beer
- 3858 retailer that does not comply or require its staff to comply with this Subsection (7).
- 3859 (8)(a) An off-premise beer retailer may sell, offer for sale, or furnish beer through a
- 3860 drive through window.
- 3861 (b) Subsection (8)(a) does not modify the display limitations and requirements described
- 3862 in Subsection (6).
- 3863 (9) An off-premise beer retailer may not on the licensed premises:
- 3864 (a) engage in or permit any form of:
- 3865 (i) gambling, as defined in Section ~~[76-10-1101]~~ 76-9-1401; or
- 3866 (ii) fringe gambling, as defined in Section ~~[76-10-1101]~~ 76-9-1401;
- 3867 (b) have any fringe gaming device, video gaming device, or gambling device or record
- 3868 as defined in Section ~~[76-10-1101]~~ 76-9-1401; or

- 3869 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires  
 3870 the risking of something of value for a return or for an outcome when the return or  
 3871 outcome is based upon an element of chance, excluding the playing of an amusement  
 3872 device that confers only an immediate and unrecorded right of replay not  
 3873 exchangeable for value.
- 3874 (10) An off-premise beer retailer may not knowingly allow a person on the licensed  
 3875 premises to, in violation of Title 58, Chapter 37, Utah Controlled Substances Act, or  
 3876 Chapter 37a, Utah Drug Paraphernalia Act:
- 3877 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;  
 3878 or
- 3879 (b) use, deliver, or possess, with the intent to deliver, drug paraphernalia, as defined in  
 3880 Section 58-37a-3.
- 3881 (11) An off-premise beer retailer may not sell, offer for sale, or furnish a beer that is  
 3882 intended to be frozen and consumed in a manner other than as a beverage, including beer  
 3883 in the form of a freeze pop, popsicle, ice cream, or sorbet.  
 3884 Section 45. Section **32B-9-204** is amended to read:
- 3885 **32B-9-204 (Effective 05/07/25). General operational requirements for an event**  
 3886 **permit.**
- 3887 (1)(a) An event permittee and a person involved in the storage, sale, offer for sale, or  
 3888 furnishing of an alcoholic product at an event for which an event permit is issued,  
 3889 shall comply with this title and rules of the commission.
- 3890 (b) Failure to comply as provided in Subsection (1)(a):
- 3891 (i) may result in:
- 3892 (A) disciplinary action in accordance with Chapter 3, Disciplinary Actions and  
 3893 Enforcement Act, against:
- 3894 (I) an event permittee;
- 3895 (II) a person involved in the storage, sale, offer for sale, or furnishing of an  
 3896 alcoholic product at the event; or
- 3897 (III) any combination of the persons listed in this Subsection (1)(b);
- 3898 (B) immediate revocation of the event permit;
- 3899 (C) forfeiture of a bond; or
- 3900 (D) immediate seizure of an alcoholic product present at the event; and
- 3901 (ii) if the event permit is revoked, disqualifies the event permittee from applying for  
 3902 an event permit for a period of three years from the date of revocation of the event

- 3903 permit.
- 3904 (c) An alcoholic product seized under this Subsection (1) shall be returned to the event  
3905 permittee after an event if forfeiture proceedings are not instituted under Section  
3906 32B-4-206.
- 3907 (2)(a) If there is a conflict between this part and the relevant part under this chapter for  
3908 the specific type of special use permit held by the special use permittee, the relevant  
3909 part governs.
- 3910 (b) Notwithstanding that this part may refer to "liquor" or an "alcoholic product," an  
3911 event permittee may only sell, offer for sale, or furnish an alcoholic product specified  
3912 in the relevant part under this chapter for the type of event permit that is held by the  
3913 event permittee.
- 3914 (c) Notwithstanding that this part or the relevant part under this chapter for the type of  
3915 event permit held by an event permittee refers to "event permittee," a person involved  
3916 in the storage, sale, offer for sale, or furnishing of an alcoholic product at the event  
3917 for which the event permit is issued is subject to the same requirement or prohibition.
- 3918 (3) An event permittee shall display a copy of the event permit in a prominent place in the  
3919 area in which an alcoholic product is sold, offered for sale, furnished, and consumed.
- 3920 (4) An event permittee may not on the premises of the event:
- 3921 (a) engage in or allow any form of gambling, as defined in Section ~~[76-10-1101]~~  
3922 76-9-1401, or fringe gambling, as defined in Section ~~[76-10-1101]~~ 76-9-1401;
- 3923 (b) have any fringe gaming device, video gaming device, or gambling device or record  
3924 as defined in Section ~~[76-10-1101]~~ 76-9-1401; or
- 3925 (c) engage in or permit a contest, game, gaming scheme, or gaming device that requires  
3926 the risking of something of value for a return or for an outcome when the return or  
3927 outcome is based upon an element of chance, excluding the playing of an amusement  
3928 device that confers only an immediate and unrecorded right of replay not  
3929 exchangeable for value.
- 3930 (5) An event permittee may not knowingly allow a person at an event to, in violation of  
3931 Title 58, Chapter 37, Utah Controlled Substances Act, or Chapter 37a, Utah Drug  
3932 Paraphernalia Act:
- 3933 (a) sell, distribute, possess, or use a controlled substance, as defined in Section 58-37-2;  
3934 or
- 3935 (b) use, deliver, or possess with the intent to deliver drug paraphernalia, as defined in  
3936 Section 58-37a-3.

- 3937 (6) An event permittee may not sell, offer for sale, or furnish beer except beer purchases  
3938 from:
- 3939 (a) a beer wholesaler licensee;  
3940 (b) a beer retailer; or  
3941 (c) a small brewer.
- 3942 (7) An event permittee may not store, sell, offer for sale, furnish, or allow the consumption  
3943 of an alcoholic product purchased for an event in a location other than that described in  
3944 the application and designated on the event permit unless the event permittee first  
3945 applies for and receives approval from the director, with the approval of the  
3946 Compliance, Licensing, and Enforcement Subcommittee, for a change of location.
- 3947 (8)(a) Subject to Subsection (8)(b), an event permittee may sell, offer for sale, or furnish  
3948 beer for on-premise consumption:
- 3949 (i) in an open original container; and  
3950 (ii) in a container on draft.
- 3951 (b) An event permittee may not sell, offer for sale, or furnish beer sold pursuant to  
3952 Subsection (8)(a):
- 3953 (i) in a size of container that exceeds two liters; or  
3954 (ii) to an individual patron in a size of container that exceeds one liter.
- 3955 (9)(a) An event permittee may not sell or offer for sale an alcoholic product at less than  
3956 the cost of the alcoholic product to the event permittee.
- 3957 (b) An event permittee may not sell an alcoholic product at a discount price on any date  
3958 or at any time.
- 3959 (c) An event permittee may not sell or offer for sale an alcoholic product at a price that  
3960 encourages overconsumption or intoxication.
- 3961 (d) An event permittee may not sell or offer for sale an alcoholic product at a special or  
3962 reduced price for only certain hours of the day of an event.
- 3963 (e) An event permittee may not sell, offer for sale, or furnish more than one alcoholic  
3964 product at the price of a single alcoholic product.
- 3965 (f) An event permittee, or a person operating, selling, offering, or furnishing an alcoholic  
3966 product under an event permit, may not sell, offer for sale, or furnish an indefinite or  
3967 unlimited number of alcoholic products during a set period for a fixed price, unless:
- 3968 (i) the alcoholic product is served to a patron at a seated event;  
3969 (ii) food is available whenever the alcoholic product is sold, offered for sale, or  
3970 furnished; and

- 3971 (iii) no person advertises that at the event a person may be sold or furnished an  
3972 indefinite or unlimited number of alcoholic products during a set period for a  
3973 fixed price.
- 3974 (g) An event permittee may not engage in a public promotion involving or offering a  
3975 free alcoholic product to the general public.
- 3976 (10) An event permittee may not sell, offer for sale, or furnish an alcoholic product to:
- 3977 (a) a minor;
- 3978 (b) a person actually, apparently, or obviously intoxicated;
- 3979 (c) a known interdicted person; or
- 3980 (d) a known habitual drunkard.
- 3981 (11)(a) An alcoholic product is considered under the control of the event permittee  
3982 during an event.
- 3983 (b) A patron at an event may not bring an alcoholic product onto the premises of the  
3984 event.
- 3985 (12) An event permittee may not permit a patron to carry from the premises an open  
3986 container that:
- 3987 (a) is used primarily for drinking purposes; and
- 3988 (b) contains an alcoholic product.
- 3989 (13)(a) A person involved in the storage, sale, or furnishing of an alcoholic product at  
3990 an event is considered under the supervision and direction of the event permittee.
- 3991 (b) A person involved in the sale, offer for sale, or furnishing of an alcoholic product at  
3992 an event may not, while on duty:
- 3993 (i) consume an alcoholic product; or
- 3994 (ii) be intoxicated.
- 3995 (14) A minor may not handle, sell, offer for sale, or furnish an alcoholic product at an event.
- 3996 (15) The location specified in an event permit may not be changed without prior written  
3997 approval of the commission.
- 3998 (16) An event permittee may not sell, transfer, assign, exchange, barter, give, or attempt in  
3999 any way to dispose of the event permit to another person whether for monetary gain or  
4000 not.
- 4001 (17)(a) An event permittee may not sell, offer for sale, furnish, or allow the  
4002 consumption of an alcoholic product during a period that:
- 4003 (i) begins at 1 a.m.; and
- 4004 (ii) ends at 9:59 a.m.

4005 (b) This Subsection (17) does not preclude a local authority from being more restrictive  
 4006 with respect to the hours of sale, offer for sale, furnishing, or consumption of an  
 4007 alcoholic product at an event.

4008 (18) A patron may have no more than one alcoholic product of any kind at a time before the  
 4009 patron.

4010 (19)(a) An event permittee shall display, in a prominent place, a sign in large letters that  
 4011 consists of text in the following order:

4012 (i) a header that reads: "WARNING";

4013 (ii) a warning statement that reads: "Drinking alcoholic beverages during pregnancy  
 4014 can cause birth defects and permanent brain damage for the child.";

4015 (iii) a statement in smaller font that reads: "Call the Utah Department of Health and  
 4016 Human Services at [insert most current toll-free number] with questions or for  
 4017 more information.";

4018 (iv) a header that reads: "WARNING"; and

4019 (v) a warning statement that reads: "Driving under the influence of alcohol or drugs is  
 4020 a serious crime that is prosecuted aggressively in Utah."

4021 (b)(i) The text described in Subsections (19)(a)(i) through (iii) shall be in a different  
 4022 font style than the text described in Subsections (19)(a)(iv) and (v).

4023 (ii) The warning statements in the sign described in Subsection (19)(a) shall be in the  
 4024 same font size.

4025 (c) The Department of Health and Human Services shall work with the commission and  
 4026 department to facilitate consistency in the format of a sign required under this section.

4027 Section 46. Section **34-45-102** is amended to read:

4028 **34-45-102 (Effective 05/07/25). Definitions.**

4029 As used in this chapter:

4030 (1) "Firearm" has the same meaning as provided in Section [~~76-10-501~~] 76-11-101.

4031 (2) "Motor vehicle" has the same meaning as provided in Section 41-1a-102.

4032 (3) "Person" means an individual, property owner, landlord, tenant, employer, business  
 4033 entity, or other legal entity.

4034 Section 47. Section **34-45-107** is amended to read:

4035 **34-45-107 (Effective 05/07/25). Exemptions -- Limitations on chapter -- School**  
 4036 **premises -- Government entities -- Religious organizations -- Single family detached**  
 4037 **residential units.**

4038 (1)(a) School premises, as defined in Subsection 76-3-203.2(1), are exempt from the

- 4039 provisions of this chapter.
- 4040 (b) Possession of a firearm on or about school premises is subject to the provisions of  
4041 Section [~~76-10-505.5~~] 76-11-204.
- 4042 (2) Government entities, including a local authority or state entity, are subject to the  
4043 requirements of Title 53, Chapter 5a, Firearm Laws, but are otherwise exempt from the  
4044 provisions of this chapter.
- 4045 (3) Religious organizations, including religious organizations acting as an employer, are  
4046 exempt from, and are not subject to the provisions of this chapter.
- 4047 (4) Owner-occupied single family detached residential units and tenant-occupied single  
4048 family detached residential units are exempt from the provisions of this chapter.
- 4049 (5) A person who is subject to federal law that specifically forbids the presence of a firearm  
4050 on property designated for motor vehicle parking, or a person who is subject to Section  
4051 550 of the United States Department of Homeland Security Appropriations Act of 2007,  
4052 Pub. L. No. 109-295 or regulations enacted in accordance with that section, is exempt  
4053 from Section 34-45-103 if:
- 4054 (a) providing alternative parking or a storage location under Subsection 34-45-103(2)(a)  
4055 would pose an undue burden on the person; and
- 4056 (b) the person files a statement with the attorney general citing the federal law that  
4057 forbids the presence of a firearm and detailing the reasons why providing alternative  
4058 parking or a storage location poses an undue burden.
- 4059 (6) A person who is subject to Section 550 of the United States Department of Homeland  
4060 Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in  
4061 accordance with that section is exempt from this chapter if:
- 4062 (a) the person has attempted to provide alternative parking or a storage location in  
4063 accordance with Subsection 34-45-103(2)(a);
- 4064 (b) the secretary of the federal Department of Homeland Security notifies the person that  
4065 the provision of alternative parking or a storage location causes the person to be out  
4066 of compliance with Section 550 of the United States Department of Homeland  
4067 Security Appropriations Act of 2007, Pub. L. No. 109-295 or regulations enacted in  
4068 accordance with that section and the person may be subject to punitive measures; and
- 4069 (c) the person files a detailed statement with the attorney general notifying the attorney  
4070 general of the facts under Subsections (6)(a) and (b).
- 4071 Section 48. Section **34-52-201** is amended to read:
- 4072 **34-52-201 (Effective 05/07/25). Public employer requirements.**



- 4073 (1) Except as provided in Subsections (3) and (6), a public employer may not:
- 4074 (a) exclude an applicant from an initial interview because of:
- 4075 (i) a past criminal conviction or juvenile adjudication; or
- 4076 (ii) if the applicant is a mental health professional applicant, an arrest for an offense
- 4077 that occurred before the applicant was 18 years old;
- 4078 (b) make an inquiry related to an applicant's expunged criminal or juvenile delinquency
- 4079 history;
- 4080 (c) when making a hiring decision regarding a mental health professional applicant,
- 4081 consider:
- 4082 (i) an arrest for an offense that occurred before the mental health professional
- 4083 applicant was 18 years old;
- 4084 (ii) an arrest not followed by a criminal conviction or juvenile adjudication;
- 4085 (iii) a juvenile adjudication; or
- 4086 (iv) a past criminal conviction if:
- 4087 (A) the sentence for the criminal conviction is terminated; and
- 4088 (B) the mental health professional applicant was not incarcerated for the past
- 4089 criminal conviction or the mental health professional applicant's incarceration
- 4090 for the past criminal conviction ended at least three years before the day on
- 4091 which the mental health professional applicant applied for employment; or
- 4092 (d) deny a mental health professional applicant employment based on a past criminal
- 4093 conviction that does not bear a direct relationship to the mental health professional
- 4094 applicant's ability to safely or competently perform the duties of employment.
- 4095 (2) A public employer excludes an applicant from an initial interview under Subsection (1)
- 4096 if the public employer:
- 4097 (a) requires an applicant to disclose a criminal conviction or juvenile adjudication:
- 4098 (i) on an employment application;
- 4099 (ii) before an initial interview; or
- 4100 (iii) if no interview is conducted, before making a conditional offer of employment; or
- 4101 (b) requires an applicant who is a mental health professional applicant to disclose an
- 4102 arrest for an offense that occurred before the applicant was 18 years old:
- 4103 (i) on an employment application;
- 4104 (ii) before an initial interview; or
- 4105 (iii) if no interview is conducted, before making a conditional offer of employment.
- 4106 (3) A public employer may not deny a mental health professional applicant employment

- 4107 that requires the mental health professional applicant to provide substance use treatment  
4108 based on:
- 4109 (a) the mental health professional applicant's participation in substance use treatment; or  
4110 (b) a past criminal conviction for a nonviolent drug offense if:
- 4111 (i) the sentence for the criminal conviction is terminated; and  
4112 (ii)(A) the mental health professional applicant was not incarcerated for the past  
4113 criminal conviction; or  
4114 (B) the mental health professional applicant's incarceration for the past criminal  
4115 conviction ended at least three years before the day on which the mental health  
4116 professional applicant applied for employment.
- 4117 (4) An applicant seeking employment from a public employer may answer a question  
4118 related to an expunged criminal or juvenile delinquency record as though the action  
4119 underlying the expunged criminal or juvenile delinquency record never occurred.
- 4120 (5) Except as provided in Subsections (1) through (3), this section does not prevent a public  
4121 employer from:
- 4122 (a) asking an applicant for information about an applicant's criminal conviction or  
4123 juvenile delinquency history during an initial interview or after an initial interview; or  
4124 (b) considering an applicant's criminal conviction or juvenile delinquency history when  
4125 making a hiring decision.
- 4126 (6)(a) Subsections (1) through (4) do not apply:
- 4127 (i) if federal, state, or local law, including corresponding administrative rules,  
4128 requires the consideration of an applicant's criminal conviction or juvenile  
4129 delinquency history;
- 4130 (ii) to a public employer that is a law enforcement agency;  
4131 (iii) to a public employer that is part of the criminal or juvenile justice system;  
4132 (iv) to a public employer seeking a nonemployee volunteer;  
4133 (v) to a public employer that works with children or vulnerable adults;  
4134 (vi) to the Department of Alcoholic Beverage Services created in Section 32B-2-203;  
4135 (vii) to the State Tax Commission;  
4136 (viii) to a public employer whose primary purpose is performing financial or  
4137 fiduciary functions; or  
4138 (ix) to a public transit district hiring or promoting an individual for a safety sensitive  
4139 position described in Section 17B-2a-825.
- 4140 (b) Subsections (1)(c)(iv) and (1)(d) do not apply to a criminal conviction for:

- 4141 (i) a violent felony as defined in Section 76-3-203.5; or  
 4142 (ii) a felony related to a criminal sexual act under:  
 4143 (A) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 4144 76-5-419, or 76-5-420; or  
 4145 (B) Title 76, Chapter 5b, Sexual Exploitation Act.
- 4146 (c) Subsections (1)(a)(ii), (1)(c), (1)(d), and (3) apply to a person under contract with a  
 4147 public employer.
- 4148 Section 49. Section **34A-5-114** is amended to read:  
 4149 **34A-5-114 (Effective 05/07/25). Limitations on enforceability of nondisclosure**  
 4150 **and non-disparagement clauses -- Retaliation prohibited.**
- 4151 (1) As used in this section:
- 4152 (a) "Confidentiality clause" means a nondisclosure clause or a non-disparagement clause.  
 4153 (b) "Employee" means a current or a former employee.  
 4154 (c) "Nondisclosure clause" means an agreement between an employee and employer that:  
 4155 (i) prevents, or has the effect of preventing, an employee from disclosing or  
 4156 discussing:  
 4157 (A) sexual assault;  
 4158 (B) allegations of sexual assault;  
 4159 (C) sexual harassment; or  
 4160 (D) allegations of sexual harassment.
- 4161 (d) "Non-disparagement clause" means an agreement between an employee and  
 4162 employer that prohibits, or has the effect of prohibiting, an employee from making a  
 4163 negative statement that is:  
 4164 (i) about the employer; and  
 4165 (ii) related to:  
 4166 (A) a claim of sexual assault or sexual harassment;  
 4167 (B) a sexual assault dispute; or  
 4168 (C) a sexual harassment dispute.
- 4169 (e) "Post-employment restrictive covenant" means the same as that term is defined in  
 4170 Section 34-51-102.
- 4171 (f) "Proprietary information" means an employer's business plan or customer  
 4172 information.
- 4173 (g) "Retaliate" means taking an adverse action against an employee because the  
 4174 employee made an allegation of sexual harassment or assault, including:

- 4175 (i) discharge;
- 4176 (ii) suspension;
- 4177 (iii) demotion; or
- 4178 (iv) discrimination in the terms, conditions, or privileges of employment.
- 4179 (h) "Sexual assault" means:
- 4180 (i) conduct that would constitute a violation of 18 U.S.C. Secs. 2241 through 2244; or
- 4181 (ii) criminal conduct described in Title 76, Chapter 5, Part 4, Sexual Offenses, not
- 4182 including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
- 4183 (i) "Sexual assault dispute" means a dispute between an employer and the employer's
- 4184 employee relating to alleged sexual assault.
- 4185 (j) "Sexual harassment" means conduct that is a violation of:
- 4186 (i) Title VII of the Civil Rights Act of 1964, 42 U.S.C. Sec. 2000e et seq.; or
- 4187 (ii) Subsection 34A-5-106(1)(a)(i) prohibiting harassment on the basis of sex, sexual
- 4188 orientation, or gender.
- 4189 (k) "Sexual harassment dispute" means a dispute between an employer and the
- 4190 employer's employee relating to alleged sexual harassment.
- 4191 (2)(a) A confidentiality clause regarding sexual misconduct, as a condition of
- 4192 employment, is against public policy and is void and unenforceable.
- 4193 (b) After an employee makes an allegation of sexual harassment or sexual assault, an
- 4194 employer of any sized business, regardless of Subsection 34-5-102(1)(i)(D):
- 4195 (i) may not retaliate against the employee because the employee made an allegation
- 4196 of sexual harassment or assault; or
- 4197 (ii) may not retaliate based on an employee's refusal to enter into a confidentiality
- 4198 clause or an employment contract that, as a condition of employment, contains a
- 4199 confidentiality clause.
- 4200 (c) An employee may, within three business days after the day on which the employee
- 4201 agrees to a settlement agreement that includes a confidentiality clause regarding
- 4202 sexual misconduct, withdraw from the settlement agreement.
- 4203 (3) An employer who attempts to enforce a confidentiality clause in violation of this section:
- 4204 (a) is liable for all costs, including reasonable attorney fees, resulting from legal action
- 4205 to enforce the confidentiality clause; and
- 4206 (b) is not entitled to monetary damages resulting from a breach of a confidentiality
- 4207 clause.
- 4208 (4) This section does not:

- 4209 (a) prohibit an agreement between an employee who alleges sexual assault or sexual  
 4210 harassment and an employer from containing a nondisclosure clause, a  
 4211 non-disparagement clause, or any other clause prohibiting disclosure of:  
 4212 (i) the amount of a monetary settlement; or  
 4213 (ii) at the request of the employee, facts that could reasonably lead to the  
 4214 identification of the employee;
- 4215 (b) prohibit an employer from requiring an employee to:  
 4216 (i) sign a post-employment restrictive covenant; or  
 4217 (ii) agree not to disclose an employer's non-public trade secrets, proprietary  
 4218 information, or confidential information that does not involve illegal acts;
- 4219 (c) authorize an employee to:  
 4220 (i) disclose data otherwise protected by law or legal privilege; or  
 4221 (ii) knowingly make statements or disclosures that are false or made with reckless  
 4222 disregard of the truth;
- 4223 (d) prohibit an employee from discussing sexual misconduct or allegations of sexual  
 4224 misconduct in a civil or criminal case when subpoenaed if the sexual misconduct or  
 4225 allegations of sexual misconduct are against the individual whom the employee  
 4226 alleged engaged in sexual misconduct;
- 4227 (e) permit a disclosure that would violate state or federal law; or  
 4228 (f) limit other grounds that may exist at law or in equity for the unenforceability of a  
 4229 confidentiality clause.

4230 Section 50. Section **41-1a-1008** is amended to read:

4231 **41-1a-1008 (Effective 05/07/25). Criminal penalty for violation.**

- 4232 (1) Except as provided in Subsection (2) or unless otherwise provided, it is a class A  
 4233 misdemeanor to knowingly violate Sections 41-1a-1001 through 41-1a-1006.
- 4234 (2) Any owner, who is not a manufacturer, dealer, motor vehicle auction, or consignor to a  
 4235 motor vehicle auction not licensed under Section 41-3-201, who knowingly or  
 4236 intentionally conceals, removes, destroys, or alters a disclosure statement or a certificate  
 4237 of title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3 is  
 4238 guilty of a:  
 4239 (a) class A misdemeanor; or  
 4240 (b) third degree felony if the person has previously been convicted two or more times of  
 4241 knowingly or intentionally concealing, removing, destroying, or altering a disclosure  
 4242 statement or a certificate of title branded under Section 41-3-201 or Sections

4243 41-1a-1004 through 41-1a-1005.3.

4244 (3) Criminal penalties under this chapter are not exclusive, but are in addition to those  
4245 under Section ~~[76-10-1801]~~ 76-6-525.

4246 (4) Each vehicle sold, offered for sale, or displayed for sale in violation of Section  
4247 41-1a-1005.3 shall be a separate offense.

4248 Section 51. Section **41-3-413** is amended to read:

4249 **41-3-413 (Effective 05/07/25). Criminal penalties -- Nonexclusive.**

4250 (1) Knowing or intentional concealment, removal, destruction, or alteration of a disclosure  
4251 statement or of a certificate of title branded under Section 41-1a-522 is a second degree  
4252 felony.

4253 (2) Criminal penalties under this chapter are not exclusive, but are in addition to those  
4254 under Section ~~[76-10-1801]~~ 76-6-525.

4255 (3) The remedies provided in Sections 41-3-410 through this section are not exclusive but  
4256 are in addition to any other remedies provided by law.

4257 Section 52. Section **45-2-11**, which is renumbered from Section 76-9-504 is renumbered  
4258 and amended to read:

4259 ~~[76-9-504]~~ **45-2-11 (Effective 05/07/25). Fair reporting privilege of newspaper or**  
4260 **broadcasting station personnel as to public official proceedings -- Privilege as to**  
4261 **defamatory matter not subject to censorship.**

4262 ~~[No reporter, editor, or proprietor of any newspaper, and no owner, licensee, or~~  
4263 ~~operator of a visual or sound radio broadcasting station, or network of stations, nor the agents~~  
4264 ~~or employees of a newspaper or broadcasting station, is liable to any prosecution for a fair and~~  
4265 ~~true report or broadcast of any judicial, legislative, or other public official proceedings, or of~~  
4266 ~~any statement, speech, argument, or debate in course of the same, except upon proof of malice~~  
4267 ~~in making the report, which shall not be implied from the mere fact of publication. In no event~~  
4268 ~~shall any owner, licensee, or operator of a visual or sound radio broadcasting station or~~  
4269 ~~network of stations, or the agents or employees thereof, be liable for prosecution for any~~  
4270 ~~defamatory matter or statement published or uttered in such radio or television broadcast~~  
4271 ~~where the publication cannot be censored by reason of the provisions of federal statute or the~~  
4272 ~~regulations of the federal communications commission.]~~

4273 (1) Except as provided in Subsection (2), the following persons may not be prosecuted for a  
4274 fair and true report or broadcast of a judicial, legislative, or other public official  
4275 proceeding, or of a statement, speech, argument, or debate related to the judicial,  
4276 legislative, or other public official proceeding:

- 4277 (a) a reporter, editor, or proprietor of a newspaper;
- 4278 (b) an owner, a licensee, or an operator of a visual sound radio broadcasting station or
- 4279 network of stations; or
- 4280 (c) an agent or employee of a newspaper or broadcasting station.
- 4281 (2) Notwithstanding Subsection (1), a person listed in Subsection (1)(a), (b), or (c) may be
- 4282 prosecuted for making a report described in Subsection (1) if there is proof the person
- 4283 acted with malice in making the report, which may not be implied from the mere fact of
- 4284 publication.
- 4285 (3) An owner, licensee, or operator of a visual or sound radio broadcasting station or
- 4286 network of stations, or an agent or employee of a sound radio broadcasting station or
- 4287 network of stations, may not be prosecuted for a defamatory matter or statement
- 4288 published or uttered in a radio or television broadcast if the publication cannot be
- 4289 censored by reason of the provisions of a federal statute or a regulation issued by the
- 4290 Federal Communications Commission.

4291 Section 53. Section **45-2-12**, which is renumbered from Section 76-9-506 is renumbered

4292 and amended to read:

4293 **[76-9-506] 45-2-12 (Effective 05/07/25). Privilege as to communications between**

4294 **interested persons.**

- 4295 (1) A communication made to a person interested in the communication by one who is
- 4296 also interested, or who stands in a relation to the former as to afford a reasonable ground
- 4297 for supposing his motive innocent, is not presumed to be malicious, and is a privileged
- 4298 communication.
- 4299 (2) Libelous remarks or comments connected with a matter privileged by Subsection (1)
- 4300 receive no privilege by reason of the libelous remarks or comments being so connected.

4301 Section 54. Section **45-2-13**, which is renumbered from Section 76-9-509 is renumbered

4302 and amended to read:

4303 **[76-9-509] 45-2-13 (Effective 05/07/25). Conveying false or libelous material to newspaper**

4304 **or broadcasting stations.**

4305 [Any] A person who willfully states, conveys, delivers, or transmits, by any

4306 means[ whatsoever], to the manager, editor, publisher, reporter, or agent of any radio station,

4307 television station, newspaper, magazine, periodical, or serial for publication[ therein], any false

4308 or libelous statement concerning any person, and thereby secures actual publication[ of the

4309 same], is guilty of a class B misdemeanor.

4310 Section 55. Section **47-3-305** is amended to read:

4311 **47-3-305 (Effective 05/07/25). Exceptions and prohibitions.**

- 4312 (1) This part does not apply to:
- 4313 (a) shooting ranges that are otherwise open to the public;
- 4314 (b) shooting ranges that are operated as a public shooting range staffed by and operated
- 4315 by Division of Wildlife Resources;
- 4316 (c) the Utah National Guard ranges located at Camp Williams and the Salt Lake
- 4317 International Airport;
- 4318 (d) Department of Corrections ranges; and
- 4319 (e) ranges owned, operated, or currently leased as of March 26, 2013, by a state or local
- 4320 public safety agency.
- 4321 (2) Firearms may not be allowed in a school building, except under the provision of Section [
- 4322 ~~76-10-505.5~~] 76-11-204, unless there is an outdoor entrance to the shooting range and the
- 4323 most direct access to the range is used. An outdoor entrance to a shooting range may not
- 4324 be blocked by fences, structures, or gates for the purpose of blocking the outdoor
- 4325 entrance.
- 4326 (3) Only air guns may be used in public ranges where the ventilation systems do not meet
- 4327 current OSHA standards as applied to the duration of exposure of the participants. For
- 4328 the purposes of this part, an air gun does not include larger caliber pneumatic weapons,
- 4329 paintball guns, or air shotguns.
- 4330 (4) Group range use is a lawful, approved activity under Subsection [~~76-10-505.5(4)(a)~~]
- 4331 76-11-204(4)(a).

4332 Section 56. Section **51-9-203** is amended to read:

4333 **51-9-203 (Effective 05/07/25). Requirements for tobacco and electronic cigarette**

4334 **programs.**

- 4335 (1) To be eligible to receive funding under this part for a tobacco prevention, reduction,
- 4336 cessation, or control program, an organization, whether private, governmental, or
- 4337 quasi-governmental, shall:
- 4338 (a) submit a request to the Department of Health and Human Services containing the
- 4339 following information:
- 4340 (i) for media campaigns to prevent or reduce smoking, the request shall demonstrate
- 4341 sound management and periodic evaluation of the campaign's relevance to the
- 4342 intended audience, particularly in campaigns directed toward youth, including
- 4343 audience awareness of the campaign and recollection of the main message;
- 4344 (ii) for school-based education programs to prevent and reduce youth smoking, the



- 4345 request shall describe how the program will be effective in preventing and  
4346 reducing youth smoking;
- 4347 (iii) for community-based programs to prevent and reduce smoking, the request shall  
4348 demonstrate that the proposed program:
- 4349 (A) has a comprehensive strategy with a clear mission and goals;  
4350 (B) provides for committed, caring, and professional leadership; and  
4351 (C) if directed toward youth:
- 4352 (I) offers youth-centered activities in youth accessible facilities;  
4353 (II) is culturally sensitive, inclusive, and diverse;  
4354 (III) involves youth in the planning, delivery, and evaluation of services that  
4355 affect them; and  
4356 (IV) offers a positive focus that is inclusive of all youth; and
- 4357 (iv) for enforcement, control, and compliance program, the request shall demonstrate  
4358 that the proposed program can reasonably be expected to reduce the extent to  
4359 which tobacco products and electronic cigarette products, as those terms are  
4360 defined in Section [~~76-10-101~~] 76-9-1101, are available to individuals under 21  
4361 years old;
- 4362 (b) agree, by contract, to file an annual written report with the Department of Health and  
4363 Human Services that contains the following:
- 4364 (i) the amount funded;  
4365 (ii) the amount expended;  
4366 (iii) a description of the program or campaign and the number of adults and youth  
4367 who participated;  
4368 (iv) specific elements of the program or campaign meeting the applicable criteria set  
4369 forth in Subsection (1)(a); and  
4370 (v) a statement concerning the success and effectiveness of the program or campaign;
- 4371 (c) agree, by contract, to not use any funds received under this part directly or indirectly,  
4372 to:
- 4373 (i) engage in any lobbying or political activity, including the support of, or opposition  
4374 to, candidates, ballot questions, referenda, or similar activities; or  
4375 (ii) engage in litigation with any tobacco manufacturer, retailer, or distributor, except  
4376 to enforce:
- 4377 (A) the provisions of the Master Settlement Agreement;  
4378 (B) Title 26B, Chapter 7, Part 5, Regulation of Smoking, Tobacco Products, and

- 4379                   Nicotine Products;
- 4380                   (C) Sections 26B-7-514 through 26B-7-520; and
- 4381                   (D) Title 77, Chapter 39, Sale of Tobacco or Alcohol to Under Age Persons; and
- 4382           (d) agree, by contract, to repay the funds provided under this part if the organization:
- 4383               (i) fails to file a timely report as required by Subsection (1)(b); or
- 4384               (ii) uses any portion of the funds in violation of Subsection (1)(c).
- 4385   (2) The Department of Health and Human Services shall review and evaluate the success
- 4386       and effectiveness of any program or campaign that receives funding pursuant to a
- 4387       request submitted under Subsection (1). The review and evaluation:
- 4388       (a) shall include a comparison of annual smoking trends;
- 4389       (b) may be conducted by an independent evaluator; and
- 4390       (c) may be paid for by funds appropriated from the account for that purpose.
- 4391   (3) An organization that fails to comply with the contract requirements set forth in
- 4392       Subsection (1) shall:
- 4393       (a) repay the state as provided in Subsection (1)(d); and
- 4394       (b) be disqualified from receiving funds under this part in any subsequent fiscal year.
- 4395   (4) The attorney general shall be responsible for recovering funds that are required to be
- 4396       repaid to the state under this section.
- 4397   (5) Nothing in this section may be construed as applying to funds that are not appropriated
- 4398       under this part.

4399       Section 57. Section **51-9-801** is amended to read:

4400       **51-9-801 (Effective 05/07/25). Opioid Litigation Proceeds Restricted Account.**

- 4401   (1) There is created within the General Fund a restricted account known as the Opioid
- 4402       Litigation Proceeds Restricted Account.
- 4403   (2) The account consists of:
- 4404       (a) any money deposited into the account in accordance with Subsection (3);
- 4405       (b) interest earned on money in the account; and
- 4406       (c) money appropriated to the account by the Legislature.
- 4407   (3) Notwithstanding Sections 13-2-8 and [~~76-10-3114~~] 67-5-40, after reimbursement to the
- 4408       attorney general and the Department of Commerce for expenses related to the matters
- 4409       described in Subsection (3)(a) or (b), the following shall be deposited into the account:
- 4410       (a) all money received by the attorney general or the Department of Commerce as a
- 4411           result of any judgment, settlement, or compromise of claims pertaining to alleged
- 4412       violations of law related to the manufacture, marketing, distribution, or sale of

4413           opioids from a case designated as an opioid case by the attorney general in a legal  
 4414           services contract; and  
 4415           (b) all money received by the attorney general or the Department of Commerce as a  
 4416           result of any multistate judgment, settlement, or compromise of claims pertaining to  
 4417           alleged violations of law related to the manufacture, marketing, distribution, or sale  
 4418           of opioids.

4419           (4) Subject to appropriation by the Legislature, money in the account shall be used:  
 4420           (a) to address the effects of alleged violations of law related to the manufacture,  
 4421           marketing, distribution, or sale of opioids; or  
 4422           (b) if applicable, in accordance with the terms of a settlement agreement described in  
 4423           Subsection (3)(a) or (b) entered into by the state.

4424           Section 58. Section **53-2a-214** is amended to read:

4425           **53-2a-214 (Effective 05/07/25). Prohibition of restrictions on and confiscation of**  
 4426 **a firearm or ammunition during an emergency.**

4427           (1) As used in this section:

4428           (a)(i) "Confiscate" means for an individual in Utah to intentionally deprive another  
 4429           of a privately owned firearm.

4430           (ii) "Confiscate" does not include the taking of a firearm from an individual:

4431                   (A) in self-defense;

4432                   (B) possessing a firearm while the individual is committing a felony or  
 4433                   misdemeanor; or

4434                   (C) who may not, under state or federal law, possess the firearm.

4435           (b) "Firearm" has the same meaning as defined in Section [~~76-10-501~~] 76-11-101.

4436           (2) During a declared state of emergency or local emergency under this part:

4437           (a) neither the governor nor an agency of a governmental entity or political subdivision  
 4438           of the state may impose restrictions, which were not in force before the declared state  
 4439           of emergency, on the lawful possession, transfer, sale, transport, storage, display, or  
 4440           use of a firearm or ammunition; and

4441           (b) an individual, while acting or purporting to act on behalf of the state or a political  
 4442           subdivision of the state, may not confiscate a privately owned firearm of another  
 4443           individual.

4444           (3) A law or regulation passed during a declared state of emergency that does not relate  
 4445           specifically to the lawful possession or use of a firearm and that has attached criminal  
 4446           penalties may not be used to justify the confiscation of a firearm from an individual

- 4447 acting in defense of self, property, or others when on:
- 4448 (a) the individual's private property; or
- 4449 (b) the private property of another as an invitee.
- 4450 (4)(a) An individual who has a firearm confiscated in violation of Subsection (2) may
- 4451 bring a civil action in a court having the appropriate jurisdiction:
- 4452 (i) for damages, in the maximum amount of \$10,000, against a person who violates
- 4453 Subsection (2);
- 4454 (ii) for a civil penalty, in the amount of \$5,000 per violation, against a person who
- 4455 violates Subsection (2); and
- 4456 (iii) for return of the confiscated firearm.
- 4457 (b) As used in this Subsection (4), "person" means an individual, the governmental
- 4458 entity on whose behalf the individual is acting or purporting to act, or both the
- 4459 individual and the governmental entity.
- 4460 (5)(a) A law enforcement officer is not subject to disciplinary action for refusing to
- 4461 confiscate a firearm under this section if:
- 4462 (i) ordered or directed to do so by a superior officer; and
- 4463 (ii) by obeying the order or direction, the law enforcement officer would be
- 4464 committing a violation of this section.
- 4465 (b) For purposes of this Subsection (5), disciplinary action might include:
- 4466 (i) dismissal, suspension, or demotion;
- 4467 (ii) loss of or decrease in benefits, pay, privileges or conditions of employment; and
- 4468 (iii) any type of written or electronic indication, permanent or temporary, on the
- 4469 officer's personnel record of the officer's refusal to obey the unlawful order.
- 4470 (6)(a) If a law enforcement officer commits a violation of this section, the officer's
- 4471 liability in an action brought under Subsection (4)(a) is limited to 5% of the damages
- 4472 and civil penalty allowed under Subsection (4)(a) if the officer can show by clear and
- 4473 convincing evidence that the officer was obeying a direct and unlawful order from a
- 4474 superior officer or authority.
- 4475 (b) The court shall assess the balance of the damages and civil penalty, the remaining
- 4476 95%, against the superior officer or authority who ordered or directed the
- 4477 confiscation in violation of this section.
- 4478 Section 59. Section **53-3-219** is amended to read:
- 4479 **53-3-219 (Effective 05/07/25). Suspension of minor's driving privileges.**
- 4480 (1) The division shall immediately suspend all driving privileges of any person upon receipt

4481 of an order suspending driving privileges under Section 32B-4-409, Section 32B-4-410,  
 4482 Subsection [~~76-9-701(1)~~] 76-9-110(6)(a), or Section 80-6-707.

4483 (2)(a)(i) Upon receipt of the first order suspending a person's driving privileges  
 4484 under Section 32B-4-409, Section 32B-4-410, Subsection [~~76-9-701(1)~~]  
 4485 76-9-110(6)(a), or Section 80-6-707, the division shall:

4486 (A) impose a suspension for a period of one year;

4487 (B) if the person has not been issued an operator license, deny the person's  
 4488 application for a license or learner's permit for a period of one year; or

4489 (C) if the person is under the age of eligibility for a driver license, deny the  
 4490 person's application for a license or learner's permit beginning on the date of  
 4491 conviction and continuing for one year beginning on the date of eligibility for a  
 4492 driver license.

4493 (ii) Upon receipt of the first order suspending a person's driving privileges under this  
 4494 section, the division shall reduce the suspension period under Subsection  
 4495 (2)(a)(i)(A), (B), or (C) if ordered by the court in accordance with Subsection  
 4496 32B-4-409(5)(b), 32B-4-410(4)(b), [~~76-9-701(4)(b)~~] 76-9-110(6)(b), or  
 4497 80-6-707(3)(a).

4498 (b)(i) Upon receipt of a second or subsequent order suspending a person's driving  
 4499 privileges under Section 32B-4-409, Section 32B-4-410, Subsection [~~76-9-701(1)~~]  
 4500 76-9-110(6)(a), or Subsection 80-6-707(3)(b), the division shall:

4501 (A) impose a suspension for a period of two years;

4502 (B) if the person has not been issued an operator license or is under the age of  
 4503 eligibility for a driver license, deny the person's application for a license or  
 4504 learner's permit for a period of two years; or

4505 (C) if the person is under the age of eligibility for a driver license, deny the  
 4506 person's application for a license or learner's permit beginning on the date of  
 4507 conviction and continuing for two years beginning on the date of eligibility for  
 4508 a driver license.

4509 (ii) Upon receipt of the second or subsequent order suspending a person's driving  
 4510 privileges under Section 32B-4-409, Section 32B-4-410, Subsection [~~76-9-701(1)~~]  
 4511 76-9-110(6)(a), or Section 80-6-707, the division shall reduce the suspension  
 4512 period if ordered by the court in accordance with Subsection 32B-4-409(5)(c),  
 4513 32B-4-410(4)(c), [~~76-9-701(4)(e)~~] 76-9-110(6)(c), or 80-6-707(3)(b).

4514 (3) The Driver License Division shall subtract from any suspension or revocation period for

4515 a conviction of a violation of Section 32B-4-409 the number of days for which a license  
4516 was previously suspended under Section 53-3-231, if the previous sanction was based on  
4517 the same occurrence upon which the record of conviction is based.

4518 (4) After reinstatement of the license described in Subsection (1), a report authorized under  
4519 Section 53-3-104 may not contain evidence of the suspension of a minor's license under  
4520 this section if the minor has not been convicted of any other offense for which the  
4521 suspension under Subsection (1) may be extended.

4522 Section 60. Section **53-3-220** is amended to read:

4523 **53-3-220 (Effective 05/07/25). Offenses requiring mandatory revocation, denial,**  
4524 **suspension, or disqualification of license -- Offense requiring an extension of period --**  
4525 **Hearing -- Limited driving privileges.**

4526 (1)(a) The division shall immediately revoke or, when this chapter, Title 41, Chapter 6a,  
4527 Traffic Code, or Section 76-5-303, specifically provides for denial, suspension, or  
4528 disqualification, the division shall deny, suspend, or disqualify the license of a person  
4529 upon receiving a record of the person's conviction for:

- 4530 (i) manslaughter or negligent homicide resulting from driving a motor vehicle,  
4531 automobile homicide under Section 76-5-207, or automobile homicide involving  
4532 using a handheld wireless communication device while driving under Section  
4533 76-5-207.5;
- 4534 (ii) driving or being in actual physical control of a motor vehicle while under the  
4535 influence of alcohol, any drug, or combination of them to a degree that renders the  
4536 person incapable of safely driving a motor vehicle as prohibited in Section  
4537 41-6a-502 or as prohibited in an ordinance that complies with the requirements of  
4538 Subsection 41-6a-510(1);
- 4539 (iii) driving or being in actual physical control of a motor vehicle while having a  
4540 blood or breath alcohol content as prohibited in Section 41-6a-502 or as prohibited  
4541 in an ordinance that complies with the requirements of Subsection 41-6a-510(1);
- 4542 (iv) perjury or the making of a false affidavit to the division under this chapter, Title  
4543 41, Motor Vehicles, or any other law of this state requiring the registration of  
4544 motor vehicles or regulating driving on highways;
- 4545 (v) any felony under the motor vehicle laws of this state;
- 4546 (vi) any other felony in which a motor vehicle is used to facilitate the offense;
- 4547 (vii) failure to stop and render aid as required under the laws of this state if a motor  
4548 vehicle accident results in the death or personal injury of another;

- 4549 (viii) two charges of reckless driving, impaired driving, or any combination of  
 4550 reckless driving and impaired driving committed within a period of 12 months;  
 4551 but if upon a first conviction of reckless driving or impaired driving the judge or  
 4552 justice recommends suspension of the convicted person's license, the division may  
 4553 after a hearing suspend the license for a period of three months;
- 4554 (ix) failure to bring a motor vehicle to a stop at the command of a law enforcement  
 4555 officer as required in Section 41-6a-210;
- 4556 (x) any offense specified in Part 4, Uniform Commercial Driver License Act, that  
 4557 requires disqualification;
- 4558 (xi) a felony violation of Section [~~76-10-508 or 76-10-508.1~~] 76-11-207 or 76-11-208  
 4559 involving discharging or allowing the discharge of a firearm from a vehicle;
- 4560 (xii) using, allowing the use of, or causing to be used any explosive, chemical, or  
 4561 incendiary device from a vehicle in violation of Subsection [~~76-10-306(4)(b)~~]  
 4562 76-15-210(2)(b)(ii);
- 4563 (xiii) operating or being in actual physical control of a motor vehicle while having  
 4564 any measurable controlled substance or metabolite of a controlled substance in the  
 4565 person's body in violation of Section 41-6a-517;
- 4566 (xiv) operating or being in actual physical control of a motor vehicle while having  
 4567 any measurable or detectable amount of alcohol in the person's body in violation  
 4568 of Section 41-6a-530;
- 4569 (xv) engaging in a motor vehicle speed contest or exhibition of speed on a highway in  
 4570 violation of Section 41-6a-606;
- 4571 (xvi) operating or being in actual physical control of a motor vehicle in this state  
 4572 without an ignition interlock system in violation of Section 41-6a-518.2;
- 4573 (xvii) refusal of a chemical test under Subsection 41-6a-520.1(1); or
- 4574 (xviii) two or more offenses that:
- 4575 (A) are committed within a period of one year;
- 4576 (B) are enhanced under Section 76-3-203.17; and
- 4577 (C) arose from separate incidents.
- 4578 (b) The division shall immediately revoke the license of a person upon receiving a  
 4579 record of an adjudication under Section 80-6-701 for:
- 4580 (i) a felony violation of Section [~~76-10-508 or 76-10-508.1~~] 76-11-207 or 76-11-208  
 4581 involving discharging or allowing the discharge of a firearm from a vehicle; or
- 4582 (ii) using, allowing the use of, or causing to be used any explosive, chemical, or

4583 incendiary device from a vehicle in violation of Subsection [~~76-10-306(4)(b)~~]  
4584 76-15-210(2)(b)(ii).

4585 (c)(i) Except when action is taken under Section 53-3-219 for the same offense, upon  
4586 receiving a record of conviction, the division shall immediately suspend for six  
4587 months the license of the convicted person if the person was convicted of  
4588 violating any one of the following offenses while the person was an operator of a  
4589 motor vehicle, and the court finds that a driver license suspension is likely to  
4590 reduce recidivism and is in the interest of public safety:

4591 (A) Title 58, Chapter 37, Utah Controlled Substances Act;

4592 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;

4593 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act;

4594 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;

4595 (E) Title 58, Chapter 37d, Clandestine Drug Lab Act; or

4596 (F) any criminal offense that prohibits possession, distribution, manufacture,  
4597 cultivation, sale, or transfer of any substance that is prohibited under the acts  
4598 described in Subsections (1)(c)(i)(A) through (E), or the attempt or conspiracy  
4599 to possess, distribute, manufacture, cultivate, sell, or transfer any substance that  
4600 is prohibited under the acts described in Subsections (1)(c)(i)(A) through (E).

4601 (ii) Notwithstanding the provisions in Subsection (1)(c)(i), the division shall reinstate  
4602 a person's driving privilege before completion of the suspension period imposed  
4603 under Subsection (1)(c)(i) if the reporting court notifies the Driver License  
4604 Division, in a manner specified by the division, that the defendant is participating  
4605 in or has successfully completed a drug court program as defined in Section  
4606 78A-5-201.

4607 (iii) If a person's driving privilege is reinstated under Subsection (1)(c)(ii), the person  
4608 is required to pay the license reinstatement fees under Subsection 53-3-105(26).

4609 (iv) The court shall notify the division, in a manner specified by the division, if a  
4610 person fails to complete all requirements of the drug court program.

4611 (v) Upon receiving the notification described in Subsection (1)(c)(iv), the division  
4612 shall suspend the person's driving privilege for a period of six months from the  
4613 date of the notice, and no days shall be subtracted from the six-month suspension  
4614 period for which a driving privilege was previously suspended under Subsection  
4615 (1)(c)(i).

4616 (d)(i) The division shall immediately suspend a person's driver license for conviction



- 4617 of the offense of theft of motor vehicle fuel under Section 76-6-404.7 if the  
4618 division receives:
- 4619 (A) an order from the sentencing court requiring that the person's driver license be  
4620 suspended; and
  - 4621 (B) a record of the conviction.
- 4622 (ii) An order of suspension under this section is at the discretion of the sentencing  
4623 court, and may not be for more than 90 days for each offense.
- 4624 (e)(i) The division shall immediately suspend for one year the license of a person  
4625 upon receiving a record of:
- 4626 (A) conviction for the first time for a violation under Section 32B-4-411; or
  - 4627 (B) an adjudication under Section 80-6-701 for a violation under Section  
4628 32B-4-411.
- 4629 (ii) The division shall immediately suspend for a period of two years the license of a  
4630 person upon receiving a record of:
- 4631 (A)(I) conviction for a second or subsequent violation under Section  
4632 32B-4-411; and
  - 4633 (II) the violation described in Subsection (1)(e)(ii)(A)(I) is within 10 years of a  
4634 prior conviction for a violation under Section 32B-4-411; or
  - 4635 (B)(I) a second or subsequent adjudication under Section 80-6-701 for a  
4636 violation under Section 32B-4-411; and
  - 4637 (II) the adjudication described in Subsection (1)(e)(ii)(B)(I) is within 10 years  
4638 of a prior adjudication under Section 80-6-701 for a violation under Section  
4639 32B-4-411.
- 4640 (iii) Upon receipt of a record under Subsection (1)(e)(i) or (ii), the division shall:
- 4641 (A) for a conviction or adjudication described in Subsection (1)(e)(i):
    - 4642 (I) impose a suspension for one year beginning on the date of conviction; or
    - 4643 (II) if the person is under the age of eligibility for a driver license, impose a  
4644 suspension that begins on the date of conviction and continues for one year  
4645 beginning on the date of eligibility for a driver license; or
  - 4646 (B) for a conviction or adjudication described in Subsection (1)(e)(ii):
    - 4647 (I) impose a suspension for a period of two years; or
    - 4648 (II) if the person is under the age of eligibility for a driver license, impose a  
4649 suspension that begins on the date of conviction and continues for two years  
4650 beginning on the date of eligibility for a driver license.

- 4651 (iv) Upon receipt of the first order suspending a person's driving privileges under  
4652 Section 32B-4-411, the division shall reduce the suspension period under  
4653 Subsection (1)(e)(i) if ordered by the court in accordance with Subsection  
4654 32B-4-411(3)(a).
- 4655 (v) Upon receipt of the second or subsequent order suspending a person's driving  
4656 privileges under Section 32B-4-411, the division shall reduce the suspension  
4657 period under Subsection (1)(e)(ii) if ordered by the court in accordance with  
4658 Subsection 32B-4-411(3)(b).
- 4659 (f) The division shall immediately suspend a person's driver license for the conviction of  
4660 an offense that is enhanced under Section 76-3-203.17 if the division receives:
- 4661 (i) an order from the sentencing court requiring the person's driver license to be  
4662 suspended; and  
4663 (ii) a record of the conviction.
- 4664 (2) The division shall extend the period of the first denial, suspension, revocation, or  
4665 disqualification for an additional like period, to a maximum of one year for each  
4666 subsequent occurrence, upon receiving:
- 4667 (a) a record of the conviction of any person on a charge of driving a motor vehicle while  
4668 the person's license is denied, suspended, revoked, or disqualified;
- 4669 (b) a record of a conviction of the person for any violation of the motor vehicle law in  
4670 which the person was involved as a driver;
- 4671 (c) a report of an arrest of the person for any violation of the motor vehicle law in which  
4672 the person was involved as a driver; or  
4673 (d) a report of an accident in which the person was involved as a driver.
- 4674 (3) When the division receives a report under Subsection (2)(c) or (d) that a person is  
4675 driving while the person's license is denied, suspended, disqualified, or revoked, the  
4676 person is entitled to a hearing regarding the extension of the time of denial, suspension,  
4677 disqualification, or revocation originally imposed under Section 53-3-221.
- 4678 (4)(a) The division may extend to a person the limited privilege of driving a motor  
4679 vehicle to and from the person's place of employment or within other specified limits  
4680 on recommendation of the judge in any case where a person is convicted of any of  
4681 the offenses referred to in Subsections (1) and (2) except:
- 4682 (i) those offenses referred to in Subsections (1)(a)(i), (ii), (iii), (xi), (xii), (xiii), (1)(b),  
4683 and (1)(c)(i); and  
4684 (ii) those offenses referred to in Subsection (2) when the original denial, suspension,

4685 revocation, or disqualification was imposed because of a violation of Section  
4686 41-6a-502, 41-6a-517, a local ordinance that complies with the requirements of  
4687 Subsection 41-6a-510(1), Section 41-6a-520, 41-6a-520.1, 76-5-102.1, or 76-5-207,  
4688 or a criminal prohibition that the person was charged with violating as a result of a  
4689 plea bargain after having been originally charged with violating one or more of  
4690 these sections or ordinances, unless:

- 4691 (A) the person has had the period of the first denial, suspension, revocation, or  
4692 disqualification extended for a period of at least three years;
- 4693 (B) the division receives written verification from the person's primary care  
4694 physician or physician assistant that:
- 4695 (I) to the physician's or physician assistant's knowledge the person has not used  
4696 any narcotic drug or other controlled substance except as prescribed by a  
4697 licensed medical practitioner within the last three years; and
- 4698 (II) the physician or physician assistant is not aware of any physical,  
4699 emotional, or mental impairment that would affect the person's ability to  
4700 operate a motor vehicle safely; and
- 4701 (C) for a period of one year prior to the date of the request for a limited driving  
4702 privilege:
- 4703 (I) the person has not been convicted of a violation of any motor vehicle law in  
4704 which the person was involved as the operator of the vehicle;
- 4705 (II) the division has not received a report of an arrest for a violation of any  
4706 motor vehicle law in which the person was involved as the operator of the  
4707 vehicle; and
- 4708 (III) the division has not received a report of an accident in which the person  
4709 was involved as an operator of a vehicle.

4710 (b)(i) Except as provided in Subsection (4)(b)(ii), the discretionary privilege  
4711 authorized in this Subsection (4):

- 4712 (A) is limited to when undue hardship would result from a failure to grant the  
4713 privilege; and
- 4714 (B) may be granted only once to any person during any single period of denial,  
4715 suspension, revocation, or disqualification, or extension of that denial,  
4716 suspension, revocation, or disqualification.

4717 (ii) The discretionary privilege authorized in Subsection (4)(a)(ii):

- 4718 (A) is limited to when the limited privilege is necessary for the person to commute

- 4719 to school or work; and
- 4720 (B) may be granted only once to any person during any single period of denial,
- 4721 suspension, revocation, or disqualification, or extension of that denial,
- 4722 suspension, revocation, or disqualification.
- 4723 (c) A limited CDL may not be granted to a person disqualified under Part 4, Uniform
- 4724 Commercial Driver License Act, or whose license has been revoked, suspended,
- 4725 cancelled, or denied under this chapter.
- 4726 Section 61. Section **53-3-229** is amended to read:
- 4727 **53-3-229 (Effective 05/07/25). Prohibited uses of license certificate -- Penalty.**
- 4728 (1) It is a class C misdemeanor for an individual to:
- 4729 (a) lend or knowingly permit the use of a license certificate issued to the individual, by
- 4730 another individual not entitled to the license certificate;
- 4731 (b) display or represent as the individual's own license certificate a license certificate not
- 4732 issued to the individual;
- 4733 (c) refuse to surrender to the division or a peace officer upon demand any license
- 4734 certificate issued by the division;
- 4735 (d) use a false name or give a false address in any application for a license or any
- 4736 renewal or duplicate of the license certificate, or to knowingly make a false
- 4737 statement, or to knowingly conceal a material fact or otherwise commit a fraud in the
- 4738 application;
- 4739 (e) display a canceled, denied, revoked, suspended, or disqualified driver license
- 4740 certificate as a valid driver license certificate;
- 4741 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic
- 4742 driver license certificate issued by a governmental entity if the item is not an
- 4743 authentic driver license certificate issued by that governmental entity; or
- 4744 (g) alter any information on an authentic driver license certificate so that it no longer
- 4745 represents the information originally displayed.
- 4746 (2) The provisions of Subsection (1)(e) do not prohibit the use of an individual's driver
- 4747 license certificate as a means of personal identification.
- 4748 (3) It is a class A misdemeanor to knowingly:
- 4749 (a) issue a driver license certificate with false or fraudulent information;
- 4750 (b) issue a driver license certificate to an individual who is younger than 21 years old if
- 4751 the driver license certificate is not distinguished as required for an individual who is
- 4752 younger than 21 years old under Section 53-3-207; or

4753 (c) acquire, use, display, or transfer a false or altered driver license certificate to procure  
 4754 a tobacco product, an electronic cigarette product, or a nicotine product as those  
 4755 terms are defined in Section ~~[76-10-101]~~ 76-9-1101.

4756 (4) An individual may not use, display, or transfer a false or altered driver license certificate  
 4757 to procure alcoholic beverages, gain admittance to a place where alcoholic beverages are  
 4758 sold or consumed, or obtain employment that may not be obtained by a minor in  
 4759 violation of Section 32B-1-403.

4760 (5) It is a third degree felony if an individual's acquisition, use, display, or transfer of a false  
 4761 or altered driver license certificate:

4762 (a) aids or furthers the individual's efforts to fraudulently obtain goods or services; or

4763 (b) aids or furthers the individual's efforts to commit a violent felony.

4764 Section 62. Section **53-3-810** is amended to read:

4765 **53-3-810 (Effective 05/07/25). Prohibited uses of identification card -- Penalties.**

4766 (1) It is a class C misdemeanor to:

4767 (a) lend or knowingly permit the use of an identification card issued to the individual, by  
 4768 an individual not entitled to the identification card;

4769 (b) display or to represent as the individual's own identification card an identification  
 4770 card not issued to the individual;

4771 (c) refuse to surrender to the division or a peace officer upon demand any identification  
 4772 card issued by the division;

4773 (d) use a false name or give a false address in any application for an identification card  
 4774 or any renewal or duplicate of the identification card, or to knowingly make a false  
 4775 statement, or to knowingly conceal a material fact in the application;

4776 (e) display a revoked identification card as a valid identification card;

4777 (f) knowingly acquire, use, display, or transfer an item that purports to be an authentic  
 4778 identification card issued by a governmental entity if the item is not an authentic  
 4779 identification card issued by that governmental entity; or

4780 (g) alter any information contained on an authentic identification card so that it no  
 4781 longer represents the information originally displayed.

4782 (2) It is a class A misdemeanor to knowingly:

4783 (a) issue an identification card with false or fraudulent information;

4784 (b) issue an identification card to an individual who is younger than 21 years old if the  
 4785 identification card is not distinguished as required for an individual who is younger  
 4786 than 21 years old under Section 53-3-806; or

4787 (c) acquire, use, display, or transfer a false or altered identification card to procure a  
4788 tobacco product, an electronic cigarette product, or a nicotine product as those terms  
4789 are defined in Section ~~[76-10-101]~~ 76-9-1101.

4790 (3) An individual may not knowingly use, display, or transfer a false or altered  
4791 identification card to procure alcoholic beverages, gain admittance to a place where  
4792 alcoholic beverages are sold or consumed, or obtain employment that may not be  
4793 obtained by a minor in violation of Section 32B-1-403.

4794 (4) It is a third degree felony if an individual's acquisition, use, display, or transfer of a false  
4795 or altered identification card:

4796 (a) aids or furthers the individual's efforts to fraudulently obtain goods or services; or

4797 (b) aids or furthers the individual's efforts to commit a violent felony.

4798 Section 63. Section **53-5-702** is amended to read:

4799 **53-5-702 (Effective 05/07/25). Definitions.**

4800 In addition to the definitions in Section ~~[76-10-501]~~ 76-11-101, as used in this part:

4801 (1) "Active duty service member" means a person on active military duty with the United  
4802 States military and includes full time military active duty, military reserve active duty,  
4803 and national guard military active duty service members stationed in Utah.

4804 (2) "Active duty service member spouse" means a person recognized by the military as the  
4805 spouse of an active duty service member and who resides with the active duty service  
4806 member in Utah.

4807 (3) "Board" means the Concealed Firearm Review Board created in Section 53-5-703.

4808 (4) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
4809 within the Department of Public Safety.

4810 (5) "Commissioner" means the commissioner of the Department of Public Safety.

4811 (6) "Conviction" means criminal conduct where the filing of a criminal charge has resulted  
4812 in:

4813 (a) a finding of guilt based on evidence presented to a judge or jury;

4814 (b) a guilty plea;

4815 (c) a plea of nolo contendere;

4816 (d) a plea of guilty or nolo contendere which is held in abeyance pending the successful  
4817 completion of probation;

4818 (e) a pending diversion agreement; or

4819 (f) a conviction which has been reduced in accordance with Section 76-3-402.

4820 (7)(a) "School employee" means an employee of a public school district, charter school,

4821 or private school whose duties, responsibilities, or assignments require the employee  
 4822 to be physically present on a school's campus at least half of the days on which  
 4823 school is held during a school year.

4824 (b) "School employee" also means a substitute teacher, as defined in Section 53E-6-901.

4825 (8) "School year" means the period of time designated by a local school board, charter  
 4826 school governing board, or private school as the school year for high school, middle  
 4827 school, or elementary school students.

4828 Section 64. Section **53-5-704** is amended to read:

4829 **53-5-704 (Effective 05/07/25). Bureau duties -- Permit to carry concealed**  
 4830 **firearm -- Certification for concealed firearms instructor -- Requirements for issuance --**  
 4831 **Violation -- Denial, suspension, or revocation -- Appeal procedure.**

4832 (1)(a) Except as provided in Subsection (1)(b), the bureau shall issue a permit to carry a  
 4833 concealed firearm for lawful self defense to an applicant who is 21 years old or older  
 4834 within 60 days after receiving an application, unless the bureau finds proof that the  
 4835 applicant is not qualified to hold a permit under Subsection (2) or (3).

4836 (b)(i) Within 90 days before the day on which a provisional permit holder under  
 4837 Section 53-5-704.5 reaches 21 years old, the provisional permit holder may apply  
 4838 under this section for a permit to carry a concealed firearm for lawful self defense.

4839 (ii) The bureau shall issue a permit for an applicant under Subsection (1)(b)(i) within  
 4840 60 days after receiving an application, unless the bureau finds proof that the  
 4841 applicant is not qualified to hold a permit under Subsection (2) or (3).

4842 (iii) A permit issued under this Subsection (1)(b):

4843 (A) is not valid until an applicant is 21 years old; and

4844 (B) requires a \$10 application fee.

4845 (iv) A person who applies for a permit under this Subsection (1)(b) is not required to  
 4846 retake the firearms training described in Subsection 53-5-704(8).

4847 (c) The permit is valid throughout the state for five years, without restriction, except as  
 4848 otherwise provided by Section 53-5-710.

4849 (d) The provisions of Subsections [~~76-10-504(1) and (2)~~] 76-11-202(2), (3a), and (3)(b),  
 4850 and Section [~~76-10-505~~] 76-11-203 do not apply to an individual issued a permit  
 4851 under Subsection (1)(a) or (b).

4852 (e) Subsection (4)(a) does not apply to a nonresident:

4853 (i) active duty service member, who presents to the bureau orders requiring the active  
 4854 duty service member to report for duty in this state; or

- 4855 (ii) active duty service member's spouse, stationed with the active duty service  
4856 member, who presents to the bureau the active duty service member's orders  
4857 requiring the service member to report for duty in this state.
- 4858 (2)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if the  
4859 applicant or permit holder:
- 4860 (i) has been or is convicted of a felony;
  - 4861 (ii) has been or is convicted of a crime of violence;
  - 4862 (iii) has been or is convicted of an offense involving the use of alcohol;
  - 4863 (iv) has been or is convicted of an offense involving the unlawful use of narcotics or  
4864 other controlled substances;
  - 4865 (v) has been or is convicted of an offense involving moral turpitude;
  - 4866 (vi) has been or is convicted of an offense involving domestic violence;
  - 4867 (vii) has been or is adjudicated by a state or federal court as mentally incompetent,  
4868 unless the adjudication has been withdrawn or reversed; and
  - 4869 (viii) is not qualified to purchase and possess a firearm pursuant to Section [  
4870 ~~76-10-503~~] 76-11-302 and federal law.
- 4871 (b) In determining whether an applicant or permit holder is qualified to hold a permit  
4872 under Subsection (2)(a), the bureau shall consider mitigating circumstances.
- 4873 (3)(a) The bureau may deny, suspend, or revoke a concealed firearm permit if it has  
4874 reasonable cause to believe that the applicant or permit holder has been or is a danger  
4875 to self or others as demonstrated by evidence, including:
- 4876 (i) past pattern of behavior involving unlawful violence or threats of unlawful  
4877 violence;
  - 4878 (ii) past participation in incidents involving unlawful violence or threats of unlawful  
4879 violence; or
  - 4880 (iii) conviction of an offense in violation of [~~Title 76, Chapter 10, Part 5, Weapons~~]  
4881 Title 76, Chapter 11, Weapons.
- 4882 (b) The bureau may not deny, suspend, or revoke a concealed firearm permit solely for a  
4883 single conviction of an infraction violation of [~~Title 76, Chapter 10, Part 5, Weapons~~]  
4884 Title 76, Chapter 11, Weapons.
- 4885 (c) In determining whether the applicant or permit holder has been or is a danger to self  
4886 or others, the bureau may inspect:
- 4887 (i) expunged records of arrests and convictions of adults as provided in Section  
4888 77-40a-403; and



- 4889 (ii) juvenile court records as provided in Section 78A-6-209.
- 4890 (d)(i) The bureau shall suspend a concealed firearm permit if a permit holder  
4891 becomes a temporarily restricted person in accordance with Section 53-5c-301.
- 4892 (ii) Upon removal from the temporary restricted list, the permit holder's permit shall  
4893 be reinstated unless:
- 4894 (A) the permit has been revoked, been suspended for a reason other than the  
4895 restriction described in Subsection (3)(d)(i), or expired; or
- 4896 (B) the permit holder has become a restricted person under Section [~~76-10-503~~  
4897 76-11-302].
- 4898 (4)(a) In addition to meeting the other qualifications for the issuance of a concealed  
4899 firearm permit under this section, a nonresident applicant who resides in a state that  
4900 recognizes the validity of the Utah permit or has reciprocity with Utah's concealed  
4901 firearm permit law shall:
- 4902 (i) hold a current concealed firearm or concealed weapon permit issued by the  
4903 appropriate permitting authority of the nonresident applicant's state of residency;  
4904 and
- 4905 (ii) submit a photocopy or electronic copy of the nonresident applicant's current  
4906 concealed firearm or concealed weapon permit referred to in Subsection (4)(a)(i).
- 4907 (b) A nonresident applicant who knowingly and willfully provides false information to  
4908 the bureau under Subsection (4)(a) is prohibited from holding a Utah concealed  
4909 firearm permit for a period of 10 years.
- 4910 (c) Subsection (4)(a) applies to all applications for the issuance of a concealed firearm  
4911 permit that are received by the bureau after May 10, 2011.
- 4912 (d) Beginning January 1, 2012, Subsection (4)(a) also applies to an application for  
4913 renewal of a concealed firearm permit by a nonresident.
- 4914 (5) The bureau shall issue a concealed firearm permit to a former peace officer who departs  
4915 full-time employment as a peace officer, in an honorable manner, within five years of  
4916 that departure if the officer meets the requirements of this section.
- 4917 (6) Except as provided in Subsection (7), the bureau shall also require the applicant to  
4918 provide:
- 4919 (a) the address of the applicant's permanent residence;
- 4920 (b) one recent dated photograph;
- 4921 (c) one set of fingerprints; and
- 4922 (d) evidence of general familiarity with the types of firearms to be concealed as defined

- 4923 in Subsection (8).
- 4924 (7) An applicant who is a law enforcement officer under Section 53-13-103 may provide a  
4925 letter of good standing from the officer's commanding officer in place of the evidence  
4926 required by Subsection (6)(d).
- 4927 (8)(a) General familiarity with the types of firearms to be concealed includes training in:  
4928 (i) the safe loading, unloading, storage, and carrying of the types of firearms to be  
4929 concealed; and  
4930 (ii) current laws defining lawful use of a firearm by a private citizen, including lawful  
4931 self-defense, use of force by a private citizen, including use of deadly force,  
4932 transportation, and concealment.
- 4933 (b) An applicant may satisfy the general familiarity requirement of Subsection (8)(a) by  
4934 one of the following:  
4935 (i) completion of a course of instruction conducted by a national, state, or local  
4936 firearms training organization approved by the bureau;  
4937 (ii) certification of general familiarity by an individual who has been certified by the  
4938 bureau, which may include a law enforcement officer, military or civilian firearms  
4939 instructor, or hunter safety instructor; or  
4940 (iii) equivalent experience with a firearm through participation in an organized  
4941 shooting competition, law enforcement, or military service.
- 4942 (c) Instruction taken by a student under this Subsection (8) shall be in person and not  
4943 through electronic means.
- 4944 (d) A person applying for a renewal permit is not required to retake the firearms training  
4945 described in this Subsection 53-5-704(8) if the person:  
4946 (i) has an unexpired permit; or  
4947 (ii) has a permit that expired less than one year before the date on which the renewal  
4948 application was submitted.
- 4949 (9)(a) An applicant for certification as a Utah concealed firearms instructor shall:  
4950 (i) be at least 21 years old;  
4951 (ii) be currently eligible to possess a firearm under Section [~~76-10-503~~] 76-11-302;  
4952 (iii) have:  
4953 (A) completed a firearm instruction training course from the National Rifle  
4954 Association or another nationally recognized firearm training organization that  
4955 customarily offers firearm safety and firearm law instructor training or the  
4956 Department of Public Safety, Division of Peace Officer Safety Standards and

- 4957 Training; or
- 4958 (B) received training equivalent to one of the courses referred to in Subsection
- 4959 (9)(a)(iii)(A) as determined by the bureau;
- 4960 (iv) have taken a course of instruction and passed a certification test as described in
- 4961 Subsection (9)(c); and
- 4962 (v) possess a Utah concealed firearm permit.
- 4963 (b) An instructor's certification is valid for three years from the date of issuance, unless
- 4964 revoked by the bureau.
- 4965 (c)(i) In order to obtain initial certification or renew a certification, an instructor
- 4966 shall attend an instructional course and pass a test under the direction of the
- 4967 bureau.
- 4968 (ii)(A) The bureau shall provide or contract to provide the course referred to in
- 4969 Subsection (9)(c)(i) twice every year.
- 4970 (B) The course shall include instruction on current Utah law related to firearms,
- 4971 including concealed carry statutes and rules, and the use of deadly force by
- 4972 private citizens.
- 4973 (d)(i) Each applicant for certification under this Subsection (9) shall pay a fee of
- 4974 \$50.00 at the time of application for initial certification.
- 4975 (ii) The renewal fee for the certificate is \$25.
- 4976 (iii) The bureau may use a fee paid under Subsections (9)(d)(i) and (ii) as a dedicated
- 4977 credit to cover the cost incurred in maintaining and improving the instruction
- 4978 program required for concealed firearm instructors under this Subsection (9).
- 4979 (10) A certified concealed firearms instructor shall provide each of the instructor's students
- 4980 with the required course of instruction outline approved by the bureau.
- 4981 (11)(a)(i) A concealed firearms instructor shall provide a signed certificate to an
- 4982 individual successfully completing the offered course of instruction.
- 4983 (ii) The instructor shall sign the certificate with the exact name indicated on the
- 4984 instructor's certification issued by the bureau under Subsection (9).
- 4985 (iii)(A) The certificate shall also have affixed to it the instructor's official seal,
- 4986 which is the exclusive property of the instructor and may not be used by any
- 4987 other individual.
- 4988 (B) The instructor shall destroy the seal upon revocation or expiration of the
- 4989 instructor's certification under Subsection (9).
- 4990 (C) The bureau shall determine the design and content of the seal to include at

- 4991 least the following:
- 4992 (I) the instructor's name as it appears on the instructor's certification;
- 4993 (II) the words "Utah Certified Concealed Firearms Instructor," "state of Utah,"
- 4994 and "my certification expires on (the instructor's certification expiration
- 4995 date)"; and
- 4996 (III) the instructor's business or residence address.
- 4997 (D) The seal shall be affixed to each student certificate issued by the instructor in
- 4998 a manner that does not obscure or render illegible any information or
- 4999 signatures contained in the document.
- 5000 (b) The applicant shall provide the certificate to the bureau in compliance with
- 5001 Subsection (6)(d).
- 5002 (12) The bureau may deny, suspend, or revoke the certification of an applicant or a
- 5003 concealed firearms instructor if it has reason to believe the applicant or the instructor has:
- 5004 (a) become ineligible to possess a firearm under Section [~~76-10-503~~] 76-11-302 or
- 5005 federal law; or
- 5006 (b) knowingly and willfully provided false information to the bureau.
- 5007 (13) An applicant for certification or a concealed firearms instructor has the same appeal
- 5008 rights as described in Subsection (16).
- 5009 (14) In providing instruction and issuing a permit under this part, the concealed firearms
- 5010 instructor and the bureau are not vicariously liable for damages caused by the permit
- 5011 holder.
- 5012 (15) An individual who knowingly and willfully provides false information on an
- 5013 application filed under this part is guilty of a class B misdemeanor, and the application
- 5014 may be denied, or the permit may be suspended or revoked.
- 5015 (16)(a) In the event of a denial, suspension, or revocation of a permit, the applicant or
- 5016 permit holder may file a petition for review with the board within 60 days from the
- 5017 date the denial, suspension, or revocation is received by the applicant or permit
- 5018 holder by certified mail, return receipt requested.
- 5019 (b) The bureau's denial of a permit shall be in writing and shall include the general
- 5020 reasons for the action.
- 5021 (c) If an applicant or permit holder appeals the denial to the review board, the applicant
- 5022 or permit holder may have access to the evidence upon which the denial is based in
- 5023 accordance with Title 63G, Chapter 2, Government Records Access and Management
- 5024 Act.

- 5025 (d) On appeal to the board, the bureau has the burden of proof by a preponderance of the  
5026 evidence.
- 5027 (e)(i) Upon a ruling by the board on the appeal of a denial, the board shall issue a  
5028 final order within 30 days stating the board's decision.
- 5029 (ii) The final order shall be in the form prescribed by Subsection 63G-4-203(1)(i).
- 5030 (iii) The final order is final bureau action for purposes of judicial review under  
5031 Section 63G-4-402.
- 5032 (17) The commissioner may make rules in accordance with Title 63G, Chapter 3, Utah  
5033 Administrative Rulemaking Act, necessary to administer this chapter.  
5034 Section 65. Section **53-5-705** is amended to read:
- 5035 **53-5-705 (Effective 05/07/25). Temporary permit to carry concealed firearm --**  
5036 **Denial, suspension, or revocation -- Appeal.**
- 5037 (1) The bureau or its designated agent may issue a temporary permit to carry a concealed  
5038 firearm to a person who:
- 5039 (a) has applied for a permit under Section 53-5-704;
- 5040 (b) has applied for a temporary permit under this section; and
- 5041 (c) meets the criteria required in Subsections (2) and (3).
- 5042 (2) To receive a temporary permit under this section, the applicant shall demonstrate in  
5043 writing to the satisfaction of the bureau extenuating circumstances that would justify  
5044 issuing a temporary permit.
- 5045 (3) A temporary permit may not be issued under this section until preliminary record  
5046 checks regarding the applicant have been made with the National Crime Information  
5047 Center and the bureau to determine any criminal history.
- 5048 (4)(a) A temporary permit is valid only for a maximum of 90 days or any lesser period  
5049 specified by the bureau, or until a permit under Section 53-5-704 is issued to the  
5050 holder of the temporary permit, whichever period is shorter.
- 5051 (b) The provisions of Subsections [~~76-10-504(1) and (2)~~] ~~76-11-202(2), (3)(a), and (3)(b)~~  
5052 and Section [~~76-10-505~~] ~~76-11-203~~ do not apply to a person issued a temporary  
5053 permit under this section during the time period for which the temporary permit is  
5054 valid.
- 5055 (5) The bureau may deny, suspend, or revoke a temporary permit prior to expiration if the  
5056 commissioner determines:
- 5057 (a) the circumstances justifying the temporary permit no longer exist; or
- 5058 (b) the holder of the temporary permit does not meet the requirements for a permit under

5059 Section 53-5-704.

5060 (6)(a) The denial, suspension, or revocation of a temporary permit shall be in writing  
5061 and shall include the reasons for the action.

5062 (b) The bureau's decision to deny, suspend, or revoke a temporary permit may not be  
5063 appealed to the board.

5064 (c) Denial, suspension, or revocation under this subsection is final action for purposes of  
5065 judicial review under Section 63G-4-402.

5066 Section 66. Section **53-5-710** is amended to read:

5067 **53-5-710 (Effective 05/07/25). Cross-references to concealed firearm permit**  
5068 **restrictions.**

5069 (1) A person with a permit of any kind to carry a concealed firearm may not carry a  
5070 concealed firearm in the following locations:

5071 (a) any secure area prescribed in Section [~~76-10-523.5~~] 53-5a-107 in which firearms are  
5072 prohibited and notice of the prohibition posted;

5073 (b) any airport secure area as provided in Section [~~76-10-529~~] 76-11-215; or

5074 (c) any house of worship or in any private residence where dangerous weapons are  
5075 prohibited as provided in Section [~~76-10-530~~] 76-11-216.

5076 (2) Notwithstanding Subsection [~~76-10-505.5(4)~~] 76-11-204(4), a person under the age of  
5077 21 with a permit of any kind to carry a concealed firearm may not carry a concealed  
5078 firearm on or about school premises, as defined in Subsection [~~76-10-505.5(1)(a)~~]  
5079 76-11-204(1)(a)(i).

5080 Section 67. Section **53-5-711** is amended to read:

5081 **53-5-711 (Effective 05/07/25). Law enforcement officials, judges, and court**  
5082 **commissioners exempt -- Training requirements -- Qualification -- Revocation.**

5083 (1) As used in this section and Section [~~76-10-523~~] 53-5a-108:

5084 (a) "Court commissioner" means an individual appointed under Section 78A-5-107.

5085 (b)(i) "Judge" means a judge or justice of a court of record or a court not of record.

5086 (ii) "Judge" does not include a judge pro tem or senior judge.

5087 (c) "Law enforcement official" means:

5088 (i) a member of the Board of Pardons and Parole;

5089 (ii) a district attorney, deputy district attorney, county attorney or deputy county  
5090 attorney of a county not in a prosecution district;

5091 (iii) the attorney general;

5092 (iv) an assistant attorney general designated as a criminal prosecutor; or

- 5093 (v) a city attorney or a deputy city attorney designated as a criminal prosecutor.
- 5094 (2) To qualify for an exemption in Section ~~[76-10-523]~~ 53-5a-108, a law enforcement
- 5095 official, judge, or court commissioner shall complete the following training
- 5096 requirements:
- 5097 (a) meet the requirements of Sections 53-5-704, 53-5-706, and 53-5-707; and
- 5098 (b) successfully complete an additional course of training as established by the
- 5099 commissioner of public safety designed to assist them while carrying out their
- 5100 official law enforcement, judicial, or court commissioner duties as agents for the state
- 5101 or its political subdivisions.
- 5102 (3) Annual requalification requirements for law enforcement officials, judges, or court
- 5103 commissioners shall be established by the commissioner of public safety. Additional
- 5104 requalification requirements may be established by the:
- 5105 (a) Board of Pardons and Parole by rule for its members;
- 5106 (b) Judicial Council by rule for judges and court commissioners; and
- 5107 (c) the district attorney, county attorney in a county not in a prosecution district, the
- 5108 attorney general, or city attorney by policy for prosecutors under their jurisdiction.
- 5109 (4) The bureau may:
- 5110 (a) issue a certificate of qualification to a judge, law enforcement official, or court
- 5111 commissioner who has completed the requirements of Subsection (2), which
- 5112 certificate of qualification is valid until revoked;
- 5113 (b) revoke the certificate of qualification of a judge, law enforcement official, or court
- 5114 commissioner who:
- 5115 (i) fails to meet the annual requalification criteria established pursuant to Subsection
- 5116 (3);
- 5117 (ii) would be subject to revocation of a concealed firearm permit under Subsection
- 5118 53-5-704(2)(a); or
- 5119 (iii) is no longer employed as a judge, law enforcement official, or court
- 5120 commissioner as defined in Subsection (1); and
- 5121 (c) certify instructors for the training requirements of this section.
- 5122 Section 68. Section **53-5a-102** is amended to read:

## CHAPTER 5a. FIREARM LAWS

### Part 1. General Firearm Laws

5125 **53-5a-102 (Effective 05/07/25). Uniform firearm laws.**

5126 [(1) ~~As used in this section:~~]

5127 [(a) ~~"Ammunition" means the same as that term is defined in Section 53-5d-102.~~]

5128 [(b) ~~"Dangerous weapon" means the same as that term is defined in Section 76-10-501.~~]

5129 [(c) ~~"Firearm" means:~~]

5130 [(i) ~~a pistol, revolver, shotgun, short barreled shotgun, rifle or short barreled rifle, or a~~  
5131 ~~device that could be used as a dangerous weapon from which is expelled a projectile by~~  
5132 ~~action of an explosive;~~]

5133 [(ii) ~~ammunition; and~~]

5134 [(iii) ~~a firearm accessory.~~]

5135 [(d) ~~"Firearm accessory" means the same as that term is defined in Section 53-5b-103.~~]

5136 [(e) ~~"Local or state governmental entity" means the same as that term is defined in Section~~  
5137 ~~78B-6-2301.~~]

5138 [(f) ~~"Short barreled shotgun" or "short barreled rifle" means the same as that term is~~  
5139 ~~defined in Section 76-10-501.~~]

5140 [(g) ~~"Shotgun" means the same as that term is defined in Section 76-10-501.~~]

5141 [(2)] (1) The individual right to keep and bear arms being a constitutionally protected right  
5142 under Article I, Section 6 of the Utah Constitution and the Second Amendment to the  
5143 United States Constitution, the Legislature finds the need to provide uniform civil and  
5144 criminal firearm laws throughout the state and declares that the Legislature occupies the  
5145 whole field of state regulation of firearms.

5146 [(3)] (2) Except as specifically provided by state law, a local or state governmental entity  
5147 may not:

5148 (a) prohibit an individual from owning, possessing, purchasing, selling, transferring,  
5149 transporting, or keeping a firearm, ammunition, or a firearm accessory at the  
5150 individual's place of residence, property, business, or in any vehicle lawfully in the  
5151 individual's possession or lawfully under the individual's control; or

5152 (b) require an individual to have a permit or license to purchase, own, possess, transport,  
5153 or keep a firearm, ammunition, or a firearm accessory.

5154 [(4)] (3) [~~In conjunction with Title 76, Chapter 10, Part 5, Weapons, this section is] This part  
5155 and Title 76, Chapter 11, Weapons, are uniformly applicable throughout [this] the state  
5156 and in all the [state's] political subdivisions of the state.~~

5157 [(5)] (4) Authority to regulate firearms is reserved to the state except where the Legislature  
5158 specifically delegates responsibility to local or state governmental entities.

5159 [(6)] (5) Unless specifically authorized by the Legislature by statute, a local or state



5160 governmental entity may not enact, establish, or enforce [~~any ordinance, regulation, rule,~~  
 5161 ~~or policy~~] a directive pertaining to firearms, ammunition, or firearm accessories that in  
 5162 any way inhibits or restricts the possession, ownership, purchase, sale, transfer,  
 5163 transport, or use of firearms, ammunition, or firearm accessories on either public or  
 5164 private property.

5165 [~~(7)~~] (6) This section does not restrict or expand private property rights.

5166 [~~(8)~~] (7) A violation of this section is subject to Title 78B, Chapter 6, Part 23, Firearm  
 5167 Preemption Enforcement Act.

5168 Section 69. Section **53-5a-102.1** is enacted to read:

5169 **53-5a-102.1 (Effective 05/07/25). Definitions.**

5170 As used in this part:

5171 (1) "Ammunition" means the same as that term is defined in Section 53-5d-102.

5172 (2)(a) "Antique firearm" means:

5173 (i) a firearm, including a firearm with a matchlock, flintlock, percussion cap, or  
 5174 similar type of ignition system, manufactured in or before 1898;

5175 (ii) a firearm that is a replica of a firearm described in this Subsection (2)(a), if the  
 5176 replica:

5177 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
 5178 ammunition; or

5179 (B) uses rimfire or centerfire fixed ammunition which is no longer manufactured  
 5180 in the United States and is not readily available in ordinary channels of  
 5181 commercial trade; or

5182 (iii) a firearm that:

5183 (A) is a muzzle-loading rifle, shotgun, or pistol;

5184 (B) is designed to use black powder, or a black powder substitute; and

5185 (C) cannot use fixed ammunition.

5186 (b) "Antique firearm" does not include:

5187 (i) a weapon that incorporates a firearm frame or receiver;

5188 (ii) a firearm that is converted into a muzzle-loading weapon; or

5189 (iii) a muzzle-loading weapon that can be readily converted to fire fixed ammunition  
 5190 by replacing the:

5191 (A) barrel;

5192 (B) bolt;

5193 (C) breechblock; or

- 5194 (D) any combination of Subsection (2)(b)(iii)(A), (B), or (C).
- 5195 (3) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
5196 within the department.
- 5197 (4)(a) "Concealed firearm" means a firearm that is:
- 5198 (i) covered, hidden, or secreted in a manner that the public would not be aware of the  
5199 firearm's presence; and
- 5200 (ii) readily accessible for immediate use.
- 5201 (b) "Concealed firearm" does not include a firearm that is unloaded and securely encased.
- 5202 (5) "Court commissioner" means an individual appointed under Section 78A-5-107.
- 5203 (6) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.
- 5204 (7) "Directive" means the same as that term is defined in Section 78B-6-2301.
- 5205 (8) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle or short  
5206 barreled rifle, or a device that could be used as a dangerous weapon from which is  
5207 expelled a projectile by action of an explosive.
- 5208 (9) "Firearm accessory" means the same as that term is defined in Section 53-5b-103.
- 5209 (10) "Handgun" means a pistol, revolver, or other firearm of any description, loaded or  
5210 unloaded, from which a shot, bullet, or other missile can be discharged, the length of  
5211 which, not including any revolving, detachable, or magazine breech, does not exceed 12  
5212 inches.
- 5213 (11) "Judge" means the same as that term is defined in Section 53-5-711.
- 5214 (12) "Local or state governmental entity" means the same as that term is defined in Section  
5215 78B-6-2301.
- 5216 (13) "Readily accessible for immediate use" means that a firearm or other dangerous  
5217 weapon is carried on the person or within such close proximity and in such a manner  
5218 that the weapon can be retrieved and used as readily as if carried on the person.
- 5219 (14) "Residence" means an improvement to real property used or occupied as a primary or  
5220 secondary residence.
- 5221 (15) "Securely encased" means not readily accessible for immediate use, such as held in a  
5222 gun rack or in a closed case or container, whether or not locked, or in a trunk or other  
5223 storage area of a motor vehicle, not including a glove box or console box.
- 5224 (16) "Short barreled rifle" means the same as that term is defined in Section 53-5a-301.
- 5225 (17) "Short barreled shotgun" means the same as that term is defined in Section 53-5a-301.
- 5226 (18) "Shotgun" means the same as that term is defined in Section 53-5a-301.
- 5227 (19) "Slug" means the same as that term is defined in Section 53-5a-301.

5228 Section 70. Section **53-5a-102.3**, which is renumbered from Section 76-10-511 is renumbered  
5229 and amended to read:

5230 ~~[76-10-511]~~ **53-5a-102.3 (Effective 05/07/25). Possession of a loaded firearm at a residence**  
5231 **or**  
5232 **on real property authorized.**

5232 Except for persons described in Section ~~[76-10-503]~~ 76-11-302 and 18 U.S.C. Sec.  
5233 922(g) and as otherwise prescribed in this part, ~~[a person]~~ an individual may have a loaded  
5234 firearm:

- 5235 (1) at the ~~[person's]~~ individual's place of residence, including any temporary residence or  
5236 camp; or  
5237 (2) on the ~~[person's]~~ individual's real property.

5238 Section 71. Section **53-5a-105**, which is renumbered from Section 76-10-520 is renumbered  
5239 and amended to read:

5240 ~~[76-10-520]~~ **53-5a-105 (Effective 05/07/25). Number or mark assigned to a handgun by the**  
5241 **department.**

- 5242 (1) The ~~[Department of Public Safety]~~ department upon request may assign a  
5243 distinguishing number or mark of identification to ~~[any pistol or revolver]~~ a handgun  
5244 whenever it is without a manufacturer's number, or other mark of identification or  
5245 whenever the manufacturer's number or other mark of identification or the  
5246 distinguishing number or mark assigned by the ~~[Department of Public Safety]~~ department  
5247 has been destroyed or obliterated.  
5248 (2) Except as provided in Subsection (3), an individual who places or stamps a number on a  
5249 handgun except one assigned to the handgun by the department is guilty of a class A  
5250 misdemeanor.

5251 (3) This section does not:

- 5252 (a) prohibit restoration by the owner of the name of the maker, model, or of the original  
5253 manufacturer's number or other mark of identification when the restoration is  
5254 authorized by the department;  
5255 (b) prohibit a manufacturer from placing in the ordinary course of business the name of  
5256 the make, model, manufacturer's number, or other mark of identification upon a new  
5257 handgun; or  
5258 (c) apply to a handgun that is an antique firearm.

5259 Section 72. Section **53-5a-106**, which is renumbered from Section 76-10-522 is renumbered  
5260 and amended to read:

5261 ~~[76-10-522]~~ **53-5a-106 (Effective 05/07/25). Alteration of number or mark on a handgun.**

5262 (1) ~~[Any person who changes, alters, removes, or obliterates]~~ An individual may not  
 5263 change, alter, remove, or obliterate the name of the maker, the model, manufacturer's  
 5264 number, or other mark of identification, including any distinguishing number or mark  
 5265 assigned by the ~~[Department of Public Safety]~~ department, on ~~[any pistol or revolver]~~ a  
 5266 handgun, without first having secured written permission from the ~~[Department of~~  
 5267 ~~Public Safety]~~ department to make the change, alteration, ~~[or]~~removal, ~~[is guilty of a~~  
 5268 ~~class A misdemeanor]~~ or obliteration.

5269 (2) Except as provided in Subsection (3), a violation of Subsection (1) is a class A  
 5270 misdemeanor.

5271 (3) This section does not apply to a handgun that is an antique firearm.

5272 Section 73. Section **53-5a-107**, which is renumbered from Section 76-10-523.5 is renumbered  
 5273 and amended to read:

5274 ~~[76-10-523.5]~~ **53-5a-107 (Effective 05/07/25). Compliance with rules for secure facilities.**

5275 ~~[Any person]~~ An individual, including ~~[a person]~~ an individual licensed to carry a  
 5276 concealed firearm under Title 53, Chapter 5, Part 7, Concealed Firearm Act, shall comply with  
 5277 any rule established ~~[for secure facilities]~~ by a secure facility pursuant to Sections 53B-3-103,  
 5278 76-8-311.1, 76-8-311.3, and 78A-2-203 and ~~[shall be]~~ is subject to any penalty provided in  
 5279 those sections.

5280 Section 74. Section **53-5a-108**, which is renumbered from Section 76-10-523 is renumbered  
 5281 and amended to read:

5282 ~~[76-10-523]~~ **53-5a-108 (Effective 05/07/25). Persons exempt from weapons laws.**

5283 (1) Except for Sections ~~[76-10-506, 76-10-508, and 76-10-508.1, this part]~~ 76-11-205,  
 5284 76-11-207, and 76-11-208, this part, Title 76, Chapter 11, Weapons, and Title 53,  
 5285 Chapter 5, Part 7, Concealed Firearm Act, do not apply to any of the following:

- 5286 (a) a United States marshal;
- 5287 (b) a federal official required to carry a firearm;
- 5288 (c) a peace officer of this or any other jurisdiction;
- 5289 (d) a law enforcement official as defined and qualified under Section 53-5-711;
- 5290 (e) a judge as defined and qualified under Section 53-5-711;
- 5291 (f) a court commissioner as defined and qualified under Section 53-5-711; or
- 5292 (g) a common carrier while engaged in the regular and ordinary transport of firearms as  
 5293 merchandise.

5294 (2) Notwithstanding Subsection (1), the provisions of Section ~~[76-10-528]~~ 76-11-214 apply

- 5295 to any individual listed in Subsection (1) who is not employed by a state or federal  
 5296 agency or political subdivision that has adopted a policy or rule regarding the use of  
 5297 dangerous weapons.
- 5298 (3) Subsections ~~[76-10-504(1) and (2), and Section 76-10-505]~~ 76-11-202(2), (3)(a), and  
 5299 (3)(b), and Section 76-11-203 do not apply to:
- 5300 (a) an individual to whom a permit to carry a concealed firearm has been issued:
- 5301 (i) pursuant to Section 53-5-704; or
- 5302 (ii) by another state or county; or
- 5303 (b) ~~[a person]~~ an individual who is issued a protective order under Subsection  
 5304 78B-7-603(1)(b) or 78B-7-404(1)(b), unless the ~~[person]~~ individual is a restricted  
 5305 person as described in Subsection ~~[76-10-503(1)]~~ 76-11-302(1), for a period of 120  
 5306 days after the day on which the ~~[person]~~ individual is issued the protective order.
- 5307 (4) Except for Sections ~~[76-10-503, 76-10-506, 76-10-508, and 76-10-508.1]~~ 76-11-205,  
 5308 76-11-207, 76-11-208, and 76-11-302, this part, Title 76, Chapter 11, Weapons, and  
 5309 Title 53, Chapter 5, Part 7, Concealed Firearm Act, do not apply to a nonresident  
 5310 traveling in or through the state, provided that any firearm is:
- 5311 (a) unloaded; and
- 5312 (b) securely encased~~[as defined in Section 76-10-501]~~.
- 5313 (5) Subsections ~~[76-10-504(1) and (2), and 76-10-505(1)(b)]~~ 76-11-202(2), (3)(a), and  
 5314 (3)(b), and 76-11-203(2)(b) do not apply to ~~[a person]~~ an individual 21 years old or older  
 5315 who may otherwise lawfully possess a firearm.
- 5316 Section 75. Section **53-5a-202** is amended to read:
- 5317 **53-5a-202 (Effective 05/07/25). Definitions.**
- 5318 As used in this part:
- 5319 (1)(a) "Federal regulation" means a federal executive order, rule, or regulation that  
 5320 infringes upon, prohibits, restricts, or requires individual licensure for, or registration  
 5321 of, the purchase, ownership, possession, transfer, or use of a firearm, ammunition, or  
 5322 firearm accessory.
- 5323 (b) "Federal regulation" does not include:
- 5324 (i) a federal firearm statute; or
- 5325 (ii) a federal executive order, rule, or regulation that is incorporated into the Utah  
 5326 Code by reference.
- 5327 (2) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~ 76-11-101.
- 5328 (3) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

5329 (4) "Political subdivision" means a city, town, county, special district, or water conservancy  
5330 district.

5331 Section 76. Section **53-5a-301** is enacted to read:

5332

### Part 3. Sale and Purchase of a Firearm

5333 **53-5a-301** (Effective 05/07/25). Definitions.

5334 As used in this part:

5335 (1) "Antique firearm" means the same as that term is defined in Section 53-5a-102.1.

5336 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
5337 within the department.

5338 (3) "Criminal history background check" means a criminal background check conducted  
5339 through the bureau or a local law enforcement agency.

5340 (4) "Dangerous weapon" means the same as that term is defined in Section 76-11-101.

5341 (5) "Dealer" means a person who is:

5342 (a) licensed under 18 U.S.C. Sec. 923; and

5343 (b) engaged in the business of selling, leasing, or otherwise transferring a handgun,  
5344 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

5345 (6) "Domestic violence" means the same as that term is defined in Section 77-36-1.

5346 (7) "Federal Firearms Licensee" means a person who:

5347 (a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and

5348 (b) is engaged in the activities authorized by the specific category of license held by the  
5349 person.

5350 (8)(a) "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle, or short  
5351 barreled rifle, or a device that could be used as a dangerous weapon from which is  
5352 expelled a projectile by action of an explosive.

5353 (b) "Firearm" does not include an antique firearm.

5354 (9)(a) "Short barreled rifle" means a rifle that has a barrel or barrels of fewer than 16  
5355 inches in length.

5356 (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration,  
5357 modification, or otherwise, if the weapon as modified has an overall length of fewer  
5358 than 26 inches.

5359 (10)(a) "Short barreled shotgun" means a shotgun that has a barrel or barrels of fewer  
5360 than 18 inches in length.

5361 (b) "Short barreled shotgun" includes a dangerous weapon made from a shotgun by

5362 alteration, modification, or otherwise, if the weapon as modified has an overall length  
 5363 of fewer than 26 inches

5364 (11) "Shotgun" means a smooth bore firearm designed to fire cartridges containing pellets  
 5365 or a single slug.

5366 (12) "Slug" means a single projectile discharged from a shotgun shell.

5367 Section 77. Section **53-5a-302**, which is renumbered from Section 76-10-526 is renumbered  
 5368 and amended to read:

5369 **[76-10-526]53-5a-302 (Effective 05/07/25). Criminal background check prior to purchase**  
**of**  
 5370 **a firearm -- Fee -- Exemption for concealed firearm permit holders and law enforcement**  
 5371 **officers.**

5372 [(1) For purposes of this section, "valid permit to carry a concealed firearm" does not  
 5373 include a temporary permit issued under Section 53-5-705.]

5374 [(2)] (1)(a) To establish personal identification and residence in this state for purposes of  
 5375 this part, a dealer shall require an individual receiving a firearm to present one photo  
 5376 identification on a form issued by a governmental agency of the state.

5377 (b) A dealer may not accept a driving privilege card issued under Section 53-3-207 as  
 5378 proof of identification for the purpose of establishing personal identification and  
 5379 residence in this state as required under this Subsection [(2)] (1).

5380 [(3)] (2)(a) A criminal history background check is required for the sale of a firearm by a  
 5381 licensed firearm dealer in the state.

5382 (b) Subsection [(3)(a)] (2)(a) does not apply to the sale of a firearm to a Federal Firearms  
 5383 Licensee.

5384 [(4)] (3)(a) An individual purchasing a firearm from a dealer shall consent in writing to a  
 5385 criminal background check, on a form provided by the bureau.

5386 (b) The form shall contain the following information:

5387 (i) the dealer identification number;

5388 (ii) the name and address of the individual receiving the firearm;

5389 (iii) the date of birth, height, weight, eye color, and hair color of the individual  
 5390 receiving the firearm; and

5391 (iv) the social security number or any other identification number of the individual  
 5392 receiving the firearm.

5393 [(5)] (4)(a) The dealer shall send the information required by Subsection [(4)] (3) to the  
 5394 bureau immediately upon its receipt by the dealer.

- 5395 (b) A dealer may not sell or transfer a firearm to an individual until the dealer has  
5396 provided the bureau with the information in Subsection [~~(4)~~] (3) and has received  
5397 approval from the bureau under Subsection [~~(7)~~] (6).
- 5398 [~~(6)~~] (5) The dealer shall make a request for criminal history background information by  
5399 telephone or other electronic means to the bureau and shall receive approval or denial of  
5400 the inquiry by telephone or other electronic means.
- 5401 [~~(7)~~] (6) When the dealer calls for or requests a criminal history background check, the  
5402 bureau shall:
- 5403 (a) review the criminal history files, including juvenile court records, and the temporary  
5404 restricted file created under Section 53-5c-301, to determine if the individual is  
5405 prohibited from purchasing, possessing, or transferring a firearm by state or federal  
5406 law;
- 5407 (b) inform the dealer that:
- 5408 (i) the records indicate the individual is prohibited; or  
5409 (ii) the individual is approved for purchasing, possessing, or transferring a firearm;
- 5410 (c) provide the dealer with a unique transaction number for that inquiry; and  
5411 (d) provide a response to the requesting dealer during the call for a criminal background  
5412 check, or by return call, or other electronic means, without delay, except in case of  
5413 electronic failure or other circumstances beyond the control of the bureau, the bureau  
5414 shall advise the dealer of the reason for the delay and give the dealer an estimate of  
5415 the length of the delay.
- 5416 [~~(8)~~] (7)(a) The bureau may not maintain any records of the criminal history background  
5417 check longer than 20 days from the date of the dealer's request, if the bureau  
5418 determines that the individual receiving the firearm is not prohibited from  
5419 purchasing, possessing, or transferring the firearm under state or federal law.
- 5420 (b) However, the bureau shall maintain a log of requests containing the dealer's federal  
5421 firearms number, the transaction number, and the transaction date for a period of 12  
5422 months.
- 5423 [~~(9)~~] (8)(a) If the criminal history background check discloses information indicating  
5424 that the individual attempting to purchase the firearm is prohibited from purchasing,  
5425 possessing, or transferring a firearm, the bureau shall:
- 5426 (i) within 24 hours after determining that the purchaser is prohibited from purchasing,  
5427 possessing, or transferring a firearm, notify the law enforcement agency in the  
5428 jurisdiction where the dealer is located; and



- 5429 (ii) inform the law enforcement agency in the jurisdiction where the individual  
5430 resides.
- 5431 (b) Subsection [~~(9)(a)~~] (8)(a) does not apply to an individual prohibited from purchasing  
5432 a firearm solely due to placement on the temporary restricted list under Section  
5433 53-5c-301.
- 5434 (c) A law enforcement agency that receives information from the bureau under  
5435 Subsection [~~(9)(a)~~] (8)(a) shall provide a report before August 1 of each year to the  
5436 bureau that includes:
- 5437 (i) based on the information the bureau provides to the law enforcement agency under  
5438 Subsection [~~(9)(a)~~] (8)(a), the number of cases that involve an individual who is  
5439 prohibited from purchasing, possessing, or transferring a firearm as a result of a  
5440 conviction for an offense involving domestic violence; and
- 5441 (ii) of the cases described in Subsection [~~(9)(e)(i)~~] (8)(c)(i):
- 5442 (A) the number of cases the law enforcement agency investigates; and  
5443 (B) the number of cases the law enforcement agency investigates that result in a  
5444 criminal charge.
- 5445 (d) The bureau shall:
- 5446 (i) compile the information from the reports described in Subsection [~~(9)(e)~~] (8)(c);  
5447 (ii) omit or redact any identifying information in the compilation; and  
5448 (iii) submit the compilation to the Law Enforcement and Criminal Justice Interim  
5449 Committee before November 1 of each year.
- 5450 [~~(10)~~] (9) If an individual is denied the right to purchase a firearm under this section, the  
5451 individual may review the individual's criminal history information and may challenge  
5452 or amend the information as provided in Section 53-10-108.
- 5453 [~~(11)~~] (10) The bureau shall make rules in accordance with Title 63G, Chapter 3, Utah  
5454 Administrative Rulemaking Act, to ensure the identity, confidentiality, and security of  
5455 all records provided by the bureau under this part are in conformance with the  
5456 requirements of the Brady Handgun Violence Prevention Act, Pub. L. No. 103-159, 107  
5457 Stat. 1536 (1993).
- 5458 [~~(12)~~] (11)(a) A dealer shall collect a criminal history background check fee for the sale  
5459 of a firearm under this section.
- 5460 (b) The fee described under Subsection [~~(12)(a)~~] (11)(a) remains in effect until changed  
5461 by the bureau through the process described in Section 63J-1-504.
- 5462 (c)(i) The dealer shall forward at one time all fees collected for criminal history

5463 background checks performed during the month to the bureau by the last day of  
5464 the month following the sale of a firearm.

5465 (ii) The bureau shall deposit the fees in the General Fund as dedicated credits to  
5466 cover the cost of administering and conducting the criminal history background  
5467 check program.

5468 ~~[(13)]~~ (12)(a) An individual with a concealed firearm permit issued under Title 53,  
5469 Chapter 5, Part 7, Concealed Firearm Act, is exempt from the background check and  
5470 corresponding fee required in this section for the purchase of a firearm if:

5471 ~~[(a)]~~ (i) the individual presents the individual's concealed firearm permit to the dealer  
5472 prior to purchase of the firearm; and

5473 ~~[(b)]~~ (ii) the dealer verifies with the bureau that the individual's concealed firearm  
5474 permit is valid.

5475 (b) An individual with a temporary permit to carry a concealed firearm issued under  
5476 Section 53-5-705 is not exempt from a background check and the corresponding fee  
5477 required in this section for the purchase of a firearm.

5478 ~~[(14)]~~ (13)(a) A law enforcement officer, as defined in Section 53-13-103, is exempt  
5479 from the background check fee required in this section for the purchase of a personal  
5480 firearm to be carried while off-duty if the law enforcement officer verifies current  
5481 employment by providing a letter of good standing from the officer's commanding  
5482 officer and current law enforcement photo identification.

5483 (b) Subsection ~~[(14)(a)]~~ (13)(a) may only be used by a law enforcement officer to  
5484 purchase a personal firearm once in a 24-month period.

5485 ~~[(15)]~~ (14) A dealer engaged in the business of selling, leasing, or otherwise transferring a  
5486 firearm shall:

5487 (a) make the firearm safety brochure described in Subsection ~~[26B-5-211(3)]~~  
5488 26B-5-102(3) available to a customer free of charge; and

5489 (b) at the time of purchase, distribute a cable-style gun lock provided to the dealer under  
5490 Subsection ~~[26B-5-211(3)]~~ 26B-5-102(3) to a customer purchasing a shotgun, short  
5491 barreled shotgun, short barreled rifle, rifle, or another firearm that federal law does  
5492 not require be accompanied by a gun lock at the time of purchase.

5493 Section 78. Section **53-5a-303**, which is renumbered from Section 76-10-526.1 is renumbered  
5494 and amended to read:

5495 ~~[76-10-526.1]~~ **53-5a-303** (Effective 05/07/25). **Information check before private sale of**  
5496 **firearm.**

- 5497 (1) As used in this section:
- 5498 (a) "Governmental entity" means the state and the state's political subdivisions.
- 5499 (b) "Law enforcement agency" means the same as that term is defined in Section  
5500 53-1-102.
- 5501 (c) "Personally identifiable information" means the same as that term is defined in  
5502 Section 63D-2-102.
- 5503 (2) Subject to Subsections (3) and (4), the bureau shall create an online process that allows  
5504 an individual who is selling or purchasing a firearm to voluntarily determine:
- 5505 (a) if the other individual involved in the sale of the firearm has a valid concealed carry  
5506 permit; or
- 5507 (b) based on the serial number of the firearm, if the firearm is reported as stolen.
- 5508 (3) Subsection (2) does not apply to a federal firearms licensee or dealer.
- 5509 (4) The bureau may not:
- 5510 (a) provide information related to a request under Subsection (2) to a law enforcement  
5511 agency; or
- 5512 (b) collect a user's personally identifiable information under Subsection (2).
- 5513 (5) A governmental entity may not require an individual who is selling or purchasing a  
5514 firearm to use the process under Subsection (2).
- 5515 (6) If an individual uses the process under Subsection (2), the individual is not required,  
5516 based on the information the individual receives from the bureau, to make a report to a  
5517 law enforcement agency.
- 5518 (7) After responding to a request under Subsection (2), the bureau shall immediately  
5519 dispose of all information related to the request.
- 5520 (8)(a) This section does not create a civil cause of action arising from the sale or  
5521 purchase of a firearm under this section.
- 5522 (b) An individual's failure to use the process under Subsection (2) is not evidence of the  
5523 individual's negligence in a civil cause of action.
- 5524 Section 79. Section **53-5a-304**, which is renumbered from Section 76-10-527 is renumbered  
5525 and amended to read:
- 5526 **~~[76-10-527]~~53-5a-304 (Effective 05/07/25). Penalties.**
- 5527 (1) A dealer is guilty of a class A misdemeanor ~~[who]~~ if the dealer willfully and  
5528 intentionally:
- 5529 (a) requests, obtains, or seeks to obtain criminal history background information under  
5530 false pretenses;

- 5531 (b) disseminates criminal history background information; or  
 5532 (c) violates Section ~~[76-10-526]~~ 53-5a-302.
- 5533 (2) ~~[A person]~~ An individual who purchases or transfers a firearm is guilty of a third degree  
 5534 felony ~~[of the third degree if the person]~~ if the individual willfully and intentionally  
 5535 makes a false statement of the information required for a criminal background check in  
 5536 Section ~~[76-10-526]~~ 53-5a-302.
- 5537 (3) Except as otherwise provided in Subsection (1), a dealer is guilty of a ~~[felony of the-]~~  
 5538 third degree felony if the dealer willfully and intentionally sells or transfers a firearm in  
 5539 violation of this part or Title 76, Chapter 11, Part 1, Weapons.
- 5540 (4) ~~[A person]~~ An individual is guilty of a ~~[felony of the-]~~ third degree felony if the ~~[person]~~  
 5541 individual purchases a firearm with the intent to:
- 5542 (a) resell or otherwise provide a firearm to ~~[a person]~~ an individual who is ineligible to  
 5543 purchase or receive a firearm from a dealer; or
- 5544 (b) transport a firearm out of this state to be resold to an ~~[ineligible person]~~ individual  
 5545 who is ineligible to purchase or receive a firearm from a dealer.

5546 Section 80. Section **53-5a-305**, which is renumbered from Section 76-10-524 is renumbered  
 5547 and amended to read:

5548 ~~[76-10-524]~~ **53-5a-305 (Effective 05/07/25). Purchase of firearms pursuant to federal law.**

5549 This part ~~[will allow purchases]~~ allows the purchase of firearms and ammunition  
 5550 pursuant to U.S.C. Title 18 Chapter 44 Sec. 922b(3).

5551 Section 81. Section **53-5c-201** is amended to read:

5552 **53-5c-201 (Effective 05/07/25). Voluntary commitment of a firearm by**  
 5553 **cohabitant -- Law enforcement to hold firearm.**

- 5554 (1)(a) A cohabitant or owner cohabitant may voluntarily commit a firearm to a law  
 5555 enforcement agency or request that a law enforcement officer receive a firearm for  
 5556 safekeeping if the owner cohabitant or cohabitant believes that the owner cohabitant  
 5557 or another cohabitant with access to the firearm is an immediate threat to:
- 5558 (i) a cohabitant;  
 5559 (ii) the owner cohabitant; or  
 5560 (iii) another individual.
- 5561 (b) Except as provided in Subsection (2), if the owner of a firearm requests return of the  
 5562 firearm in person at the law enforcement agency's office, the law enforcement agency:
- 5563 (i) may not hold the firearm under this section; and  
 5564 (ii) shall return the firearm to the owner.

- 5565 (2) A law enforcement agency may not return a firearm to an owner under Subsection (1)(b)  
5566 if the owner of the firearm:
- 5567 (a) is a restricted person under Section [~~76-10-503~~] 76-11-302; or  
5568 (b)(i) has been arrested and booked into a county jail on a class A misdemeanor or  
5569 felony domestic violence offense;  
5570 (ii) has had a court:
- 5571 (A) review the probable cause statement detailing the incident leading to the  
5572 owner's arrest; and  
5573 (B) determine that probable cause existed for the arrest; and  
5574 (iii) is subject to a jail release agreement or a jail release court order arising out of the  
5575 domestic violence offense.
- 5576 (3) Unless a firearm is an illegal firearm subject to Section 53-5c-202, a law enforcement  
5577 agency that receives a firearm in accordance with this chapter shall:
- 5578 (a) record:
- 5579 (i) the owner cohabitant's name, address, and phone number;  
5580 (ii) the firearm serial number and the make and model of each firearm committed; and  
5581 (iii) the date that the firearm was voluntarily committed;
- 5582 (b) require the cohabitant to sign a document attesting that the cohabitant resides in the  
5583 home;
- 5584 (c) hold the firearm in safe custody:
- 5585 (i) for 60 days after the day on which the firearm is voluntarily committed; or  
5586 (ii)(A) for an owner described in Subsection (2)(b), during the time the jail  
5587 release agreement or jail release court order is in effect; and  
5588 (B) for 60 days after the day on which the jail release agreement or jail release  
5589 court order expires; and
- 5590 (d) upon proof of identification, return the firearm to:
- 5591 (i)(A) the owner cohabitant after the expiration of the 60-day period; or  
5592 (B) if the owner cohabitant requests return of the firearm before the expiration of  
5593 the 60-day period, at the time of the request; or  
5594 (ii) an owner other than the owner cohabitant in accordance with Section 53-5c-202.
- 5595 (4) The law enforcement agency shall hold the firearm for an additional 60 days:
- 5596 (a) if the initial 60-day period expires; and  
5597 (b) the cohabitant or owner cohabitant requests that the law enforcement agency hold the  
5598 firearm for an additional 60 days.

5599 (5) A law enforcement agency may not request or require that the owner cohabitant provide  
5600 the name or other information of the cohabitant who poses an immediate threat or any  
5601 other cohabitant.

5602 (6) Notwithstanding an ordinance or policy to the contrary adopted in accordance with  
5603 Section 63G-2-701, a law enforcement agency shall destroy a record created under  
5604 Subsection (3), Subsection 53-5c-202(3)(b)(iii), or any other record created in the  
5605 application of this chapter immediately, if practicable, but no later than five days after  
5606 immediately upon the:

5607 (a) return of a firearm in accordance with Subsection (3)(d); or

5608 (b) disposal of the firearm in accordance with Section 53-5c-202.

5609 (7) Unless otherwise provided, the provisions of Title 77, Chapter 11d, Lost or Mislaid  
5610 Property, do not apply to a firearm received by a law enforcement agency in accordance  
5611 with this chapter.

5612 (8) A law enforcement agency shall adopt a policy for the safekeeping of a firearm held in  
5613 accordance with this chapter.

5614 (9) The department shall create a pamphlet to be distributed by a law enforcement officer  
5615 under Section 77-36-2.1 that includes information about a cohabitant's or owner  
5616 cohabitant's ability to have the owner cohabitant's firearm committed to a law  
5617 enforcement agency for safekeeping in accordance with this section.

5618 Section 82. Section **53-5c-301** is amended to read:

5619 **53-5c-301 (Effective 05/07/25). Voluntary restrictions on firearm purchase and**  
5620 **possession.**

5621 (1) An individual who is not a restricted person under Section [~~76-10-503~~] 76-11-302 may  
5622 voluntarily request to be restricted from the purchase or possession of firearms.

5623 (2) An individual requesting to be restricted under Subsection (1) may request placement on  
5624 one of the following restricted lists:

5625 (a) a restricted list that:

5626 (i) restricts the individual from purchasing or possessing a firearm for 180 days with  
5627 automatic removal of the individual from the restricted list at the end of the 180  
5628 days; and

5629 (ii) allows the individual to request removal 30 days after the day on which the  
5630 individual is added to the restricted list; or

5631 (b) a restricted list that:

5632 (i) restricts the individual from purchasing or possessing a firearm indefinitely; and

- 5633 (ii) allows the individual to request removal 90 days after the day on which the  
5634 individual is added to the restricted list.
- 5635 (3)(a) Subject to Subsections (8) and (9), the bureau shall develop a process and forms  
5636 for inclusion on, and removal from, a restricted list as described in Subsection (2) to  
5637 be maintained by the bureau.
- 5638 (b) The bureau shall make the forms for inclusion and removal available by download  
5639 through the bureau's website and require, at a minimum, the following information  
5640 for the individual described in Subsection (1):
- 5641 (i) name;
- 5642 (ii) address;
- 5643 (iii) date of birth;
- 5644 (iv) contact information;
- 5645 (v) signature; and
- 5646 (vi)(A) if the individual is entered on the restricted list as described in Subsection  
5647 (2)(a), an acknowledgment of the statement in Subsection (8)(a); or
- 5648 (B) if the individual is entered on the restricted list as described in Subsection  
5649 (2)(b), an acknowledgment of the statement in Subsection (8)(b).
- 5650 (4)(a) An individual requesting inclusion on a restricted list under Subsection (2) shall:
- 5651 (i) deliver the completed form in person to a law enforcement agency; or
- 5652 (ii) direct the individual's health care provider under Section 53-5c-302 to  
5653 electronically deliver the individual's request to the bureau.
- 5654 (b) The law enforcement agency described in Subsection (4)(a)(i):
- 5655 (i) shall verify the individual's identity before accepting the form;
- 5656 (ii) may not accept a form from someone other than the individual named on the  
5657 form; and
- 5658 (iii) shall transmit the form electronically to the bureau through the Utah Criminal  
5659 Justice Information System.
- 5660 (5) Upon receipt of a verified form provided under this section or Section 53-5c-302  
5661 requesting inclusion on a restricted list, the bureau shall, within 24 hours, add the  
5662 individual's name to the restricted list.
- 5663 (6)(a) For an individual added to the restricted list described in Subsection (2)(a):
- 5664 (i) the individual may not request removal from the restricted list unless the  
5665 individual has been on the restricted list for at least 30 days;
- 5666 (ii) the bureau shall remove the individual from the restricted list 180 days after the

- 5667 day on which the individual was added to the restricted list, unless the individual:
- 5668 (A) requests to be removed from the restricted list after 30 days;
- 5669 (B) requests to remain on the restricted list; or
- 5670 (C) directs the individual's health care provider to request that the individual
- 5671 remain on the restricted list;
- 5672 (iii) a request for an extension shall be made in the same manner as the original
- 5673 request; and
- 5674 (iv) the individual may continue to request, or direct the individual's health care
- 5675 provider to continue to request, extensions every 180 days.
- 5676 (b) For an individual added to a restricted list under Subsection (2)(b), the individual:
- 5677 (i) may not request removal from the restricted list unless the individual has been on
- 5678 the restricted list for at least 90 days; and
- 5679 (ii) shall remain on the restricted list, unless the bureau receives a request from the
- 5680 individual to have the individual's name removed from the restricted list.
- 5681 (7) If an individual restricted under this section is a concealed firearm permit holder, the
- 5682 individual's permit shall be:
- 5683 (a) suspended upon entry on the restricted list; and
- 5684 (b) reinstated upon removal from the restricted list, unless:
- 5685 (i) the permit has been revoked, been suspended for a reason other than under this
- 5686 section, or has expired; or
- 5687 (ii) the individual has become a restricted person under Section [~~76-10-503~~] 76-11-302.
- 5688 (8)(a) The form for an individual seeking to be placed on the restricted list described in
- 5689 Subsection (2)(a) shall have the following language prominently displayed before the signature:
- 5690

"ACKNOWLEDGMENT

5691 By presenting this completed form to a law enforcement agency, I understand that I

5692 am requesting that my name be placed on a restricted list that restricts my ability to purchase

5693 or possess firearms for a minimum of 30 days, and up to 6 months. I understand that by

5694 voluntarily making myself a temporarily restricted person, I may not have a firearm in my

5695 possession and any attempt to purchase a firearm while I am on the restricted list will be

5696 declined. I also understand that any time after 30 days, I may request removal from the

5697 restricted list and all previous rights will be restored. In addition, if I am in possession of a

5698 valid concealed firearm permit, my permit will be suspended during the time I am on the

5699 restricted list, but will be reinstated upon my removal, unless the permit has expired, been



5700 revoked, been suspended for another reason, or I become ineligible to possess a firearm.  
 5701 Additionally, I acknowledge that if I possess a firearm or attempt to purchase a firearm while  
 5702 outside Utah, I will be subject to the law of that location regarding restricted persons."  
 5703 (b) The form for an individual seeking to be placed on the restricted list described in  
 5704 Subsection (2)(b) shall have the following language prominently displayed before the  
 5705 signature:

5706  
 "ACKNOWLEDGMENT

5707 By presenting this completed form to a law enforcement agency, I understand that I  
 5708 am requesting that my name be placed on a restricted list that restricts my ability to purchase  
 5709 or possess firearms indefinitely. I understand that by voluntarily making myself a temporarily  
 5710 restricted person, I may not have a firearm in my possession and any attempt to purchase a  
 5711 firearm while I am on the restricted list will be declined. I also understand that any time after  
 5712 90 days, I may request removal from the restricted list and all previous rights will be restored.  
 5713 In addition, if I am in possession of a valid concealed firearm permit, my permit will be  
 5714 suspended during the time I am on the restricted list, but will be reinstated upon my removal,  
 5715 unless the permit has expired, been revoked, been suspended for another reason, or I become  
 5716 ineligible to possess a firearm. Additionally, I acknowledge that if I possess a firearm or  
 5717 attempt to purchase a firearm while outside Utah, I will be subject to the law of that location  
 5718 regarding restricted persons."

5719 (9)(a) An individual requesting removal from a restricted list shall deliver a completed  
 5720 removal form in person to:

- 5721 (i) the law enforcement agency that processed the inclusion form if the individual
- 5722 was placed on the restricted list under Subsection (4)(a)(i); or
- 5723 (ii) the individual's local law enforcement agency if the individual was placed on the
- 5724 restricted list under Subsection (4)(a)(ii).

5725 (b) The law enforcement agency described in Subsection (9)(a):

- 5726 (i) shall verify the individual's identity before accepting the form;
- 5727 (ii) may not accept a removal form from someone other than the individual named on
- 5728 the form; and
- 5729 (iii) shall transmit the removal form electronically to the bureau through the Utah
- 5730 Criminal Justice Information System.

5731 (10) Upon receipt of a verified removal form, the bureau shall, after three business days,  
 5732 remove the individual from the restricted list and remove the information from the

- 5733 National Instant Criminal Background Check System.
- 5734 (11) For an individual added to the restricted list under Subsection (2)(a), within 30 days  
5735 before the 180-day removal deadline, the bureau shall notify the individual at the  
5736 address listed on the inclusion form described in Subsection (4) and, if applicable, the  
5737 law enforcement agency that processed the inclusion form, that the individual is due to  
5738 be removed from the restricted list, and the date on which the removal will occur, unless  
5739 the individual requests an extension of up to 180 days.
- 5740 (12)(a) A law enforcement agency that receives a request for inclusion under  
5741 Subsection (4)(a)(i) shall:
- 5742 (i) maintain the completed form and all subsequent completed forms in a separate  
5743 file; and
- 5744 (ii) for an individual added to the restricted list under Subsection (2)(a), destroy the  
5745 entire file within five days after the date indicated in the notification if the  
5746 individual does not request an extension after notification in accordance with  
5747 Subsection (11).
- 5748 (b) A law enforcement agency that receives a removal request under Subsection (9) shall  
5749 destroy the entire file associated with the individual within five days after the day on  
5750 which the information is transmitted to the bureau.
- 5751 (c) Upon removal of an individual from a restricted list, the bureau shall destroy all  
5752 records related to the inclusion and removal of the individual within five days after  
5753 the day on which the individual was removed.
- 5754 (d) All forms and records created in accordance with this section are classified as private  
5755 records in accordance with Title 63G, Chapter 2, Government Records Access and  
5756 Management Act.
- 5757 (13) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
5758 Administrative Rulemaking Act, to develop the process and forms to implement this  
5759 section.
- 5760 Section 83. Section **53-5c-302** is amended to read:
- 5761 **53-5c-302 (Effective 05/07/25). Assistance from a health care provider --**  
5762 **Restricted list.**
- 5763 (1) An individual who is not a restricted person under Section [~~76-10-503~~] 76-11-302 and is  
5764 seeking inclusion on a restricted list under Section 53-5c-301 may direct the individual's  
5765 health care provider to electronically deliver the individual's inclusion request described  
5766 in Section 53-5c-301 to the bureau.

- 5767 (2) In addition to the inclusion form described in Section 53-5c-301, the bureau shall create  
 5768 a form, available by download through the bureau's website, for:
- 5769 (a) an individual who is directing a health care provider to electronically deliver the  
 5770 individual's inclusion request and require, at a minimum, the following information:  
 5771 (i) the individual's signature;  
 5772 (ii) the name of the individual's health care provider; and  
 5773 (iii) the individual's acknowledgment of the statement in Subsection (4)(a); and  
 5774 (b) a health care provider who is delivering an individual's inclusion request and require,  
 5775 at a minimum, the following information for the health care provider:  
 5776 (i) the health care provider's name;  
 5777 (ii) the name of the health care provider's organization;  
 5778 (iii) the health care provider's license or certification, including the license or  
 5779 certification number;  
 5780 (iv) the health care provider's signature; and  
 5781 (v) the health care provider's acknowledgment of the statement in Subsection (4)(b).
- 5782 (3)(a) An individual who is directing a health care provider to electronically deliver the  
 5783 individual's request to be included on a restricted list shall, in the presence of the  
 5784 health care provider, complete the forms described in Section 53-5c-301 and  
 5785 Subsection (2)(a).
- 5786 (b) The health care provider:  
 5787 (i) shall verify the individual's identity before accepting the forms;  
 5788 (ii) may not accept forms from someone other than the individual named on the  
 5789 forms;  
 5790 (iii) shall complete the form described in Subsection (2)(b); and  
 5791 (iv) shall deliver the request to the bureau electronically and maintain a copy of the  
 5792 completed request in the individual's health record.
- 5793 (4)(a) The form described in Subsection (2)(a) shall have the following language prominently  
 5794 displayed before the signature:  
 5795

"ACKNOWLEDGMENT

5796 By presenting this completed form to my health care provider, I understand that I am  
 5797 requesting that my health care provider present my name to the Bureau of Criminal  
 5798 Identification to be placed on a restricted list that restricts my ability to purchase or possess  
 5799 firearms."

5800 (b) The form described in Subsection (2)(b) shall have the following language prominently  
5801 displayed before the signature:

5802

"ACKNOWLEDGMENT

5803 By presenting this completed form to the Bureau of Criminal Identification, I  
5804 understand that I am acknowledging that I have verified the identity of [name of individual  
5805 seeking inclusion on a restricted list] and have witnessed [name of individual] sign the form  
5806 requesting that [name of individual] be placed on a restricted list that restricts [name of  
5807 individual]'s ability to purchase or possess firearms. I affirm that [name of individual] is  
5808 currently my patient, and I am a licensed health care provider acting within the scope of my  
5809 license, certification, practice, education, or training."

5810 (5) The bureau may make rules in accordance with Title 63G, Chapter 3, Utah  
5811 Administrative Rulemaking Act, to develop the process and forms to implement this  
5812 section.

5813 Section 84. Section **53-5d-102** is amended to read:

5814 **53-5d-102 (Effective 05/07/25). Definitions.**

5815 As used in this chapter:

5816 (1) "Ammunition" means a bullet, a cartridge case, primer, propellant powder, or other  
5817 ammunition designed for use in any firearm, either as an individual component part or in  
5818 a completely assembled cartridge.

5819 (2) "Manufacturer" means, with respect to a qualified product, a person who is engaged in  
5820 the business of manufacturing a qualified product and who is licensed to engage in  
5821 business as a manufacturer under 18 U.S.C. Chapter 44.

5822 (3) "Negligent entrustment" means the supplying of a qualified product by a seller for use  
5823 by another person when the seller knows, or reasonably should know, the person to  
5824 whom the product is supplied is likely to, and does, use the product in a manner  
5825 involving unreasonable risk of physical injury to the person or others.

5826 (4) "Person" means the same as that term is defined in Section 68-3-12.5.

5827 (5)(a) "Qualified civil liability action" means a civil action or proceeding or an  
5828 administrative proceeding brought by any person against a manufacturer or seller of a  
5829 qualified product, or a trade association, for damages, punitive damages, injunctive or  
5830 declaratory relief, abatement, restitution, fines, or penalties, or other relief, resulting  
5831 from the criminal or unlawful misuse of a qualified product by the person or a third  
5832 party.

- 5833 (b) "Qualified civil liability action" does not include:
- 5834 (i) an action brought against a transferor convicted under 18 U.S.C. Sec. 924(h) or
- 5835 Section ~~[76-10-503]~~ 76-11-302 by a party directly harmed by the conduct of which
- 5836 the transferee was convicted;
- 5837 (ii) an action brought against a seller for negligent entrustment or negligence per se;
- 5838 (iii) an action in which a manufacturer or seller of a qualified product knowingly
- 5839 violated a state or federal statute applicable to the sale or marketing of the
- 5840 product, and the violation was a proximate cause of the harm for which relief is
- 5841 sought, including:
- 5842 (A) any incident in which the manufacturer or seller knowingly made any false
- 5843 entry in, or failed to make appropriate entry in, any record required to be kept
- 5844 under federal or state law with respect to the qualified product, or aided,
- 5845 abetted, or conspired with any person in making any false or fictitious oral or
- 5846 written statement with respect to any fact material to the lawfulness of the sale
- 5847 or other disposition of a qualified product; or
- 5848 (B) any case in which the manufacturer or seller aided, abetted, or conspired with
- 5849 any other person to sell or otherwise dispose of a qualified product, knowing,
- 5850 or having reasonable cause to believe, that the actual buyer of the qualified
- 5851 product was prohibited from possessing or receiving a firearm or ammunition
- 5852 under 18 U.S.C. Sec. 922(g) or (n) or Section ~~[76-10-503]~~ 76-11-302;
- 5853 (iv) an action for breach of contract or warranty in connection with the purchase of
- 5854 the product;
- 5855 (v) an action for death, physical injuries, or property damage resulting directly from a
- 5856 defect in design or manufacture of the product, when used as intended or in a
- 5857 reasonably foreseeable manner, except that where the discharge of the product
- 5858 was caused by a volitional act that constituted a criminal offense, then the act shall
- 5859 be considered the sole proximate cause of any resulting death, personal injuries, or
- 5860 property damage; or
- 5861 (vi) an action or proceeding commenced to enforce the provisions of 18 U.S.C.
- 5862 Chapter 44, 26 U.S.C. Chapter 53, or ~~[Title 76, Chapter 10, Part 5, Weapons]~~ Title
- 5863 76, Chapter 11, Weapons.
- 5864 (6) "Qualified product" means a firearm or antique firearm, as defined in Section ~~[76-10-501]~~
- 5865 76-11-101, ammunition, or a component part of a firearm or ammunition.
- 5866 (7) "Seller" means, with respect to a qualified product, a federal firearms licensee, as

5867 defined in Section [~~76-10-501~~] 53-5a-301.

5868 (8) "Trade association" means:

5869 (a) any corporation, unincorporated association, federation, business league, or  
5870 professional or business organization not organized or operated for profit and no part  
5871 of the net earnings of which inures to the benefit of any private shareholder or  
5872 individual;

5873 (b) an organization described in 26 U.S.C. Sec. 501(c)(6) and exempt from tax under 26  
5874 U.S.C. Sec. 501(a); and

5875 (c) an organization, two or more members of which are manufacturers or sellers of a  
5876 qualified product.

5877 (9) "Unlawful misuse" means conduct that violates a statute, ordinance, or regulation as it  
5878 relates to the use of a qualified product.

5879 Section 85. Section **53-10-202** is amended to read:

5880 **53-10-202 (Effective 05/07/25). Criminal identification -- Duties of bureau.**

5881 The bureau shall:

5882 (1) procure and file information relating to identification and activities of persons who:

5883 (a) are fugitives from justice;

5884 (b) are wanted or missing;

5885 (c) have been arrested for or convicted of a crime under the laws of any state or nation;  
5886 and

5887 (d) are believed to be involved in racketeering, organized crime, or a dangerous offense;

5888 (2) establish a statewide uniform crime reporting system that shall include:

5889 (a) statistics concerning general categories of criminal activities;

5890 (b) statistics concerning crimes that exhibit evidence of prejudice based on race,  
5891 religion, ancestry, national origin, ethnicity, or other categories that the division finds  
5892 appropriate;

5893 (c) statistics concerning the use of force by law enforcement officers in accordance with  
5894 the Federal Bureau of Investigation's standards; and

5895 (d) other statistics required by the Federal Bureau of Investigation;

5896 (3) make a complete and systematic record and index of the information obtained under this  
5897 part;

5898 (4) subject to the restrictions in this part, establish policy concerning the use and  
5899 dissemination of data obtained under this part;

5900 (5) publish an annual report concerning the extent, fluctuation, distribution, and nature of

- 5901 crime in Utah;
- 5902 (6) establish a statewide central register for the identification and location of missing  
5903 persons, which may include:
- 5904 (a) identifying data including fingerprints of each missing person;
- 5905 (b) identifying data of any missing person who is reported as missing to a law  
5906 enforcement agency having jurisdiction;
- 5907 (c) dates and circumstances of any persons requesting or receiving information from the  
5908 register; and
- 5909 (d) any other information, including blood types and photographs found necessary in  
5910 furthering the purposes of this part;
- 5911 (7) publish a quarterly directory of missing persons for distribution to persons or entities  
5912 likely to be instrumental in the identification and location of missing persons;
- 5913 (8) list the name of every missing person with the appropriate nationally maintained  
5914 missing persons lists;
- 5915 (9) establish and operate a 24-hour communication network for reports of missing persons  
5916 and reports of sightings of missing persons;
- 5917 (10) coordinate with the National Center for Missing and Exploited Children and other  
5918 agencies to facilitate the identification and location of missing persons and the  
5919 identification of unidentified persons and bodies;
- 5920 (11) receive information regarding missing persons as provided in Sections 26B-8-130 and  
5921 53G-6-602, and stolen vehicles, vessels, and outboard motors, as provided in Section  
5922 41-1a-1401;
- 5923 (12) adopt systems of identification, including the fingerprint system, to be used by the  
5924 division to facilitate law enforcement;
- 5925 (13) assign a distinguishing number or mark of identification to any pistol or revolver, as  
5926 provided in Section ~~[76-10-520]~~ 53-5a-105;
- 5927 (14) check certain criminal records databases for information regarding motor vehicle  
5928 salesperson applicants, maintain a separate file of fingerprints for motor vehicle  
5929 salespersons, and inform the Motor Vehicle Enforcement Division when new entries are  
5930 made for certain criminal offenses for motor vehicle salespersons in accordance with the  
5931 requirements of Section 41-3-205.5;
- 5932 (15) check certain criminal records databases for information regarding driving privilege  
5933 card applicants or cardholders and maintain a separate file of fingerprints for driving  
5934 privilege applicants and cardholders and inform the federal Immigration and Customs

5935 Enforcement Agency of the United States Department of Homeland Security when new  
5936 entries are made in accordance with the requirements of Section 53-3-205.5;  
5937 (16) review and approve or disapprove applications for license renewal that meet the  
5938 requirements for renewal; and  
5939 (17) forward to the board those applications for renewal under Subsection (16) that do not  
5940 meet the requirements for renewal.

5941 Section 86. Section **53-10-208.1** is amended to read:

5942 **53-10-208.1 (Effective 05/07/25). Magistrates and court clerks to supply**  
5943 **information.**

5944 (1) Every magistrate or clerk of a court responsible for court records in this state shall,  
5945 within 30 days after the day of the disposition and on forms and in the manner provided  
5946 by the division, furnish the division with information pertaining to:

5947 (a) all dispositions of criminal matters, including:

5948 (i) guilty pleas;

5949 (ii) convictions;

5950 (iii) dismissals;

5951 (iv) acquittals;

5952 (v) pleas in abeyance;

5953 (vi) judgments of not guilty by reason of insanity;

5954 (vii) judgments of guilty with a mental condition;

5955 (viii) finding of mental incompetence to stand trial; and

5956 (ix) probations granted;

5957 (b) orders of civil commitment under the terms of Section 26B-5-332;

5958 (c) the issuance, recall, cancellation, or modification of all warrants of arrest or  
5959 commitment as described in Rule 6, Utah Rules of Criminal Procedure and Section  
5960 78B-6-303, within one day of the action and in a manner provided by the division;  
5961 and

5962 (d) protective orders issued after notice and hearing, pursuant to:

5963 (i) Title 77, Chapter 36, Cohabitant Abuse Procedures Act;

5964 (ii) Title 78B, Chapter 7, Part 4, Dating Violence Protective Orders;

5965 (iii) Title 78B, Chapter 7, Part 5, Sexual Violence Protective Orders;

5966 (iv) Title 78B, Chapter 7, Part 6, Cohabitant Abuse Protective Orders; or

5967 (v) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

5968 (2) When transmitting information on a criminal matter under Subsection (1)(a)(i), (ii), (v),



- 5969 or (vii) for a conviction of misdemeanor assault under Section 76-5-102, the magistrate  
 5970 or clerk of a court shall include available information regarding whether the conviction  
 5971 for assault resulted from an assault against an individual:
- 5972 (a) who is included in at least one of the relationship categories described in Subsection [  
 5973 76-10-503(1)(b)(xii)] 76-11-302(1)(b)(xii); or
- 5974 (b) with whom none of the relationships described in Subsection [76-10-503(1)(b)(xii)]  
 5975 76-11-302(1)(b)(xii) apply.
- 5976 (3) The court in the county where a determination or finding was made shall transmit a  
 5977 record of the determination or finding to the bureau no later than 48 hours after the  
 5978 determination is made, excluding Saturdays, Sundays, and legal holidays, if an  
 5979 individual is:
- 5980 (a) adjudicated as a mental defective; or
- 5981 (b) involuntarily committed to a mental institution in accordance with Subsection  
 5982 26B-5-332(16).
- 5983 (4) The record described in Subsection (3) shall include:
- 5984 (a) an agency record identifier;
- 5985 (b) the individual's name, sex, race, and date of birth; and
- 5986 (c) the individual's social security number, government issued driver license or  
 5987 identification number, alien registration number, government passport number, state  
 5988 identification number, or FBI number.
- 5989 Section 87. Section **53-10-403** is amended to read:
- 5990 **53-10-403 (Effective 05/07/25). DNA specimen analysis -- Application to**  
 5991 **offenders, including minors.**
- 5992 (1) Sections 53-10-403.6, 53-10-404, 53-10-404.5, 53-10-405, and 53-10-406 apply to:
- 5993 (a) a person who has pled guilty to or has been convicted of any of the offenses under  
 5994 Subsection (2)(a) or (b) on or after July 1, 2002;
- 5995 (b) a person who has pled guilty to or has been convicted by any other state or by the  
 5996 United States government of an offense which if committed in this state would be  
 5997 punishable as one or more of the offenses listed in Subsection (2)(a) or (b) on or after  
 5998 July 1, 2003;
- 5999 (c) a person who has been booked on or after January 1, 2011, through December 31,  
 6000 2014, for any offense under Subsection (2)(c);
- 6001 (d) a person who has been booked:
- 6002 (i) by a law enforcement agency that is obtaining a DNA specimen on or after May

- 6003 13, 2014, through December 31, 2014, under Subsection 53-10-404(4)(b) for any  
6004 felony offense; or
- 6005 (ii) on or after January 1, 2015, for any felony offense; or
- 6006 (e) a minor:
- 6007 (i)(A) who is adjudicated by the juvenile court for an offense described in  
6008 Subsection (2) that is within the jurisdiction of the juvenile court on or after  
6009 July 1, 2002; or
- 6010 (B) who is adjudicated by the juvenile court for an offense described in  
6011 Subsection (2) and is in the legal custody of the Division of Juvenile Justice  
6012 Services for the offense on or after July 1, 2002; and
- 6013 (ii) who is 14 years old or older at the time of the commission of the offense  
6014 described in Subsection (2).
- 6015 (2) Offenses referred to in Subsection (1) are:
- 6016 (a) any felony or class A misdemeanor under the Utah Code;
- 6017 (b) any offense under Subsection (2)(a):
- 6018 (i) for which the court enters a judgment for conviction to a lower degree of offense  
6019 under Section 76-3-402; or
- 6020 (ii) regarding which the court allows the defendant to enter a plea in abeyance as  
6021 defined in Section 77-2a-1; or
- 6022 (c)(i) any violent felony as defined in Section 53-10-403.5;
- 6023 (ii) sale or use of body parts, Section 26B-8-315;
- 6024 (iii) failure to stop at an accident that resulted in death, Section 41-6a-401.5;
- 6025 (iv) operating a motor vehicle with any amount of a controlled substance in an  
6026 individual's body and causing serious bodily injury or death, as codified before  
6027 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection 58-37-8  
6028 (2)(g);
- 6029 (v) a felony violation of enticing a minor, Section ~~[76-4-401]~~ 76-5-417;
- 6030 (vi) negligently operating a vehicle resulting in injury, Subsection 76-5-102.1(2)(b);
- 6031 (vii) a felony violation of propelling a substance or object at a correctional officer, a  
6032 peace officer, or an employee or a volunteer, including health care providers,  
6033 Section 76-5-102.6;
- 6034 (viii) automobile homicide, Subsection 76-5-207(2)(b);
- 6035 (ix) aggravated human trafficking, Section 76-5-310, and aggravated human  
6036 smuggling, Section 76-5-310.1;

- 6037 (x) a felony violation of unlawful sexual activity with a minor, Section 76-5-401;
- 6038 (xi) a felony violation of sexual abuse of a minor, Section 76-5-401.1;
- 6039 (xii) unlawful sexual contact with a 16 or 17-year old, Section 76-5-401.2;
- 6040 (xiii) sale of a child, Section 76-7-203;
- 6041 (xiv) aggravated escape, Section 76-8-309.3;
- 6042 (xv) a felony violation of threatened or attempted assault on an elected official,
- 6043 Section 76-8-313;
- 6044 (xvi) threat with intent to impede, intimidate, interfere, or retaliate against a judge or
- 6045 a member of the Board of Pardons and Parole or acting against a family member
- 6046 of a judge or a member of the Board of Pardons and Parole, Section 76-8-316;
- 6047 (xvii) assault with intent to impede, intimidate, interfere, or retaliate against a judge
- 6048 or a member of the Board of Pardons and Parole or acting against a family
- 6049 member of a judge or a member of the Board of Pardons and Parole, Section
- 6050 76-8-316.2;
- 6051 (xviii) aggravated assault with intent to impede, intimidate, interfere, or retaliate
- 6052 against a judge or a member of the Board of Pardons and Parole or acting against
- 6053 a family member of a judge or a member of the Board of Pardons and Parole,
- 6054 Section 76-8-316.4;
- 6055 (xix) attempted murder with intent to impede, intimidate, interfere, or retaliate
- 6056 against a judge or a member of the Board of Pardons and Parole or acting against
- 6057 a family member of a judge or a member of the Board of Pardons and Parole,
- 6058 Section 76-8-316.6;
- 6059 (xx) advocating criminal syndicalism or sabotage, Section 76-8-902;
- 6060 (xxi) assembling for advocating criminal syndicalism or sabotage, Section 76-8-903;
- 6061 (xxii) a felony violation of sexual battery, Section [~~76-9-702.1~~] 76-5-418;
- 6062 (xxiii) a felony violation of lewdness involving a child, Section [~~76-9-702.5~~] 76-5-420;
- 6063 (xxiv) a felony violation of abuse or desecration of a dead human body, Section [
- 6064 ~~76-9-704~~] 76-5-802;
- 6065 (xxv) manufacture, possession, sale, or use of a weapon of mass destruction, Section [
- 6066 ~~76-10-402~~] 76-15-302;
- 6067 (xxvi) manufacture, possession, sale, or use of a hoax weapon of mass destruction,
- 6068 Section [~~76-10-403~~] 76-15-303;
- 6069 (xxvii) possession of a concealed firearm in the commission of a violent felony,
- 6070 Subsection [~~76-10-504(4)~~] 76-11-202(3)(c)(ii);

6071 (xxviii) assault with the intent to commit bus hijacking with a dangerous weapon[;  
6072 ~~Subsection 76-10-1504(3)] as described in Subsection 76-9-1503(3)(b);~~

6073 (xxix) aggravated commercial obstruction, [~~Subsection 76-10-2402(2)] Section~~  
6074 ~~76-9-114;~~

6075 (xxx) a felony violation of failure to register as a sex or kidnap offender, Section  
6076 77-41-107;

6077 (xxxi) repeat violation of a protective order, Subsection 77-36-1.1(4); or

6078 (xxxii) violation of condition for release after arrest under Section 78B-7-802.

6079 Section 88. Section **53-10-801** is amended to read:

6080 **53-10-801 (Effective 05/07/25). Definitions.**

6081 For purposes of this part:

6082 (1) "Alleged sexual offender" means an individual or a minor regarding whom an  
6083 indictment, petition, or an information has been filed or an arrest has been made alleging  
6084 the commission of a sexual offense or an attempted sexual offense under Title 76,  
6085 Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419,  
6086 or 76-5-420, and regarding which:

6087 (a) a judge has signed an accompanying arrest warrant, pickup order, or any other order  
6088 based upon probable cause regarding the alleged offense; and

6089 (b) the judge has found probable cause to believe that the alleged victim has been  
6090 exposed to conduct or activities that may result in an HIV infection as a result of the  
6091 alleged offense.

6092 (2) "Department of Health and Human Services" means the Department of Health and  
6093 Human Services created in Section 26B-1-201.

6094 (3) "HIV infection" means an indication of Human Immunodeficiency Virus (HIV)  
6095 infection determined by current medical standards and detected by any of the following:

6096 (a) presence of antibodies to HIV, verified by a positive "confirmatory" test, such as  
6097 Western blot or other method approved by the Utah State Health Laboratory.

6098 Western blot interpretation will be based on criteria currently recommended by the  
6099 Association of State and Territorial Public Health Laboratory Directors;

6100 (b) presence of HIV antigen;

6101 (c) isolation of HIV; or

6102 (d) demonstration of HIV proviral DNA.

6103 (4) "HIV positive individual" means an individual who is HIV positive as determined by  
6104 the State Health Laboratory.

6105 (5) "Local department of health" means a local health department as defined in Section  
6106 26A-1-102.

6107 (6) "Minor" means an individual younger than 18 years old.

6108 (7) "Positive" means an indication of the HIV infection as defined in Subsection (3).

6109 (8) "Sexual offense" means a violation of any offense under Title 76, Chapter 5, Part 4,  
6110 Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

6111 (9) "Test" or "testing" means a test or tests for HIV infection conducted by and in  
6112 accordance with standards recommended by the Department of Health and Human  
6113 Services.

6114 Section 89. Section **53-10-803** is amended to read:

6115 **53-10-803 (Effective 05/07/25). Voluntary testing -- Victim to request -- Costs**  
6116 **paid by Utah Office for Victims of Crime.**

6117 (1) A victim or minor victim of a sexual offense as provided under Title 76, Chapter 5, Part  
6118 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420,  
6119 may request a test for the HIV infection.

6120 (2)(a) The local health department shall obtain the blood specimen from the victim and  
6121 forward the specimen to the Department of Health and Human Services.

6122 (b) The Department of Health and Human Services shall analyze the specimen of the  
6123 victim.

6124 (3) The testing shall consist of a base-line test of the victim at the time immediately or as  
6125 soon as possible after the alleged occurrence of the sexual offense. If the base-line test  
6126 result is not positive, follow-up testing shall occur at three months and six months after  
6127 the alleged occurrence of the sexual offense.

6128 (4) The Crime Victim Reparations Fund shall pay for the costs of the victim testing if the  
6129 victim provides a substantiated claim of the sexual offense, does not test HIV positive at  
6130 the base-line testing phase, and complies with eligibility criteria established by the Utah  
6131 Office for Victims of Crime.

6132 Section 90. Section **53-13-116** is amended to read:

6133 **53-13-116 (Effective 05/07/25). Report required after pointing a firearm at an**  
6134 **individual.**

6135 (1) As used in this section:

6136 (a) "Conductive energy device" means a weapon that uses electrical current to disrupt  
6137 voluntary control of muscles.

6138 (b) "Firearm" means the same as that term is defined in Section [~~76-10-501~~] 76-11-101.

- 6139 (c) "Law enforcement officer" means the same as that term is defined in Section  
6140 53-13-103.
- 6141 (d) "Officer-involved critical incident" means the same as that term is defined in Section  
6142 76-2-408.
- 6143 (2) A law enforcement officer shall file a report described in Subsection (3) if, during the  
6144 performance of the officer's duties:
- 6145 (a) the officer points a firearm at an individual; or  
6146 (b) the officer aims a conductive energy device at an individual and displays the  
6147 electrical current.
- 6148 (3)(a) A report described in Subsection (2) shall include:
- 6149 (i) a description of the incident;  
6150 (ii) the identification of the individuals involved in the incident; and  
6151 (iii) any other information required by the law enforcement agency.
- 6152 (b) A law enforcement officer shall submit a report required under Subsection (2) to the  
6153 officer's law enforcement agency within 48 hours after the incident.
- 6154 (4) A supervisory law enforcement officer shall review a report submitted under Subsection  
6155 (3)(b).
- 6156 (5) This section does not apply to:
- 6157 (a) law enforcement training exercises; or  
6158 (b) an officer who, as part of an officer-involved critical incident, engaged in conduct  
6159 described under Subsection (2)(a) or (2)(b).
- 6160 Section 91. Section **53-22-105** is amended to read:
- 6161 **53-22-105 (Effective 05/07/25). School guardian program.**
- 6162 (1) As used in this section:
- 6163 (a) "Annual training" means an annual four-hour training that:
- 6164 (i) a county security chief or a designee administers;  
6165 (ii) the state security chief approves;  
6166 (iii) can be tailored to local needs;  
6167 (iv) allows an individual to practice and demonstrate firearms proficiency at a  
6168 firearms range using the firearm the individual carries for self defense and defense  
6169 of others;
- 6170 (v) includes the following components:
- 6171 (A) firearm safety, including safe storage of a firearm;  
6172 (B) de-escalation tactics;

- 6173 (C) the role of mental health in incidents; and  
6174 (D) disability awareness and interactions; and  
6175 (vi) contains other training needs as determined by the state security chief.
- 6176 (b) "Biannual training" means a twice-yearly training that:  
6177 (i) is at least four hours, unless otherwise approved by the state security chief;  
6178 (ii) a county security chief or a designee administers;  
6179 (iii) the state security chief approves;  
6180 (iv) can be tailored to local needs; and  
6181 (v) through which a school guardian at a school or simulated school environment:  
6182 (A) receives training on the specifics of the building or buildings of the school,  
6183 including the location of emergency supplies and security infrastructure; and  
6184 (B) participates in a live-action practice plan with school administrators in  
6185 responding to active threats at the school; and  
6186 (vi) shall be taken with at least three months in between the two trainings.
- 6187 (c) "Firearm" means the same as that term is defined in Section ~~[76-10-504]~~ 76-11-101.
- 6188 (d) "Initial training" means an in-person training that:  
6189 (i) a county security chief or a designee administers;  
6190 (ii) the state security chief approves;  
6191 (iii) can be tailored to local needs; and  
6192 (iv) provides:  
6193 (A) training on general familiarity with the types of firearms that can be concealed  
6194 for self-defense and defense of others;  
6195 (B) training on the safe loading, unloading, storage, and carrying of firearms in a  
6196 school setting;  
6197 (C) training at a firearms range with instruction regarding firearms fundamentals,  
6198 marksmanship, the demonstration and explanation of the difference between  
6199 sight picture, sight alignment, and trigger control, and a recognized pistol  
6200 course;  
6201 (D) current laws dealing with the lawful use of a firearm by a private citizen,  
6202 including laws on self-defense, defense of others, transportation of firearms,  
6203 and concealment of firearms;  
6204 (E) coordination with law enforcement officers in the event of an active threat;  
6205 (F) basic trauma first aid;  
6206 (G) the appropriate use of force, emphasizing the de-escalation of force and

- 6207 alternatives to using force;
- 6208 (H) situational response evaluations, including:
- 6209 (I) protecting and securing a crime or accident scene;
- 6210 (II) notifying law enforcement;
- 6211 (III) controlling information; and
- 6212 (IV) other training that the county sheriff, designee, or department deems
- 6213 appropriate.
- 6214 (e) "Program" means the school guardian program created in this section.
- 6215 (f)(i) "School employee" means an employee of a school whose duties and
- 6216 responsibilities require the employee to be physically present at a school's campus
- 6217 while school is in session.
- 6218 (ii) "School employee" does not include a principal, teacher, or individual whose
- 6219 primary responsibilities require the employee to be primarily present in a
- 6220 classroom to teach, care for, or interact with students, unless:
- 6221 (A) the principal, teacher, or individual is employed at a school with 100 or fewer
- 6222 students;
- 6223 (B) the principal, teacher, or individual is employed at a school with adjacent
- 6224 campuses as determined by the state security chief; or
- 6225 (C) as provided in Subsection 53G-8-701.5(3).
- 6226 (g) "School guardian" means a school employee who meets the requirements of
- 6227 Subsection (3).
- 6228 (2)(a)(i) There is created within the department the school guardian program;
- 6229 (ii) the state security chief shall oversee the school guardian program;
- 6230 (iii) the applicable county security chief shall administer the school guardian program
- 6231 in each county.
- 6232 (b) The state security chief shall ensure that the school guardian program includes:
- 6233 (i) initial training;
- 6234 (ii) biannual training; and
- 6235 (iii) annual training.
- 6236 (c) A county sheriff may partner or contract with:
- 6237 (i) another county sheriff to support the respective county security chiefs in jointly
- 6238 administering the school guardian program in the relevant counties; and
- 6239 (ii) a local law enforcement agency of relevant jurisdiction to provide the:
- 6240 (A) initial training;



- 6241 (B) biannual training; and  
6242 (C) annual training.
- 6243 (3)(a) A school employee that volunteers to participate is eligible to join the program as  
6244 a school guardian if:
- 6245 (i) the school administrator approves the volunteer school employee to be designated  
6246 as a school guardian;
  - 6247 (ii) the school employee satisfactorily completes initial training within six months  
6248 before the day on which the school employee joins the program;
  - 6249 (iii) the school employee holds a valid concealed carry permit issued under Title 53,  
6250 Chapter 5, Part 7, Concealed Firearm Act;
  - 6251 (iv) the school employee certifies to the sheriff of the county where the school is  
6252 located that the school employee has undergone the training in accordance with  
6253 Subsection (3)(a)(ii) and intends to serve as a school guardian; and
  - 6254 (v) the school employee successfully completes a mental health screening selected by  
6255 the state security chief in collaboration with the Office of Substance Abuse and  
6256 Mental Health established in Section 26B-5-102.
- 6257 (b) After joining the program a school guardian shall complete annual training and  
6258 biannual training to retain the designation of a school guardian in the program.
- 6259 (4) The state security chief shall:
- 6260 (a) for each school that participates in the program, track each school guardian at the  
6261 school by collecting the photograph and the name and contact information for each  
6262 guardian;
  - 6263 (b) make the information described in Subsection (4)(a) readily available to each law  
6264 enforcement agency in the state categorized by school; and
  - 6265 (c) provide each school guardian with a one-time stipend of \$500.
- 6266 (5) A school guardian:
- 6267 (a) may store the school guardian's firearm on the grounds of a school only if:
    - 6268 (i) the firearm is stored in a biometric gun safe;
    - 6269 (ii) the biometric gun safe is located in the school guardian's office; and
    - 6270 (iii) the school guardian is physically present on the grounds of the school while the  
6271 firearm is stored in the safe;
  - 6272 (b) shall carry the school guardian's firearm in a concealed manner; and
  - 6273 (c) may not, unless during an active threat, display or open carry a firearm while on  
6274 school grounds.

- 6275 (6) Except as provided in Subsection (5)(c), this section does not prohibit an individual who  
6276 has a valid concealed carry permit but is not participating in the program from carrying a  
6277 firearm on the grounds of a public school or charter school under Subsection [  
6278 ~~76-10-505.5(4)~~] 76-11-204(4).
- 6279 (7) A school guardian:
- 6280 (a) does not have authority to act in a law enforcement capacity; and
- 6281 (b) may, at the school where the school guardian is employed:
- 6282 (i) take actions necessary to prevent or abate an active threat; and
- 6283 (ii) temporarily detain an individual when the school guardian has reasonable cause  
6284 to believe the individual has committed or is about to commit a forcible felony, as  
6285 that term is defined in Section 76-2-402.
- 6286 (8) A school may designate a single volunteer or multiple volunteers to participate in the  
6287 school guardian program to satisfy the school safety personnel requirements of Section  
6288 53G-8-701.5.
- 6289 (9) The department may adopt, according to Title 63G, Chapter 3, Utah Administrative  
6290 Rulemaking Act, rules to administer this section.
- 6291 (10) A school guardian who has active status in the guardian program is not liable for any  
6292 civil damages or penalties if the school guardian:
- 6293 (a) when carrying or storing a firearm:
- 6294 (i) is acting in good faith; and
- 6295 (ii) is not grossly negligent; or
- 6296 (b) threatens, draws, or otherwise uses a firearm reasonably believing the action to be  
6297 necessary in compliance with Section 76-2-402.
- 6298 (11) A school guardian shall file a report described in Subsection (12) if, during the  
6299 performance of the school guardian's duties, the school guardian points a firearm at an  
6300 individual.
- 6301 (12)(a) A report described in Subsection (11) shall include:
- 6302 (i) a description of the incident;
- 6303 (ii) the identification of the individuals involved in the incident; and
- 6304 (iii) any other information required by the state security chief.
- 6305 (b) A school guardian shall submit a report required under Subsection (11) to the school  
6306 administrator, school safety and security director, and the state security chief within  
6307 48 hours after the incident.
- 6308 (c) The school administrator, school safety and security director, and the state security

- 6309 chief shall consult and review the report submitted under Subsection (12)(b).
- 6310 (13) The requirements of Subsections (11) and (12) do not apply to a training exercise.
- 6311 (14) A school guardian may have the designation of school guardian revoked at any time by
- 6312 the school principal, county sheriff, or state security chief.
- 6313 (15)(a) Any information or record created detailing a school guardian's participation in
- 6314 the program is:
- 6315 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 6316 Records Access and Management Act; and
- 6317 (ii) available only to:
- 6318 (A) the state security chief;
- 6319 (B) administrators at the school guardian's school;
- 6320 (C) if applicable, other school safety personnel described in Section 53G-8-701.5;
- 6321 (D) a local law enforcement agency that would respond to the school in case of an
- 6322 emergency; and
- 6323 (E) the individual designated by the county sheriff in accordance with Section
- 6324 53-22-103 of the county of the school where the school guardian in the
- 6325 program is located.
- 6326 (b) The information or record described in Subsection (15)(a) includes information
- 6327 related to the school guardian's identity and activity within the program as described
- 6328 in this section and any personal identifying information of a school guardian
- 6329 participating in the program collected or obtained during initial training, annual
- 6330 training, and biannual training.
- 6331 (c) An individual who intentionally or knowingly provides the information described in
- 6332 Subsection (15)(a) to an individual or entity not listed in Subsection (15)(a)(ii) is
- 6333 guilty of a class B misdemeanor.
- 6334 Section 92. Section **53-22-107** is amended to read:
- 6335 **53-22-107 (Effective 05/07/25). Educator-Protector Program.**
- 6336 (1) As used in this section:
- 6337 (a) "Annual classroom response training" means a training for a teacher:
- 6338 (i) that is held at least once a year and is administered, at no cost to a teacher, by the
- 6339 individual identified by the county sheriff as described in Section 53-22-103; and
- 6340 (ii) where the teacher is trained:
- 6341 (A) on how to defend a classroom against active threats emphasizing the teacher's
- 6342 role in stationary defense; and

- 6343 (B) on the safe loading, unloading, storage, and carrying of firearms in a school  
6344 setting.
- 6345 (b) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201.  
6346 (c) "Local education agency" means the same as that term is defined in Section  
6347 53E-1-102.
- 6348 (d) "Program" means the Educator-Protector Program created under this section.  
6349 (e) "Teacher" means an individual employed by a local education agency who has an  
6350 assignment to teach in a classroom.
- 6351 (2) There is created the Educator-Protector Program to incentivize a teacher to responsibly  
6352 secure or carry a firearm on the grounds of the school where the teacher is employed.
- 6353 (3)(a) To participate in the program, a teacher shall:
- 6354 (i) have completed an annual classroom response training within six months before  
6355 the day on which the teacher joins the program;
- 6356 (ii) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,  
6357 Concealed Firearm Act; and
- 6358 (iii) certify to the department that:
- 6359 (A) the teacher satisfies the requirements described in Subsections (3)(a)(i) and  
6360 (3)(a)(ii); and
- 6361 (B) if applicable, intends to securely store or carry a firearm on the grounds of a  
6362 school where the teacher is employed.
- 6363 (b) After joining the program, to retain the teacher's active status in the program, a  
6364 teacher shall:
- 6365 (i) participate in annual classroom response training; and  
6366 (ii) comply with any rules established by the department in accordance with  
6367 Subsection (10).
- 6368 (4)(a) The state security chief shall:
- 6369 (i) track each teacher that participates in the program by collecting a photograph,  
6370 name, and contact information for each teacher;
- 6371 (ii) make the information described in Subsection (4)(a) readily available to each law  
6372 enforcement agency in the state; and
- 6373 (iii) provide reasonable reimbursement, using funds appropriated by the Legislature,  
6374 to a county sheriff for providing a teacher with annual classroom response training.
- 6375 (b) The state security chief shall categorize the information described in Subsection  
6376 (4)(a)(i) by school.

- 6377 (5) A teacher participating in the program:
- 6378 (a) may store the teacher's firearm on the grounds of a school only if:
- 6379 (i) the firearm is stored in a biometric gun safe;
- 6380 (ii) the biometric gun safe is located in the teacher's classroom or office; and
- 6381 (iii) the teacher is physically present on the grounds of the school while the firearm is
- 6382 stored in the biometric gun safe; and
- 6383 (b) shall carry the teacher's firearm in a concealed manner unless during an active threat.
- 6384 (6) This section does not prohibit an individual who has a valid concealed carry permit but
- 6385 is not participating in the program from carrying firearms on the grounds of a school as
- 6386 described in Subsection [~~76-10-505.5(4)~~] 76-11-204(4).
- 6387 (7)(a) A teacher who has active status in the program is not liable for any civil damages
- 6388 or penalties if the teacher:
- 6389 (i) when carrying or storing a firearm:
- 6390 (A) is acting in good faith; and
- 6391 (B) is not grossly negligent; or
- 6392 (ii) threatens, draws, or otherwise uses a firearm reasonably believing the action to be
- 6393 necessary in compliance with Section 76-2-402.
- 6394 (b) A local education agency is not liable for civil damages or penalties resulting from a
- 6395 teacher who is participating in the program carrying, using, or storing a firearm at a
- 6396 school.
- 6397 (8) A local education agency may not prevent a teacher from participating in the program
- 6398 under this section.
- 6399 (9)(a) Any information or record created detailing a teacher's participation in the
- 6400 program is:
- 6401 (i) a private, controlled, or protected record under Title 63G, Chapter 2, Government
- 6402 Records Access and Management Act; and
- 6403 (ii) available only to:
- 6404 (A) the state security chief;
- 6405 (B) a local law enforcement agency that would respond to the school in case of an
- 6406 emergency; and
- 6407 (C) the individual identified by the county sheriff as described in Section
- 6408 53-22-103.
- 6409 (b) The information or record described in Subsection (9)(a) includes the information
- 6410 described in Subsection (4)(a)(i) and any personal identifying information of a

- 6411 teacher participating in the program collected or obtained during annual classroom  
 6412 response training.
- 6413 (c) An individual who intentionally or knowingly provides the information described in  
 6414 Subsection (9)(a) to an individual or entity not listed in Subsection (9)(a)(ii) is guilty  
 6415 of a class A misdemeanor.
- 6416 (10) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 6417 department may adopt rules to administer this section.
- 6418 Section 93. Section **53-25-103** is amended to read:
- 6419 **53-25-103 (Effective 05/07/25). Airport dangerous weapon possession reporting**  
 6420 **requirements.**
- 6421 (1) As used in this section, "commission" means the State Commission on Criminal and  
 6422 Juvenile Justice created in Section 63M-7-201.
- 6423 (2) Beginning on January 1, 2026, a law enforcement agency having law enforcement  
 6424 jurisdiction over an airport shall annually, on or before April 30, submit a report to the  
 6425 commission detailing:
- 6426 (a) for an offense described in Subsection [~~76-10-529(2)(a)(i)~~] 76-11-215(2)(a):  
 6427 (i) the number of issued written warnings;  
 6428 (ii) the number of issued citations;  
 6429 (iii) the number of referrals to a detective; and  
 6430 (iv) the number of referrals to a prosecutor; and
- 6431 (b) for an offense described in Subsection [~~76-10-529(2)(a)(ii)~~] 76-11-215(2)(b):  
 6432 (i) the number of issued written warnings; and  
 6433 (ii) if applicable, the number of issued citations, including the number of individuals  
 6434 who have received more than one citation for the offense.
- 6435 (3) The commission shall:
- 6436 (a) develop a standardized format for reporting the data described in Subsection (2);  
 6437 (b) compile the data submitted under Subsection (2); and  
 6438 (c) annually on or before August 1, publish a report of the data described in Subsection  
 6439 (2) on the commission's website.
- 6440 Section 94. Section **53-25-202** is amended to read:
- 6441 **53-25-202 (Effective 05/07/25). Sexual assault offense reporting requirements**  
 6442 **for law enforcement agencies.**
- 6443 (1) As used in this section:
- 6444 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created

6445 in Section 63M-7-201.

6446 (b) "Sexual assault offense" means:

6447 (i) rape, Section 76-5-402;

6448 (ii) rape of a child, Section 76-5-402.1;

6449 (iii) object rape, Section 76-5-402.2;

6450 (iv) object rape of a child, Section 76-5-402.3;

6451 (v) forcible sodomy, Section 76-5-403;

6452 (vi) sodomy on a child, Section 76-5-403.1;

6453 (vii) forcible sexual abuse, Section 76-5-404;

6454 (viii) sexual abuse of a child, Section 76-5-404.1;

6455 (ix) aggravated sexual abuse of a child, Section 76-5-404.3;

6456 (x) aggravated sexual assault, Section 76-5-405; or

6457 (xi) sexual battery, Section [~~76-9-702.1~~] 76-5-418.

6458 (2)(a) Beginning January 1, 2025, a law enforcement agency shall:

6459 (i) annually, on or before April 30, submit a report to the commission for the previous  
6460 calendar year containing the number of each type of sexual assault offense that:

6461 (A) was reported to the law enforcement agency;

6462 (B) was investigated by a detective; and

6463 (C) was referred to a prosecutor for prosecution; and

6464 (ii) submit a report to the commission on whether the law enforcement agency has  
6465 created and publicly posted on the law enforcement agency's website:

6466 (A) the policy described in Subsection 53-24-101(1)(a); and

6467 (B) the guide described in Subsection 53-24-101(2)(a).

6468 (b) A law enforcement agency shall:

6469 (i) compile the report described in Subsection (2)(a)(i) for each calendar year in the  
6470 standardized format developed by the commission under Subsection (3); and

6471 (ii) publicly post the information reported in Subsection (2)(a)(i) on the law  
6472 enforcement agency's website.

6473 (3) The commission shall:

6474 (a) develop a standardized format for reporting the data described in Subsection (2);

6475 (b) compile the data submitted under Subsection (2); and

6476 (c) annually on or before August 1, publish a report of the data described in Subsection  
6477 (2) on the commission's website.

6478 Section 95. Section **53-25-501** is amended to read:

6479 **53-25-501 (Effective 05/07/25). Reporting requirements for seized firearms.**

- 6480 (1) As used in this section:
- 6481 (a) "Commission" means the State Commission on Criminal and Juvenile Justice created
- 6482 in Section 63M-7-201.
- 6483 (b) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~ 76-11-101.
- 6484 (c) "Restricted person" means a Category I or Category II restricted person as defined in
- 6485 Section ~~[76-10-503]~~ 76-11-302.
- 6486 (2) Beginning on July 1, 2026, a law enforcement agency, not including the Department of
- 6487 Corrections, shall annually on or before April 30 report to the commission the following
- 6488 data for the previous calendar year:
- 6489 (a) the number of firearms the law enforcement agency lawfully seized from restricted
- 6490 persons;
- 6491 (b) the types of firearms the law enforcement agency lawfully seized from restricted
- 6492 persons;
- 6493 (c) information on where the restricted persons obtained the firearms seized by the law
- 6494 enforcement agency if the information is known or discoverable by the law
- 6495 enforcement agency; and
- 6496 (d) the reasons under Subsection ~~[76-10-503(1)(a)]~~ 76-11-302(1)(a) or (b) that made
- 6497 the individuals who had weapons seized restricted persons.

6498 Section 96. Section **53-25-601** is enacted to read:

6499

**Part 6. Requirements Related to Criminal Street Gangs**

6500 **53-25-601 (Effective 05/07/25). Definitions.**

6501 As used in this part:

- 6502 (1) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- 6503 (2) "Gang loitering" means the same as that term is defined in Section 76-9-802.
- 6504 (3) "Public place" means the same as that term is defined in Section 76-9-802.

6505 Section 97. Section **53-25-602**, which is renumbered from Section 76-9-903 is renumbered

6506 and amended to read:

6507 ~~[76-9-903]~~ **53-25-602 (Effective 05/07/25). Law enforcement officer responsibilities for gang**

6508 **loitering.**

- 6509 (1) ~~[When-]~~ If a law enforcement officer observes [a person] an individual whom the law
- 6510 enforcement officer reasonably believes to be a member of a criminal street gang
- 6511 engaging in gang loitering in the presence of one or more other [persons] individuals in [



6512 any] a public place that is designated by a municipal or county legislative body as an area  
 6513 where gang loitering is prohibited under Section ~~[76-9-905]~~ 11-48-104 and subject to the  
 6514 penalties under Section 76-9-805, the ~~[pølice]~~ law enforcement officer shall:

- 6515 (a) inform ~~[all the persons that they are within an]~~ the individual and all other individuals  
 6516 engaging in gang loitering with the individual in a group that the area in which the  
 6517 group is loitering by a group containing one or more criminal street gang members is  
 6518 prohibited;
- 6519 (b) order ~~[all the persons in the group]~~ the individual to disperse and remove ~~[themselves]~~  
 6520 the individual from within sight and hearing of the location where the officer issues  
 6521 the order to disperse; and
- 6522 (c) inform the ~~[persons]~~ individuals that any ~~[person]~~ individual in the group will be  
 6523 subject to being charged with a criminal offense and will also be subject to arrest if  
 6524 the ~~[person]~~ individual fails to promptly obey the order to disperse.

6525 (2) The law enforcement officer under Subsection (1) shall also advise the ~~[persons]~~  
 6526 individuals the law enforcement officer is directing to disperse that each of the ~~[persons]~~  
 6527 individuals directed to disperse is subject to being charged with a criminal offense and  
 6528 will also be subject to arrest if the ~~[person]~~ individual is again, within eight hours after  
 6529 the current order to disperse is made:

- 6530 (a) present in a public place with a group that includes one or more ~~[persons]~~ individuals  
 6531 a ~~[pøace]~~ law enforcement officer reasonably believes to be a member of a criminal  
 6532 street gang; and
- 6533 (b) within sight or hearing of the location where the law enforcement officer is currently  
 6534 issuing the order to disperse.

6535 (3) This section does not affect or limit an individual's constitutional right to engage in  
 6536 collective advocacy activities that are protected by the constitution or laws of this state  
 6537 or by the constitution or laws of the United States.

6538 (4) A sheriff or chief of police implementing this section shall:

- 6539 (a) issue a written directive to all agency employees that provides information on  
 6540 preventing the enforcement of this section against individuals who are engaged in  
 6541 constitutionally protected collective advocacy activities;
- 6542 (b) ensure that all law enforcement officers charged with enforcing this section  
 6543 successfully complete appropriate training on identification of gang members and  
 6544 criminal street gangs; and
- 6545 (c) ensure that any training described in this section complies with Title 63G, Chapter

6546 22, State Training and Certification Requirements.

6547 Section 98. Section **53B-16-601** is amended to read:

6548 **53B-16-601 (Effective 05/07/25). Definitions.**

6549 As used in this part:

6550 (1) "Institution" means:

6551 (a) an institution of higher education described in Section 53B-1-102; or

6552 (b) a private, nonprofit institution of higher education.

6553 (2) "Intercollegiate athletics program" means an institution-sponsored athletic program or  
6554 sporting activity in which a student athlete represents the student athlete's institution in  
6555 competition against another institution.

6556 (3) "Prohibited endorsement provision" means a provision that requires or permits the use  
6557 of a student athlete's name, image, or likeness to promote:

6558 (a) a tobacco product or [~~e-cigarettes~~] electronic cigarette, as those terms are defined in  
6559 Section [~~76-10-101~~] 76-9-1101, including vaping;

6560 (b) an alcoholic product, as that term is defined in Section 32B-1-102;

6561 (c) a seller or dispenser of a controlled substance, including steroids, antibiotics, and  
6562 marijuana;

6563 (d) gambling or betting;

6564 (e) a sexually oriented business, as that term is defined in Section 17-50-331; or

6565 (f) a firearm that the student athlete cannot legally purchase.

6566 (4)(a) "Student athlete" means an individual who:

6567 (i) is enrolled in an institution; and

6568 (ii) participates as an athlete for the institution in an intercollegiate athletics program.

6569 (b) "Student athlete" includes an agent or other representative of a student athlete.

6570 (5) "Student athlete agreement" means a proposed or executed contract:

6571 (a) between a student athlete and a third party that is not an institution; and

6572 (b) in which the student athlete and third party agree that the student athlete's name,  
6573 image, or likeness may be used to promote a business, product, service, or individual  
6574 in exchange for the student athlete receiving financial compensation or other benefits.

6575 Section 99. Section **53G-1-103** is amended to read:

6576 **53G-1-103 (Effective 05/07/25). Definitions.**

6577 As used in this title, "electronic cigarette product" means the same as that term is  
6578 defined in Section [~~76-10-101~~] 76-9-1101.

6579 Section 100. Section **53G-4-402** is amended to read:

6580 **53G-4-402 (Effective 05/07/25). Powers and duties generally.**

- 6581 (1) A local school board shall:
- 6582 (a) implement the core standards for Utah public schools using instructional materials  
6583 that best correlate to the core standards for Utah public schools and graduation  
6584 requirements;
- 6585 (b) administer tests, required by the state board, which measure the progress of each  
6586 student, and coordinate with the state superintendent and state board to assess results  
6587 and create plans to improve the student's progress, which shall be submitted to the  
6588 state board for approval;
- 6589 (c) use progress-based assessments as part of a plan to identify schools, teachers, and  
6590 students that need remediation and determine the type and amount of federal, state,  
6591 and local resources to implement remediation;
- 6592 (d) for each grading period and for each course in which a student is enrolled, issue a  
6593 grade or performance report to the student:
- 6594 (i) that reflects the student's work, including the student's progress based on mastery,  
6595 for the grading period; and
- 6596 (ii) in accordance with the local school board's adopted grading or performance  
6597 standards and criteria;
- 6598 (e) develop early warning systems for students or classes failing to make progress;
- 6599 (f) work with the state board to establish a library of documented best practices,  
6600 consistent with state and federal regulations, for use by the special districts;
- 6601 (g) implement training programs for school administrators, including basic management  
6602 training, best practices in instructional methods, budget training, staff management,  
6603 managing for learning results and continuous improvement, and how to help every  
6604 student achieve optimal learning in basic academic subjects; and
- 6605 (h) ensure that the local school board meets the data collection and reporting standards  
6606 described in Section 53E-3-501.
- 6607 (2) Local school boards shall spend Minimum School Program funds for programs and  
6608 activities for which the state board has established minimum standards or rules under  
6609 Section 53E-3-501.
- 6610 (3)(a) A local school board may purchase, sell, and make improvements on school sites,  
6611 buildings, and equipment, and construct, erect, and furnish school buildings.
- 6612 (b) School sites or buildings may only be conveyed or sold on local school board  
6613 resolution affirmed by at least two-thirds of the school board members.

- 6614 (4)(a) A local school board may participate in the joint construction or operation of a  
6615 school attended by students residing within the district and students residing in other  
6616 districts either within or outside the state.
- 6617 (b) Any agreement for the joint operation or construction of a school shall:  
6618 (i) be signed by the president of the local school board of each participating district;  
6619 (ii) include a mutually agreed upon pro rata cost; and  
6620 (iii) be filed with the state board.
- 6621 (5) A local school board may establish, locate, and maintain elementary, secondary, and  
6622 applied technology schools.
- 6623 (6) A local school board may enter into cooperative agreements with other local school  
6624 boards to provide educational services that best utilize resources for the overall  
6625 operation of the school districts, including shared transportation services.
- 6626 (7) A local school board shall ensure that an agreement under Subsection (6):  
6627 (a) is signed by the president of the local school board of each participating district;  
6628 (b) specifies the resource being shared;  
6629 (c) includes a mutually agreed upon pro rata cost;  
6630 (d) includes the duration of the agreement; and  
6631 (e) is filed with the state board.
- 6632 (8) Except as provided in Section 53E-3-905, a local school board may enroll children in  
6633 school who are at least five years old before September 2 of the year in which admission  
6634 is sought.
- 6635 (9) A local school board:  
6636 (a) may establish and support school libraries; and  
6637 (b) shall provide an online platform:  
6638 (i) through which a parent is able to view the title, author, and a description of any  
6639 material the parent's child borrows from the school library, including a history of  
6640 borrowed materials, either using an existing online platform that the LEA uses or  
6641 through a separate platform; and  
6642 (ii)(A) for a school district with 1,000 or more enrolled students, no later than  
6643 August 1, 2024; and  
6644 (B) for a school district with fewer than 1,000 enrolled students, no later than  
6645 August 1, 2026.
- 6646 (10) A local school board may collect damages for the loss, injury, or destruction of school  
6647 property.

- 6648 (11) A local school board may authorize guidance and counseling services for students and  
6649 the student's parents before, during, or following school enrollment.
- 6650 (12)(a) A local school board shall administer and implement federal educational  
6651 programs in accordance with Title 53E, Chapter 3, Part 8, Implementing Federal or  
6652 National Education Programs.
- 6653 (b) Federal funds are not considered funds within the school district budget under  
6654 Chapter 7, Part 3, Budgets.
- 6655 (13)(a) A local school board may organize school safety patrols and adopt policies  
6656 under which the patrols promote student safety.
- 6657 (b) A student appointed to a safety patrol shall be at least 10 years old and have written  
6658 parental consent for the appointment.
- 6659 (c) Safety patrol members may not direct vehicular traffic or be stationed in a portion of  
6660 a highway intended for vehicular traffic use.
- 6661 (d) Liability may not attach to a school district, its employees, officers, or agents, or to a  
6662 safety patrol member, a parent of a safety patrol member, or an authorized volunteer  
6663 assisting the program by virtue of the organization, maintenance, or operation of a  
6664 school safety patrol.
- 6665 (14)(a) A local school board may on its own behalf, or on behalf of an educational  
6666 institution for which the local school board is the direct governing body, accept  
6667 private grants, loans, gifts, endowments, devises, or bequests that are made for  
6668 educational purposes.
- 6669 (b) The contributions made under Subsection (14)(a) are not subject to appropriation by  
6670 the Legislature.
- 6671 (15)(a) A local school board may appoint and fix the compensation of a compliance  
6672 officer to issue citations for violations of Subsection [76-10-105(2)(b)]  
6673 76-9-1106(3)(c).
- 6674 (b) A person may not be appointed to serve as a compliance officer without the person's  
6675 consent.
- 6676 (c) A teacher or student may not be appointed as a compliance officer.
- 6677 (16) A local school board shall adopt bylaws and policies for the local school board's own  
6678 procedures.
- 6679 (17)(a) A local school board shall make and enforce policies necessary for the control  
6680 and management of the district schools.
- 6681 (b) Local school board policies shall be in writing, filed, and referenced for public

- 6682 access.
- 6683 (18) A local school board may hold school on legal holidays other than Sundays.
- 6684 (19)(a) A local school board shall establish for each school year a school traffic safety  
6685 committee to implement this Subsection (19).
- 6686 (b) The committee shall be composed of one representative of:
- 6687 (i) the schools within the district;
- 6688 (ii) the Parent Teachers' Association of the schools within the district;
- 6689 (iii) the municipality or county;
- 6690 (iv) state or local law enforcement; and
- 6691 (v) state or local traffic safety engineering.
- 6692 (c) The committee shall:
- 6693 (i) receive suggestions from school community councils, parents, teachers, and  
6694 others, and recommend school traffic safety improvements, boundary changes to  
6695 enhance safety, and school traffic safety program measures;
- 6696 (ii) review and submit annually to the Department of Transportation and affected  
6697 municipalities and counties a child access routing plan for each elementary,  
6698 middle, and junior high school within the district;
- 6699 (iii) in consultation with the Utah Safety Council and the Division of Family Health  
6700 Services, provide training to all students in kindergarten through grade 6, within  
6701 the district, on school crossing safety and use; and
- 6702 (iv) help ensure the district's compliance with rules made by the Department of  
6703 Transportation under Section 41-6a-303.
- 6704 (d) The committee may establish subcommittees as needed to assist in accomplishing the  
6705 committee's duties under Subsection (19)(c).
- 6706 (20)(a) A local school board shall adopt and implement a comprehensive emergency  
6707 response plan to prevent and combat violence in the local school board's public  
6708 schools, on school grounds, on school vehicles, and in connection with  
6709 school-related activities or events.
- 6710 (b) The local school board shall ensure that the plan:
- 6711 (i) includes prevention, intervention, and response components;
- 6712 (ii) is consistent with the school discipline and conduct policies required for school  
6713 districts under Chapter 8, Part 2, School Discipline and Conduct Plans;
- 6714 (iii) requires professional learning for all district and school building staff on the  
6715 staff's roles in the emergency response plan;

- 6716 (iv) provides for coordination with local law enforcement and other public safety  
6717 representatives in preventing, intervening, and responding to violence in the areas  
6718 and activities referred to in Subsection (20)(a); and
- 6719 (v) includes procedures to notify a student who is off campus at the time of a school  
6720 violence emergency because the student is:
- 6721 (A) participating in a school-related activity; or  
6722 (B) excused from school for a period of time during the regular school day to  
6723 participate in religious instruction at the request of the student's parent.
- 6724 (c) The state board, through the state superintendent, shall develop comprehensive  
6725 emergency response plan models that local school boards may use, where  
6726 appropriate, to comply with Subsection (20)(a).
- 6727 (d) A local school board shall, by July 1 of each year, certify to the state board that its  
6728 plan has been practiced at the school level and presented to and reviewed by its  
6729 teachers, administrators, students, and the student's parents and local law enforcement  
6730 and public safety representatives.
- 6731 (21)(a) A local school board may adopt an emergency response plan for the treatment of  
6732 sports-related injuries that occur during school sports practices and events.
- 6733 (b) The plan may be implemented by each secondary school in the district that has a  
6734 sports program for students.
- 6735 (c) The plan may:
- 6736 (i) include emergency personnel, emergency communication, and emergency  
6737 equipment components;
- 6738 (ii) require professional learning on the emergency response plan for school  
6739 personnel who are involved in sports programs in the district's secondary schools;  
6740 and
- 6741 (iii) provide for coordination with individuals and agency representatives who:
- 6742 (A) are not employees of the school district; and  
6743 (B) would be involved in providing emergency services to students injured while  
6744 participating in sports events.
- 6745 (d) The local school board, in collaboration with the schools referred to in Subsection  
6746 (21)(b), may review the plan each year and make revisions when required to improve  
6747 or enhance the plan.
- 6748 (e) The state board, through the state superintendent, shall provide local school boards  
6749 with an emergency plan response model that local school boards may use to comply

- 6750 with the requirements of this Subsection (21).
- 6751 (22)(a) A local school board shall approve an LEA's policies and procedures that an  
6752 LEA develops to ensure that students have non-electronic notification of and access  
6753 to:
- 6754 (i) school activities and events, including:
    - 6755 (A) schedule changes;
    - 6756 (B) extracurricular activities; and
    - 6757 (C) sporting events; and
  - 6758 (ii) the emergency response plans described in Subsections (20) and (21).
- 6759 (b) Notwithstanding Subsection (22)(a), an LEA may provide electronic notification of  
6760 and access to school activities and events as described in Subsections (22)(a)(i) and  
6761 (ii) if:
- 6762 (i)(A) the school provides each student with an electronic device; and
  - 6763 (B) the electronic device is capable of receiving electronic notification of and  
6764 access to school activities and events as described in Subsections (22)(a)(i) and  
6765 (ii); or
  - 6766 (ii) an emergency, unforeseen circumstance, or other incident arises and an LEA  
6767 cannot reasonably provide timely non-electronic notification.
- 6768 (c) An LEA may not require the use of a privately owned electronic device to complete  
6769 course work.
- 6770 (23) A local school board shall do all other things necessary for the maintenance,  
6771 prosperity, and success of the schools and the promotion of education.
- 6772 (24)(a) As used in this subsection, "special enrollment program" means a full-day  
6773 academic program in which a parent opts to enroll the parent's student and that is  
6774 offered at a specifically designated school within an LEA, including:
- 6775 (i) gifted or advanced learning programs; or
  - 6776 (ii) dual language immersion programs.
- 6777 (b) Before closing a school, changing the boundaries of a school, or changing or closing  
6778 the location of a special enrollment program, a local school board shall:
- 6779 (i) at a local school board meeting, make and approve a motion to initiate the  
6780 notification required under Subsections (24)(b)(ii) through (iv);
  - 6781 (ii) on or before 90 days before the day on which the local school board approves the  
6782 school closure or at least 30 days before the day on which the local school board  
6783 approves a school boundary change, provide notice that the local school board is



- 6784 considering the closure or boundary change to:
- 6785 (A) parents of students enrolled in the school, using the same form of
- 6786 communication the local school board regularly uses to communicate with
- 6787 parents and also by mail, using the United States Postal Service, to the parents
- 6788 at each known address;
- 6789 (B) parents of students enrolled in other schools within the school district that may
- 6790 be affected by the closure or boundary change, using the same form of
- 6791 communication the local school board regularly uses to communicate with
- 6792 parents and also by mail, using the United States Postal Service, to the parents
- 6793 at each known address; and
- 6794 (C) the governing council and the mayor of the municipality in which the school is
- 6795 located;
- 6796 (iii) provide an opportunity for public comment on the proposed school closure
- 6797 during at least two public local school board meetings;
- 6798 (iv) provide an opportunity for public comment on the proposed school boundary
- 6799 change during one public local school board meeting; and
- 6800 (v) hold a public hearing as defined in Section 10-9a-103 and provide public notice
- 6801 of the public hearing in accordance with Subsection (24)(c).
- 6802 (c) A local school board shall:
- 6803 (i) ensure that the notice of a public hearing required under Subsection (24)(b)(v)
- 6804 indicates the:
- 6805 (A) name of the school or schools under consideration for closure or boundary
- 6806 change; and
- 6807 (B) the date, time, and location of the public hearing;
- 6808 (ii) if feasible, hold the public hearing at the location of the school that is under
- 6809 consideration for closure;
- 6810 (iii) for at least 10 days before the day on which the public hearing occurs, publish the
- 6811 notice of public hearing occurs, publish the notice of the public hearing for the
- 6812 school district in which the school is located, as a class A notice under Section
- 6813 63G-30-102; and
- 6814 (iv) at least 30 days before the day on which the public hearing occurs, provide notice
- 6815 of the public hearing in the same manner as the notice of consideration under
- 6816 Subsection (24)(b)(ii).
- 6817 (d) A motion made under Subsection (24)(b) shall name each school under consideration

- 6818 for closure in a separate motion.
- 6819 (e) For a school closure, a local school board shall complete the process described in this  
6820 Subsection (24) on or before December 31 of the calendar year preceding the  
6821 beginning of the school year in which a school closure takes effect.
- 6822 (f)(i) For a school boundary change, a local school board shall complete the process  
6823 described in this Subsection (24) no more than 60 days after the day on which the  
6824 local school board votes to approve a school closure.
- 6825 (ii) Parents of students enrolled in a school affected by a boundary change shall have  
6826 at least 30 days after the day on which the local school board votes to approve a  
6827 school boundary change to request an out of area enrollment request in accordance  
6828 with Chapter 6, Part 4, School District Enrollment.
- 6829 (25) A local school board may implement a facility energy efficiency program established  
6830 under Title 11, Chapter 44, Performance Efficiency Act.
- 6831 (26) A local school board may establish or partner with a certified youth court in  
6832 accordance with Section 80-6-902 or establish or partner with a comparable restorative  
6833 justice program, in coordination with schools in that district. A school may refer a  
6834 student to a youth court or a comparable restorative justice program in accordance with  
6835 Section 53G-8-211.
- 6836 (27)(a) As used in this Subsection (27):
- 6837 (i) "Learning material" means any learning material or resource used to deliver or  
6838 support a student's learning, including textbooks, reading materials, videos, digital  
6839 materials, websites, and other online applications.
- 6840 (ii)(A) "Instructional material" means learning material that a local school board  
6841 adopts and approves for use within the LEA.
- 6842 (B) "Instructional material" does not include learning material used in a  
6843 concurrent enrollment, advanced placement, or international baccalaureate  
6844 program or class or another class with required instructional material that is not  
6845 subject to selection by the local school board.
- 6846 (iii) "Supplemental material" means learning material that:
- 6847 (A) an educator selects for classroom use; and
- 6848 (B) a local school board has not considered and adopted, approved, or prohibited  
6849 for classroom use within the LEA.
- 6850 (b) A local school board shall:
- 6851 (i) make instructional material that the school district uses readily accessible and

- 6852 available for a parent to view;
- 6853 (ii) annually notify a parent of a student enrolled in the school district of how to  
6854 access the information described in Subsection (27)(b)(i); and
- 6855 (iii) include on the school district's website information about how to access the  
6856 information described in Subsection (27)(b)(i).
- 6857 (c) In selecting and approving instructional materials for use in the classroom, a local  
6858 school board shall:
- 6859 (i) establish an open process, involving educators and parents of students enrolled in  
6860 the LEA, to review and recommend instructional materials for board approval; and
- 6861 (ii) ensure that under the process described in Subsection (27)(c)(i), the board:
- 6862 (A) before the meetings described in Subsection (27)(c)(ii)(B), posts the  
6863 recommended learning material online to allow for public review or, for  
6864 copyrighted material, makes the recommended learning material available at  
6865 the LEA for public review;
- 6866 (B) before adopting or approving the recommended instructional materials, holds  
6867 at least two public meetings on the recommendation that provides an  
6868 opportunity for educators whom the LEA employs and parents of students  
6869 enrolled in the LEA to express views and opinions on the recommendation; and
- 6870 (C) adopts or approves the recommended instructional materials in an open and  
6871 regular board meeting.
- 6872 (d) A local school board shall adopt a supplemental materials policy that provides  
6873 flexible guidance to educators on the selection of supplemental materials or resources  
6874 that an educator reviews and selects for classroom use using the educator's  
6875 professional judgment, including whether any process or permission is required  
6876 before classroom use of the materials or resources.
- 6877 (e) If an LEA contracts with another party to provide online or digital materials, the  
6878 LEA shall include in the contract a requirement that the provider give notice to the  
6879 LEA any time that the provider makes a material change to the content of the online  
6880 or digital materials, excluding regular informational updates on current events.
- 6881 (f) Nothing in this Subsection (27) requires a local school board to review all learning  
6882 materials used within the LEA.

6883 Section 101. Section **53G-6-204** is amended to read:

6884 **53G-6-204 (Effective 05/07/25). School-age children exempt from school**  
6885 **attendance.**

- 6886 (1)(a) A local school board or charter school governing board may excuse a school-age  
6887 child from attendance for any of the following reasons:
- 6888 (i) a school-age child over 16 years old may receive a partial release from school to  
6889 enter employment, or attend a trade school, if the school-age child has completed  
6890 grade 8; or
- 6891 (ii) on an annual basis, a school-age child may receive a full release from attending a  
6892 public, regularly established private, or part-time school or class if:
- 6893 (A) the school-age child has already completed the work required for graduation  
6894 from high school;
- 6895 (B) the school-age child is in a physical or mental condition, certified by a  
6896 competent physician or physician assistant if required by the local school board  
6897 or charter school governing board, which renders attendance inexpedient and  
6898 impracticable;
- 6899 (C) proper influences and adequate opportunities for education are provided in  
6900 connection with the school-age child's employment; or
- 6901 (D) the district superintendent or charter school governing board has determined  
6902 that a school-age child over 16 years old is unable to profit from attendance at  
6903 school because of inability or a continuing negative attitude toward school  
6904 regulations and discipline.
- 6905 (b) A school-age child receiving a partial release from school under Subsection (1)(a)(i)  
6906 is required to attend:
- 6907 (i) school part time as prescribed by the local school board or charter school  
6908 governing board; or
- 6909 (ii) a home school part time.
- 6910 (c) In each case, evidence of reasons for granting an exemption under Subsection (1)  
6911 must be sufficient to satisfy the local school board or charter school governing board.
- 6912 (d) A local school board or charter school governing board that excuses a school-age  
6913 child from attendance as provided by this Subsection (1) shall issue a certificate that  
6914 the child is excused from attendance during the time specified on the certificate.
- 6915 (2)(a)(i) As used in this Subsection (2)(a), "child abuse" means a criminal felony or  
6916 attempted felony offense of which an individual is convicted, or to which an  
6917 individual pleads guilty or no contest, for conduct that constitutes any of the  
6918 following:
- 6919 (A) child abuse under Section 76-5-109;

- 6920 (B) aggravated child abuse under Section 76-5-109.2;
- 6921 (C) child abandonment under Section 76-5-109.3;
- 6922 (D) commission of domestic violence in the presence of a child under Section
- 6923 76-5-114;
- 6924 (E) child abuse homicide under Section 76-5-208;
- 6925 (F) child kidnapping under Section 76-5-301.1;
- 6926 (G) human trafficking of a child under Section 76-5-308.5;
- 6927 (H) an offense described in:
- 6928 (I) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,
- 6929 76-5-418, 76-5-419, or 76-5-420; or
- 6930 (II) in Title 76, Chapter 5b, Part 2, Sexual Exploitation, if the victim is under
- 6931 18 years old;
- 6932 (I) sexual exploitation of a minor under Section 76-5b-201;
- 6933 (J) aggravated sexual exploitation of a minor under Section 76-5b-201.1; or
- 6934 (K) an offense in another state that, if committed in this state, would constitute an
- 6935 offense described in this Subsection (2)(a)(i).
- 6936 (ii) Except as provided in Subsection (2)(a)(iii), a local school board shall excuse a
- 6937 school-age child from attendance, if the school-age child's parent or legal guardian
- 6938 files a signed affidavit with the school-age child's school district of residence, as
- 6939 defined in Section 53G-6-302, that:
- 6940 (A) the school-age child will attend a home school; and
- 6941 (B) the parent or legal guardian assumes sole responsibility for the education of
- 6942 the school-age child, except to the extent the school-age child is dual enrolled
- 6943 in a public school as provided in Section 53G-6-702.
- 6944 (iii) If a parent or legal guardian has been convicted of child abuse or if a court of
- 6945 competent jurisdiction has made a substantiated finding of child abuse against the
- 6946 parent or legal guardian:
- 6947 (A) the parent or legal guardian may not assume responsibility for the education
- 6948 of a school-age child under Subsection (2)(a)(ii); and
- 6949 (B) the local school board may not accept the affidavit described in Subsection
- 6950 (2)(a)(ii) from the parent or legal guardian or otherwise exempt the school-age
- 6951 child from attendance under Subsection (2)(a)(ii) in relation to the parent's or
- 6952 legal guardian's intent to home school the child.
- 6953 (iv) Nothing in this Subsection (2)(a) affects the ability of another of a child's parents

- 6954 or legal guardians who is not prohibited under Subsection (2)(a)(iii) to file the  
6955 affidavit described in Subsection (2)(a)(ii).
- 6956 (b) A signed affidavit filed in accordance with Subsection (2)(a) shall remain in effect as  
6957 long as:
- 6958 (i) the school-age child attends a home school;  
6959 (ii) the school district where the affidavit was filed remains the school-age child's  
6960 district of residence; and  
6961 (iii) the parent or legal guardian who filed the signed affidavit has not been convicted  
6962 of child abuse or been the subject of a substantiated finding of child abuse by a  
6963 court of competent jurisdiction.
- 6964 (c) A parent or legal guardian of a school-age child who attends a home school is solely  
6965 responsible for:
- 6966 (i) the selection of instructional materials and textbooks;  
6967 (ii) the time, place, and method of instruction; and  
6968 (iii) the evaluation of the home school instruction.
- 6969 (d) A local school board may not:
- 6970 (i) require a parent or legal guardian of a school-age child who attends a home school  
6971 to maintain records of instruction or attendance;  
6972 (ii) require credentials for individuals providing home school instruction;  
6973 (iii) inspect home school facilities; or  
6974 (iv) require standardized or other testing of home school students.
- 6975 (e) Upon the request of a parent or legal guardian, a local school board shall identify the  
6976 knowledge, skills, and competencies a student is recommended to attain by grade  
6977 level and subject area to assist the parent or legal guardian in achieving college and  
6978 career readiness through home schooling.
- 6979 (f) A local school board that excuses a school-age child from attendance under this  
6980 Subsection (2) shall annually issue a certificate stating that the school-age child is  
6981 excused from attendance for the specified school year.
- 6982 (g) A local school board shall issue a certificate excusing a school-age child from  
6983 attendance:
- 6984 (i) within 30 days after receipt of a signed affidavit filed by the school-age child's  
6985 parent or legal guardian under this Subsection (2); and  
6986 (ii) on or before August 1 each year thereafter unless:  
6987 (A) the school-age child enrolls in a school within the school district;

6988 (B) the school-age child's parent or legal guardian notifies the school district that  
6989 the school-age child no longer attends a home school; or

6990 (C) the school-age child's parent or legal guardian notifies the school district that  
6991 the school-age child's school district of residence has changed.

6992 (3) A parent or legal guardian who is eligible to file and files a signed affidavit under  
6993 Subsection (2)(a) is exempt from the application of Subsections 53G-6-202(2), (5), and  
6994 (6).

6995 (4)(a) Nothing in this section may be construed to prohibit or discourage voluntary  
6996 cooperation, resource sharing, or testing opportunities between a school or school  
6997 district and a parent or legal guardian of a child attending a home school.

6998 (b) The exemptions in this section apply regardless of whether:

6999 (i) a parent or legal guardian provides education instruction to the parent's or legal  
7000 guardian's child alone or in cooperation with other parents or legal guardians  
7001 similarly exempted under this section; or

7002 (ii) the parent or legal guardian makes payment for educational services the parent's  
7003 or legal guardian's child receives.

7004 Section 102. Section **53G-8-201** is amended to read:

7005 **53G-8-201 (Effective 05/07/25). Definitions.**

7006 As used in this part:

7007 (1) "Sexual crime" or "sexual misconduct" means any conduct described in:

7008 (a) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417 or  
7009 76-5-420;

7010 (b) Title 76, Chapter 5b, Sexual Exploitation Act; and

7011 (c) Section 76-7-102, incest[;] .

7012 [~~(d) Section 76-9-702, lewdness; and~~]

7013 [~~(e) Section 76-9-702.1, sexual battery.~~]

7014 (2) "Serious offense" means the same as that term is defined in Section 80-6-103.

7015 Section 103. Section **53G-8-205** is amended to read:

7016 **53G-8-205 (Effective 05/07/25). Grounds for suspension or expulsion from a**  
7017 **public school.**

7018 (1) A student may be suspended or expelled from a public school for the following reasons:

7019 (a) frequent or flagrant willful disobedience, defiance of proper authority, or disruptive  
7020 behavior, including the use of foul, profane, vulgar, or abusive language;

7021 (b) willful destruction or defacing of school property;

- 7022 (c) behavior or threatened behavior which poses an immediate and significant threat to  
 7023 the welfare, safety, or morals of other students or school personnel or to the operation  
 7024 of the school;
- 7025 (d) possession, control, or use of an alcoholic beverage as defined in Section 32B-1-102;
- 7026 (e) behavior proscribed under Subsection (2) which threatens harm or does harm to the  
 7027 school or school property, to a person associated with the school, or property  
 7028 associated with that person, regardless of where it occurs; or
- 7029 (f) possession or use of pornographic material on school property.
- 7030 (2)(a) A student shall be suspended or expelled from a public school for the following  
 7031 reasons:
- 7032 (i) a serious violation affecting another student or a staff member, or a serious  
 7033 violation occurring in a school building, in or on school property, or in  
 7034 conjunction with a school activity, including:
- 7035 (A) the possession, control, or actual or threatened use of a real weapon,  
 7036 explosive, or noxious or flammable material;
- 7037 (B) the actual use of violence or sexual misconduct;
- 7038 (C) the actual or threatened use of a look alike weapon with intent to intimidate  
 7039 another person or to disrupt normal school activities; or
- 7040 (D) the sale, control, or distribution of a drug or controlled substance as defined in  
 7041 Section 58-37-2, an imitation controlled substance defined in Section 58-37b-2,  
 7042 or drug paraphernalia as defined in Section 58-37a-3;
- 7043 (ii) the commission of an act involving the use of force or the threatened use of force  
 7044 which if committed by an adult would be a felony or class A misdemeanor; or
- 7045 (iii) making a false report of an emergency at a school under Subsection [   
 7046 ~~76-9-202(2)(d)~~ 76-9-105.5(2)(b).
- 7047 (b) A student who commits a violation of Subsection (2)(a) involving a real or look alike  
 7048 weapon, explosive, or flammable material shall be expelled from school for a period  
 7049 of not less than one year subject to the following:
- 7050 (i) within 45 days after the expulsion the student shall appear before the student's  
 7051 superintendent, the superintendent's designee, chief administrative officer of a  
 7052 charter school, or the chief administrative officer's designee, accompanied by a  
 7053 parent; and
- 7054 (ii) the superintendent, chief administrator, or designee shall determine:
- 7055 (A) what conditions must be met by the student and the student's parent for the



7056 student to return to school, including any provided for in the policies described  
7057 in Section 53G-8-203;

7058 (B) if the student should be placed on probation in a regular or alternative school  
7059 setting consistent with Section 53G-8-208, and what conditions must be met by  
7060 the student in order to ensure the safety of students and faculty at the school the  
7061 student is placed in; and

7062 (C) if it would be in the best interest of both the LEA, and the student, to modify  
7063 the expulsion term to less than a year, conditioned on approval by the local  
7064 governing board and giving highest priority to providing a safe school  
7065 environment for all students.

7066 (3) A student may be denied admission to a public school on the basis of having been  
7067 expelled from that or any other school during the preceding 12 months.

7068 (4) A suspension or expulsion under this section is not subject to the age limitations under  
7069 Subsection 53G-6-204(1).

7070 (5) A local governing board shall prepare an annual report for the state board on:

7071 (a) each violation committed under this section; and

7072 (b) each action taken by the LEA against a student who committed the violation.

7073 Section 104. Section **53G-8-209** is amended to read:

7074 **53G-8-209 (Effective 05/07/25). Extracurricular activities -- Prohibited conduct**  
7075 **-- Reporting of violations -- Limitation of liability.**

7076 (1) The Legislature recognizes that:

7077 (a) participation in student government and extracurricular activities may confer  
7078 important educational and lifetime benefits upon students, and encourages school  
7079 districts and charter schools to provide a variety of opportunities for all students to  
7080 participate in such activities in meaningful ways;

7081 (b) there is no constitutional right to participate in these types of activities, and does not  
7082 through this section or any other provision of law create such a right;

7083 (c) students who participate in student government and extracurricular activities,  
7084 particularly competitive athletics, and the adult coaches, advisors, and assistants who  
7085 direct those activities, become role models for others in the school and community;

7086 (d) these individuals often play major roles in establishing standards of acceptable  
7087 behavior in the school and community, and establishing and maintaining the  
7088 reputation of the school and the level of community confidence and support afforded  
7089 the school; and

7090 (e) it is of the utmost importance that those involved in student government, whether as  
7091 officers or advisors, and those involved in competitive athletics and related activities,  
7092 whether students or staff, comply with all applicable laws and standards of behavior  
7093 and conduct themselves at all times in a manner befitting their positions and  
7094 responsibilities.

7095 (2)(a) The state board may, and local school boards and charter school governing  
7096 boards shall, adopt rules or policies implementing this section that apply to both  
7097 students and staff.

7098 (b) The rules or policies described in Subsection (2)(a) shall include prohibitions against  
7099 the following types of conduct in accordance with Section 53G-8-211, while in the  
7100 classroom, on school property, during school sponsored activities, or regardless of  
7101 the location or circumstance, affecting a person or property described in Subsections  
7102 53G-8-203(1)(e)(i) through (iv):

7103 (i) the use of foul, abusive, or profane language while engaged in school related  
7104 activities;

7105 (ii) the illicit use, possession, or distribution of:

7106 (A) a controlled substance or drug paraphernalia;

7107 (B) a tobacco product, an electronic cigarette product, or a nicotine product as  
7108 those terms are defined in Section ~~[76-10-101]~~ 76-9-1101; or

7109 (C) an alcoholic beverage; and

7110 (iii) hazing, demeaning, or assaultive behavior, whether consensual or not, including  
7111 behavior involving physical violence, restraint, improper touching, or  
7112 inappropriate exposure of body parts not normally exposed in public settings,  
7113 forced ingestion of any substance, or any act which would constitute a crime  
7114 against a person or public order under state law.

7115 (3)(a) School employees who reasonably believe that a violation of this section may  
7116 have occurred shall immediately report that belief to the school principal, district  
7117 superintendent, or chief administrative officer of a charter school.

7118 (b) Principals who receive a report under Subsection (3)(a) shall submit a report of the  
7119 alleged incident, and actions taken in response, to the district superintendent or the  
7120 superintendent's designee within 10 working days after receipt of the report.

7121 (c) Failure of a person holding a professional certificate to report as required under this  
7122 Subsection (3) constitutes an unprofessional practice.

7123 (4) Limitations of liability set forth under Section 53G-8-405 apply to this section.

- 7124 Section 105. Section **53G-8-211** is amended to read:
- 7125 **53G-8-211 (Effective 05/07/25). Responses to school-based behavior.**
- 7126 (1) As used in this section:
- 7127 (a) "Evidence-based" means a program or practice that:
- 7128 (i) has had multiple randomized control studies or a meta-analysis demonstrating that
- 7129 the program or practice is effective for a specific population;
- 7130 (ii) has been rated as effective by a standardized program evaluation tool; or
- 7131 (iii) is created and developed by a school or school district and has been approved by
- 7132 the state board.
- 7133 (b) "Habitual truant" means a school-age child who:
- 7134 (i) is in grade 7 or above, unless the school-age child is under 12 years old;
- 7135 (ii) is subject to the requirements of Section 53G-6-202; and
- 7136 (iii)(A) is truant at least 20 days during one school year; or
- 7137 (B) fails to cooperate with efforts on the part of school authorities to resolve the
- 7138 school-age child's attendance problem as required under Section 53G-6-206.
- 7139 (c) "Minor" means the same as that term is defined in Section 80-1-102.
- 7140 (i) "Mobile crisis outreach team" means the same as that term is defined in Section
- 7141 26B-5-101.
- 7142 (d) "Prosecuting attorney" means the same as that term is defined in Subsections
- 7143 80-1-102(65)(b) and (c).
- 7144 (e) "Restorative justice program" means a school-based program or a program used or
- 7145 adopted by a local education agency that is designed:
- 7146 (i) to enhance school safety, reduce school suspensions, and limit referrals to law
- 7147 enforcement agencies and courts; and
- 7148 (ii) to help minors take responsibility for and repair harmful behavior that occurs in
- 7149 school.
- 7150 (f) "School administrator" means a principal of a school.
- 7151 (g) "School is in session" means a day during which the school conducts instruction for
- 7152 which student attendance is counted toward calculating average daily membership.
- 7153 (h) "School resource officer" means a law enforcement officer, as defined in Section
- 7154 53-13-103, who contracts with, is employed by, or whose law enforcement agency
- 7155 contracts with a local education agency to provide law enforcement services for the
- 7156 local education agency.
- 7157 (i) "School-age child" means the same as that term is defined in Section 53G-6-201.

- 7158 (j)(i) "School-sponsored activity" means an activity, fundraising event, club, camp,  
7159 clinic, or other event or activity that is authorized by a specific local education  
7160 agency or public school, according to LEA governing board policy, and satisfies  
7161 at least one of the following conditions:
- 7162 (A) the activity is managed or supervised by a local education agency or public  
7163 school, or local education agency or public school employee;
  - 7164 (B) the activity uses the local education agency's or public school's facilities,  
7165 equipment, or other school resources; or
  - 7166 (C) the activity is supported or subsidized, more than inconsequentially, by public  
7167 funds, including the public school's activity funds or Minimum School  
7168 Program dollars.
- 7169 (ii) "School-sponsored activity" includes preparation for and involvement in a public  
7170 performance, contest, athletic competition, demonstration, display, or club activity.
- 7171 (k)(i) "Status offense" means an offense that would not be an offense but for the age  
7172 of the offender.
- 7173 (ii) "Status offense" does not mean an offense that by statute is a misdemeanor or  
7174 felony.
- 7175 (2) This section applies to:
- 7176 (a) a minor who is alleged to be a habitual truant; and
  - 7177 (b) a minor enrolled in school who is alleged to have committed an offense on school  
7178 property where the student is enrolled:
    - 7179 (i) when school is in session; or
    - 7180 (ii) during a school-sponsored activity.
- 7181 (3) If a minor is alleged to have committed an offense on school property that is a class C  
7182 misdemeanor, an infraction, or a status offense, or a minor is alleged to be a habitual  
7183 truant, the school administrator, the school administrator's designee, or a school resource  
7184 officer shall refer the minor:
- 7185 (a) to an evidence-based alternative intervention, including:
    - 7186 (i) a mobile crisis outreach team;
    - 7187 (ii) a youth services center, as defined in Section 80-5-102;
    - 7188 (iii) a certified youth court, as defined in Section 80-6-901, or comparable restorative  
7189 justice program;
    - 7190 (iv) an evidence-based alternative intervention created and developed by the school  
7191 or school district;

- 7192 (v) an evidence-based alternative intervention that is jointly created and developed by  
 7193 a local education agency, the state board, the juvenile court, local counties and  
 7194 municipalities, the Department of Health and Human Services;
- 7195 (vi) a tobacco cessation or education program if the offense is a violation of Section [  
 7196 ~~76-10-105~~] 76-9-1106; or
- 7197 (vii) truancy mediation; or
- 7198 (b) for prevention and early intervention youth services, as described in Section 80-5-201,  
 7199 by the Division of Juvenile Justice and Youth Services if the minor refuses to  
 7200 participate in an evidence-based alternative intervention described in Subsection  
 7201 (3)(a).
- 7202 (4) Except as provided in Subsection (6), if a minor is alleged to have committed an offense  
 7203 on school property that is a class C misdemeanor, an infraction, or a status offense, a  
 7204 school administrator, the school administrator's designee, or a school resource officer  
 7205 may refer a minor to a law enforcement officer or agency or a court only if:
- 7206 (a) the minor allegedly committed an offense on school property on a previous occasion;  
 7207 and
- 7208 (b) the minor was referred to an evidence-based alternative intervention, or to prevention  
 7209 or early intervention youth services, as described in Subsection (3) for the previous  
 7210 offense.
- 7211 (5) If a minor is alleged to be a habitual truant, a school administrator, the school  
 7212 administrator's designee, or a school resource officer may only refer the minor to a law  
 7213 enforcement officer or agency or a court if:
- 7214 (a) the minor was previously alleged of being a habitual truant at least twice during the  
 7215 same school year; and
- 7216 (b) the minor was referred to an evidence-based alternative intervention, or for  
 7217 prevention and early intervention youth services, as described in Subsection (3) for at  
 7218 least two of the previous habitual trancies.
- 7219 (6) If a minor is alleged to have committed a traffic offense that is an infraction, a school  
 7220 administrator, the school administrator's designee, or a school resource officer may refer  
 7221 the minor to a law enforcement officer or agency, a prosecuting attorney, or a court for  
 7222 the traffic offense.
- 7223 (7) Notwithstanding Subsections (4) and (5), a school resource officer may:
- 7224 (a) investigate possible criminal offenses and conduct, including conducting probable  
 7225 cause searches;

- 7226 (b) consult with school administration about the conduct of a minor enrolled in a school;  
7227 (c) transport a minor enrolled in a school to a location if the location is permitted by law;  
7228 (d) take temporary custody of a minor in accordance with Section 80-6-201; or  
7229 (e) protect the safety of students and the school community, including the use of  
7230 reasonable and necessary physical force when appropriate based on the totality of the  
7231 circumstances.
- 7232 (8)(a) If a minor is referred to a court or a law enforcement officer or agency under  
7233 Subsection (4) or (5), the school or the school district shall appoint a school  
7234 representative to continue to engage with the minor and the minor's family through  
7235 the court process.
- 7236 (b) A school representative appointed under Subsection (8)(a) may not be a school  
7237 resource officer.
- 7238 (c) A school district or school shall include the following in the school district's or  
7239 school's referral to the court or the law enforcement officer or agency:
- 7240 (i) attendance records for the minor;  
7241 (ii) a report of evidence-based alternative interventions used by the school before the  
7242 referral, including outcomes;  
7243 (iii) the name and contact information of the school representative assigned to  
7244 actively participate in the court process with the minor and the minor's family;  
7245 (iv) if the minor was referred to prevention or early intervention youth services under  
7246 Subsection (3)(b), a report from the Division of Juvenile Justice and Youth  
7247 Services that demonstrates the minor's failure to complete or participate in  
7248 prevention and early intervention youth services under Subsection (3)(b); and  
7249 (v) any other information that the school district or school considers relevant.
- 7250 (d) A minor referred to a court under Subsection (4) or (5) may not be ordered to or  
7251 placed in secure detention, including for a contempt charge or violation of a valid  
7252 court order under Section 78A-6-353:
- 7253 (i) when the underlying offense is a status offense or infraction; or  
7254 (ii) for being a habitual truant.
- 7255 (e) If a minor is referred to a court under Subsection (4) or (5), the court may use, when  
7256 available, the resources of the Division of Juvenile Justice and Youth Services or the  
7257 Office of Substance Use and Mental Health to address the minor.
- 7258 (9) If a minor is alleged to have committed an offense on school property that is a class B  
7259 misdemeanor or a class A misdemeanor, the school administrator, the school

- 7260 administrator's designee, or a school resource officer may refer the minor directly to a  
7261 court or to the evidence-based alternative interventions in Subsection (3)(a).
- 7262 (10) A school administrator, a school administrator's designee, and a school resource officer  
7263 retain the discretion described under this section in relation to Title 63G, Chapter 31,  
7264 Distinctions on the Basis of Sex.
- 7265 Section 106. Section **53G-8-701.8** is amended to read:
- 7266 **53G-8-701.8 (Effective 05/07/25). School safety and security director.**
- 7267 (1) Except as provided in Subsection 53G-8-701.5(3), an LEA shall designate a school  
7268 safety and security director as the LEA point of contact for the county security chief,  
7269 local law enforcement, and the state security chief.
- 7270 (2) A school safety and security director shall:
- 7271 (a) participate in and satisfy the training requirements, including the annual and biannual  
7272 requirements, described in:
- 7273 (i) Section 53-22-105 for school guardians;
- 7274 (ii) Section 53G-8-702 for school resource officers; and
- 7275 (iii) Section 53G-8-704 for armed school security guards;
- 7276 (b) have a valid concealed carry permit issued under Title 53, Chapter 5, Part 7,  
7277 Concealed Firearm Act;
- 7278 (c) if the designee is an employee of an LEA, participate on the multidisciplinary team  
7279 the LEA establishes;
- 7280 (d) coordinate security responses among, if applicable, the following individuals in the  
7281 LEA that employs the school safety and security director:
- 7282 (i) school safety and security specialists;
- 7283 (ii) school resource officers;
- 7284 (iii) armed school security guards; and
- 7285 (iv) school guardians; and
- 7286 (e) collaborate and maintain effective communications with local law enforcement, a  
7287 county security chief, the LEA, and school-based behavioral and mental health  
7288 professionals to ensure adherence with all policies, procedures, protocols, rules, and  
7289 regulations relating to school safety and security.
- 7290 (3) A school safety and security director:
- 7291 (a) does not have authority to act in a law enforcement capacity; and
- 7292 (b) may, at the LEA that employs the director:
- 7293 (i) take actions necessary to prevent or abate an active threat;

7294 (ii) temporarily detain an individual when the school safety and security director has  
 7295 reasonable cause to believe the individual has committed or is about to commit a  
 7296 forcible felony, as that term is defined in Section 76-2-402;

7297 (4) Notwithstanding Subsection [~~76-10-505.5(4)~~] 76-11-204(4), if a school safety and  
 7298 security director is carrying a firearm, the school safety and security director shall carry  
 7299 the school safety and security director's firearm in a concealed manner and may not,  
 7300 unless during an active threat, display or open carry a firearm while on school grounds.

7301 (5) A school may use the services of the school safety and security director on a temporary  
 7302 basis to satisfy the school safety personnel requirement of Subsection 53G-8-701.5(2).

7303 (6) The state security chief shall:

7304 (a) for each school safety and security director, track each school safety and security  
 7305 director by collecting the photograph and the name and contact information for each  
 7306 school safety and security director; and

7307 (b) make the information described in Subsection (6)(a) readily available to each law  
 7308 enforcement agency in the state categorized by LEA.

7309 Section 107. Section **53G-10-103** is amended to read:

7310 **53G-10-103 (Effective 05/07/25). Sensitive instructional materials.**

7311 (1) As used in this section:

7312 (a)(i) "Instructional material" means a material, regardless of format, used:

7313 (A) as or in place of textbooks to deliver curriculum within the state curriculum  
 7314 framework for courses of study by students; or

7315 (B) to support a student's learning in any school setting.

7316 (ii) "Instructional material" includes reading materials, handouts, videos, digital  
 7317 materials, websites, online applications, and live presentations.

7318 (iii) "Instructional material" does not mean exclusively library materials.

7319 (b) "LEA governing board" means:

7320 (i) for a school district, the local school board;

7321 (ii) for a charter school, the charter school governing board; or

7322 (iii) for the Utah Schools for the Deaf and the Blind, the state board.

7323 (c) "Material" means the same as that term is defined in Section [~~76-10-1201~~] 76-5c-101.

7324 (d) "Minor" means any person less than 18 years old.

7325 (e) "Objective sensitive material" means an instructional material that constitutes

7326 pornographic or indecent material, as that term is defined in Section [~~76-10-1235~~]

7327 76-5c-208, under the non-discretionary standards described in [Subsection



- 7328 ~~76-10-1227(1)(a)(i), (ii), or (iii)] Subsections 76-5c-207(1)(a)(i)(A), (B), or (C).~~
- 7329 (f) "Public school" means:
- 7330 (i) a district school;
- 7331 (ii) a charter school; or
- 7332 (iii) the Utah Schools for the Deaf and the Blind.
- 7333 (g)(i) "School setting" means, for a public school:
- 7334 (A) in a classroom;
- 7335 (B) in a school library; or
- 7336 (C) on school property.
- 7337 (ii) "School setting" includes the following activities that an organization or
- 7338 individual or organization outside of a public school conducts, if a public school
- 7339 or an LEA sponsors or requires the activity:
- 7340 (A) an assembly;
- 7341 (B) a guest lecture;
- 7342 (C) a live presentation; or
- 7343 (D) an event.
- 7344 (h)(i) "Sensitive material" means an instructional material that constitutes objective
- 7345 sensitive material or subjective sensitive material.
- 7346 (ii) "Sensitive material" does not include an instructional material:
- 7347 (A) that an LEA selects under Section 53G-10-402;
- 7348 (B) for a concurrent enrollment course that contains sensitive material and for
- 7349 which a parent receives notice from the course provider of the material before
- 7350 enrollment of the parent's child and gives the parent's consent by enrolling the
- 7351 parent's child;
- 7352 (C) for medical courses;
- 7353 (D) for family and consumer science courses; or
- 7354 (E) for another course the state board exempts in state board rule.
- 7355 (iii) "Subjective sensitive material" means an instructional material that constitutes
- 7356 pornographic or indecent material, as that term is defined in Section ~~[76-10-1235]~~
- 7357 76-5c-208, under the following factor-balancing standards:
- 7358 (A) material that is harmful to minors under Section ~~[76-10-1201]~~ 76-5c-101;
- 7359 (B) material that is pornographic under Section ~~[76-10-1203]~~ 76-5c-101; or
- 7360 (C) material that includes certain fondling or other erotic touching under
- 7361 Subsection ~~[76-10-1227(1)(a)(iv)]~~ 76-5c-207(1)(a)(i)(D).

- 7362 (2)(a) Sensitive materials are prohibited in the school setting.
- 7363 (b) A public school or an LEA may not:
- 7364 (i) adopt, use, distribute, provide a student access to, or maintain in the school setting,
- 7365 sensitive materials; or
- 7366 (ii) permit a speaker or presenter in the school setting to display or distribute
- 7367 sensitive materials.
- 7368 (c) In evaluating, selecting, or otherwise considering action related to a given
- 7369 instructional material under this section, each public school and each LEA shall
- 7370 prioritize protecting children from the harmful effects of illicit pornography over
- 7371 other considerations in evaluating instructional material.
- 7372 (d) If an instructional material constitutes objective sensitive material:
- 7373 (i) a public school or an LEA is not required to engage in a review under a subjective
- 7374 sensitive material standard; and
- 7375 (ii) the outcome of a subjective sensitive material evaluation has no bearing on the
- 7376 non-discretionary objective sensitive material conclusion.
- 7377 (3)(a) Except as provided in Subsection (3)(b), the following individuals may initiate a
- 7378 sensitive material review under this section:
- 7379 (i) an employee of the relevant LEA;
- 7380 (ii) a student who is enrolled in the relevant LEA;
- 7381 (iii) a parent of a child who is enrolled in the relevant LEA; or
- 7382 (iv) a member of the relevant LEA governing board.
- 7383 (b)(i) As used in this Subsection (3)(b), "unsuccessful challenge" means an
- 7384 allegation that a given instructional material constitutes sensitive material that the
- 7385 LEA concludes to be erroneous, either on direct review or on appeal to the LEA
- 7386 governing board, resulting in the retention of the given instructional material.
- 7387 (ii) Notwithstanding Subsection (3)(a), after an individual makes three unsuccessful
- 7388 challenges during a given academic year, the individual may not trigger a
- 7389 sensitive material review under this section during the remainder of the given
- 7390 academic year.
- 7391 (4) Upon receipt of an allegation from an individual described in Subsection (3)(a), an LEA
- 7392 shall:
- 7393 (a)(i) make an initial determination as to whether the allegation presents a plausible
- 7394 claim that the challenged instructional material constitutes sensitive material,
- 7395 including whether the allegation includes excerpts and other evidence to support

- 7396 the allegation; and
- 7397 (ii) if the LEA determines that the allegation presents a plausible claim that the
- 7398 challenged instructional material constitutes sensitive material under Subsection
- 7399 (4)(a)(i), immediately remove the challenged material from any school setting that
- 7400 provides student access to the challenged material until the LEA completes the
- 7401 LEA's full review of the challenged material under this section;
- 7402 (b)(i) engage in a review of the allegations and the challenged instructional material
- 7403 using the objective sensitive material standards; and
- 7404 (ii) if the LEA makes a determination that the challenged instructional material
- 7405 constitutes objective sensitive material, ensure that the material remains
- 7406 inaccessible to students in any school setting;
- 7407 (c) only if the LEA makes a determination that the challenged instructional material
- 7408 does not constitute objective sensitive material:
- 7409 (i) review the allegations and the challenged instructional material under the
- 7410 subjective material standards, ensuring that the review includes parents who are
- 7411 reflective of the members of the school's community when determining if an
- 7412 instructional material is subjective sensitive material;
- 7413 (ii) allow student access to the challenged instructional material during the LEA's
- 7414 subjective sensitive material review if the student's parent gives consent regarding
- 7415 the specific challenged instructional material; and
- 7416 (iii) if the LEA makes a determination that the challenged instructional material
- 7417 constitutes subjective sensitive material, ensure that the material is inaccessible to
- 7418 students in any school setting, including the termination of the parent consent
- 7419 option described in Subsection (4)(c)(ii); and
- 7420 (d) communicate to the state board the allegation and the LEA's final determination
- 7421 regarding the allegation and the challenged instructional material.
- 7422 (5)(a) An individual described in Subsection (3)(a) may appeal an LEA's decision
- 7423 regarding a sensitive material review, regardless of whether the LEA removed or
- 7424 retained the challenged instructional material, to the LEA governing board.
- 7425 (b) An LEA governing board shall vote in a public board meeting to decide the outcome
- 7426 of a sensitive material review appeal, clearly identifying:
- 7427 (i) the board's rationale for the decision; and
- 7428 (ii) the board's determination on each component of the statutory and any additional
- 7429 policy standards the board uses to reach the board's conclusions.

- 7430 (6) An LEA governing board may not enact rules or policies that prevent the LEA  
7431 governing board from:
- 7432 (a) revisiting a previous decision;
- 7433 (b) reviewing a recommendation of LEA personnel or a parent-related committee  
7434 regarding a challenged instructional material; or
- 7435 (c) reconsidering a challenged instructional material if the LEA governing board  
7436 receives additional information regarding the material.
- 7437 (7)(a) Except as provided in Subsection (7)(d), if the threshold described in Subsection  
7438 (7)(b) is met, each LEA statewide shall remove the relevant instructional material  
7439 from student access.
- 7440 (b) The requirement described in Subsection (7)(a) to remove a given material from  
7441 student access applies if the following number of LEAs makes a determination that a  
7442 given instructional material constitutes objective sensitive material:
- 7443 (i) at least three school districts; or
- 7444 (ii) at least two school districts and five charter schools.
- 7445 (c) The state board shall:
- 7446 (i) aggregate allegations and LEA determinations described in Subsection (4)(d); and  
7447 (ii) no later than 10 school days after the day on which the condition described in  
7448 Subsection (7)(b) occurs, communicate to all LEAs the application of the  
7449 requirement described in Subsection (7)(a) to remove the material from student  
7450 access.
- 7451 (d)(i) When the threshold described in Subsection (7)(b) is met for a given  
7452 instructional material, in addition to making the communication described in  
7453 Subsection (7)(c), the state board may:
- 7454 (A) place the material on the agenda of a public board meeting within 60 days  
7455 after the day on which the state board makes the communication to LEAs  
7456 under Subsection (7)(c); and
- 7457 (B) at the specified state board meeting, vote to overturn the application of the  
7458 requirement described in Subsection (7)(a) to remove a given material from  
7459 student access statewide.
- 7460 (ii) If the state board votes to overturn the application of the statewide removal  
7461 requirement described in Subsection (7)(a) under Subsection (7)(d)(i):
- 7462 (A) the statewide removal requirement described in Subsection (7)(a) no longer  
7463 applies;

- 7464 (B) an LEA may choose to return the given material to student access; and  
 7465 (C) nothing affects the findings of an LEA governing board regarding removal of  
 7466 the given material within the board's LEA.
- 7467 (e) This Subsection (7) applies to sensitive materials that LEAs remove from student  
 7468 access, regardless of whether:
- 7469 (i) the sensitive material determinations occur in the same academic year; or  
 7470 (ii) a sensitive material determination occurred before July 1, 2024.
- 7471 (8) The state board shall:
- 7472 (a) in consultation with the Office of the Attorney General, provide guidance and  
 7473 training to support public schools in identifying instructional materials that meet the  
 7474 definition of sensitive materials under this section;
- 7475 (b) establish a process through which an individual described in Subsection (3)(a) may  
 7476 report to the state board an allegation that an LEA is out of compliance with this  
 7477 section; and
- 7478 (c) annually report to the Education Interim Committee, at or before the November  
 7479 interim meeting, on implementation and compliance with this section, including:
- 7480 (i) any policy the state board or an LEA adopts to implement or comply with this  
 7481 section;
- 7482 (ii) any rule the state board makes to implement or comply with this section; and  
 7483 (iii) any complaints an LEA or the state board receives regarding a violation of this  
 7484 section, including:
- 7485 (A) action taken in response to a complaint described in this Subsection (8)(c)(iii);  
 7486 (B) if an LEA retains an instructional material for which the LEA or the state  
 7487 board receives a complaint, the LEA's rationale for retaining the instructional  
 7488 material; and
- 7489 (C) compliance failures that the state board identifies through the reporting  
 7490 process described in Subsection (8)(b) and other investigations or research.
- 7491 (9) The state shall defend, indemnify, and hold harmless a person acting under color of state  
 7492 law to enforce this section for any claims or damages, including court costs and attorney  
 7493 fees, that:
- 7494 (a) a person brings or incurs as a result of this section; and  
 7495 (b) is not covered by the person's insurance policies or any coverage agreement that the  
 7496 State Risk Management Fund issues.
- 7497 (10) Subject to prioritization of the Audit Subcommittee created in Section 36-12-8, the

- 7498 Office of the Legislative Auditor General shall:
- 7499 (a) conduct an audit of each school district's compliance with this section, ensuring the  
7500 completion of all school district audits before November 2028; and
- 7501 (b) annually report to the Education Interim Committee regarding completed sensitive  
7502 material audits under this Subsection (10).
- 7503 Section 108. Section **57-22-5.1** is amended to read:
- 7504 **57-22-5.1 (Effective 05/07/25). Crime victim's right to new locks -- Domestic**  
7505 **violence victim's right to terminate rental agreement -- Limits an owner relating to**  
7506 **assistance from public safety agency.**
- 7507 (1) As used in this section:
- 7508 (a)(i) "Court order" means, except as provided in Subsection (1)(a)(ii):
- 7509 (A) a civil protective order, as defined in Section 78B-7-102;
- 7510 (B) a civil stalking injunction, as defined in Section 78B-7-102;
- 7511 (C) a criminal protective order, as defined in Section 78B-7-102; or
- 7512 (D) a criminal stalking injunction, as defined in Section 78B-7-102.
- 7513 (ii) "Court order" does not include:
- 7514 (A) an ex parte civil protective order, as defined in Section 78B-7-102; or
- 7515 (B) an ex parte civil stalking injunction, as defined in Section 78B-7-102, for  
7516 which a hearing is requested.
- 7517 (b) "Crime victim" means a victim of:
- 7518 (i) domestic violence, as defined in Section 77-36-1;
- 7519 (ii) stalking, as defined in Section 76-5-106.5;
- 7520 (iii) [~~a crime~~] an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, not  
7521 including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420;
- 7522 (iv) burglary or aggravated burglary under Section 76-6-202 or 76-6-203; or
- 7523 (v) dating violence, as defined in Section 78B-7-102.
- 7524 (c) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 7525 (d) "Financial obligation" means any rent, fees, damages, or other costs owed by a renter.
- 7526 (e)(i) "Future obligations" means a renter's obligations under the rental agreement  
7527 after the date on which the renter vacates the residential rental unit in accordance  
7528 with Subsection (6).
- 7529 (ii) "Future obligations" includes:
- 7530 (A) the payment of rent and fees for the residential rental unit; and
- 7531 (B) the right to occupy the residential rental unit.

- 7532 (f) "Public safety agency" means a governmental entity that provides fire protection, law  
7533 enforcement, ambulance, medical, or similar service.
- 7534 (g) "Victim of domestic violence" means the same as the term "victim" in Section  
7535 77-36-1.
- 7536 (h) "Termination fee" means the equivalent of one month of rent under the rental  
7537 agreement.
- 7538 (2) An acceptable form of documentation of an act listed in Subsection (1) is:
- 7539 (a) a protective order protecting the renter issued pursuant to Title 78B, Chapter 7, Part  
7540 6, Cohabitant Abuse Protective Orders, subsequent to a hearing of which the  
7541 petitioner and respondent have been given notice under Title 78B, Chapter 7, Part 6,  
7542 Cohabitant Abuse Protective Orders; or
- 7543 (b) a copy of a police report documenting an act listed in Subsection (1).
- 7544 (3)(a) A renter who is a crime victim may require the renter's owner to install a new  
7545 lock to the renter's residential rental unit if the renter:
- 7546 (i) provides the owner with an acceptable form of documentation of an act listed in  
7547 Subsection (1); and
- 7548 (ii) pays for the cost of installing the new lock.
- 7549 (b) An owner may comply with Subsection (3)(a) by:
- 7550 (i) rekeying the lock if the lock is in good working condition; or
- 7551 (ii) changing the entire locking mechanism with a locking mechanism of equal or  
7552 greater quality than the lock being replaced.
- 7553 (c) An owner who installs a new lock under Subsection (3)(a) may retain a copy of the  
7554 key that opens the new lock.
- 7555 (d) Notwithstanding any rental agreement, an owner who installs a new lock under  
7556 Subsection (3)(a) shall refuse to provide a copy of the key that opens the new lock to  
7557 the perpetrator of the act listed in Subsection (1).
- 7558 (e) Notwithstanding Section 78B-6-814, if an owner refuses to provide a copy of the key  
7559 under Subsection (3)(d) to a perpetrator who is not barred from the residential rental  
7560 unit by a protective order but is a renter on the rental agreement, the perpetrator may  
7561 file a petition with a court of competent jurisdiction within 30 days to:
- 7562 (i) establish whether the perpetrator should be given a key and allowed access to the  
7563 residential rental unit; or
- 7564 (ii) whether the perpetrator should be relieved of further liability under the rental  
7565 agreement because of the owner's exclusion of the perpetrator from the residential

- 7566 rental unit.
- 7567 (f) Notwithstanding Subsection (3)(e)(ii), a perpetrator may not be relieved of further  
7568 liability under the rental agreement if the perpetrator is found by the court to have  
7569 committed the act upon which the landlord's exclusion of the perpetrator is based.
- 7570 (4) A renter who is a victim of domestic violence may terminate all of the renter's future  
7571 obligations under a rental agreement if the renter:
- 7572 (a) except as provided in Subsection (5), is in compliance with all obligations under the  
7573 rental agreement, including the requirements of Section 57-22-5;
- 7574 (b) provides the owner with:
- 7575 (i) a court order protecting the renter from a domestic violence perpetrator; or  
7576 (ii) a copy of a police report documenting that the renter is a victim of domestic  
7577 violence and is not the predominant aggressor under Subsection 77-36-2.2(3);
- 7578 (c) provides the owner with a written notice of termination that includes the date on  
7579 which the renter intends to vacate the renter's residential rental unit; and
- 7580 (d) pays the owner a termination fee on the later of the day on which:
- 7581 (i) the renter provides the owner with a written notice of termination; or  
7582 (ii) the renter vacates the renter's residential rental unit.
- 7583 (5) A renter may terminate all of the renter's future obligations under a rental agreement  
7584 under Subsection (4) when the renter is not in compliance with the requirements of  
7585 Subsection 57-22-5(1)(g) or (2) if:
- 7586 (a) the renter provides evidence to the owner with the written notice of termination  
7587 under Subsection (4)(c) establishing that:
- 7588 (i) the noncompliance with Subsection 57-22-5(1)(g) or (2) occurred less than 30  
7589 days before the day on which the renter provided the written notice of termination  
7590 to the owner; and
- 7591 (ii) the noncompliance with Subsection 57-22-5(1)(g) or (2) is due to domestic  
7592 violence;
- 7593 (b) the renter is in compliance with all obligations of the rental agreement, except for the  
7594 noncompliance described in Subsection (5)(a); and
- 7595 (c) the renter complies with Subsections (4)(b), (c), and (d).
- 7596 (6) If a renter provides an owner with a written notice of termination under Subsection  
7597 (4)(c), the renter shall:
- 7598 (a) vacate the renter's residential rental unit within 15 days after the day on which the  
7599 written notice of termination is provided to the owner; and



- 7600 (b) pay rent for any occupation of the residential rental unit during that 15-day time  
7601 period.
- 7602 (7) A renter may not terminate all of the renter's future obligations under a rental agreement  
7603 under Subsection (4) after a notice of eviction is served on the renter.
- 7604 (8) A renter who terminates all of the renter's future obligations under a rental agreement  
7605 under Subsection (4) is liable for any financial obligation owed by the renter:
- 7606 (a) before the renter provided the owner with the written notice of termination under  
7607 Subsection (4)(c);
- 7608 (b) for any noncompliance with Subsection 57-22-5(1)(g) or (2) as described in  
7609 Subsection (5); and
- 7610 (c) for any occupancy of the residential rental unit by the renter during the 15-day time  
7611 period described in Subsection (6).
- 7612 (9) The termination of a renter's future obligations under a rental agreement does not  
7613 terminate the rental agreement for any other person entitled under the rental agreement  
7614 to occupy the residential rental unit.
- 7615 (10) An owner may not:
- 7616 (a) impose a restriction on a renter's ability to request assistance from a public safety  
7617 agency; or
- 7618 (b) penalize or evict a renter because the renter makes reasonable requests for assistance  
7619 from a public safety agency.
- 7620 Section 109. Section **58-37-8** is amended to read:
- 7621 **58-37-8 (Effective 05/07/25). Prohibited acts -- Penalties.**
- 7622 (1) Prohibited acts A -- Penalties and reporting:
- 7623 (a) Except as authorized by this chapter, it is unlawful for a person to knowingly and  
7624 intentionally:
- 7625 (i) produce, manufacture, or dispense, or to possess with intent to produce,  
7626 manufacture, or dispense, a controlled or counterfeit substance;
- 7627 (ii) distribute a controlled or counterfeit substance, or to agree, consent, offer, or  
7628 arrange to distribute a controlled or counterfeit substance;
- 7629 (iii) possess a controlled or counterfeit substance with intent to distribute; or
- 7630 (iv) engage in a continuing criminal enterprise where:
- 7631 (A) the person participates, directs, or engages in conduct that results in a  
7632 violation of this chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter  
7633 37b, Imitation Controlled Substances Act, Chapter 37c, Utah Controlled

- 7634 Substance Precursor Act, or Chapter 37d, Clandestine Drug Lab Act, that is a  
7635 felony; and
- 7636 (B) the violation is a part of a continuing series of two or more violations of this  
7637 chapter, Chapter 37a, Utah Drug Paraphernalia Act, Chapter 37b, Imitation  
7638 Controlled Substances Act, Chapter 37c, Utah Controlled Substance Precursor  
7639 Act, or Chapter 37d, Clandestine Drug Lab Act, on separate occasions that are  
7640 undertaken in concert with five or more persons with respect to whom the  
7641 person occupies a position of organizer, supervisor, or any other position of  
7642 management.
- 7643 (b) A person convicted of violating Subsection (1)(a) with respect to:
- 7644 (i) a substance or a counterfeit of a substance classified in Schedule I or II, a  
7645 controlled substance analog, or gammahydroxybutyric acid as listed in Schedule  
7646 III is guilty of a second degree felony, punishable by imprisonment for not more  
7647 than 15 years, and upon a second or subsequent conviction is guilty of a first  
7648 degree felony;
- 7649 (ii) a substance or a counterfeit of a substance classified in Schedule III or IV, or  
7650 marijuana, or a substance listed in Section 58-37-4.2 is guilty of a third degree  
7651 felony, and upon a second or subsequent conviction is guilty of a second degree  
7652 felony; or
- 7653 (iii) a substance or a counterfeit of a substance classified in Schedule V is guilty of a  
7654 class A misdemeanor and upon a second or subsequent conviction is guilty of a  
7655 third degree felony.
- 7656 (c)(i) Except as provided in Subsection (1)(c)(ii), a person who has been convicted  
7657 of a violation of Subsection (1)(a)(ii) or (iii) may be sentenced to imprisonment  
7658 for an indeterminate term as described in Subsection (1)(b) and Title 76, Chapter  
7659 3, Punishments.
- 7660 (ii) The court shall impose an indeterminate prison term for a person who has been  
7661 convicted of a violation of Subsection (1)(a)(ii) or (iii) that is a first degree felony  
7662 or a second degree felony if the trier of fact finds beyond a reasonable doubt that,  
7663 during the commission or furtherance of the violation, the person intentionally or  
7664 knowingly:
- 7665 (A) used, drew, or exhibited a dangerous weapon, as that term is defined in  
7666 Section ~~[76-10-501]~~ 76-11-101, that is not a firearm, in an angry, threatening,  
7667 intimidating, or coercive manner;

- 7668 (B) used a firearm, as that term is defined in Section 76-11-101, or had a firearm  
 7669 readily accessible for immediate use, as [~~those terms are~~] that term is defined in  
 7670 Section [~~76-10-501~~] 76-11-201; or
- 7671 (C) distributed a firearm, as that term is defined in Section [~~76-10-501~~] 76-11-101,  
 7672 or possessed a firearm with intent to distribute the firearm.
- 7673 (iii) Notwithstanding Subsection (1)(c)(ii), a court may suspend the indeterminate  
 7674 prison term for a person convicted under Subsection (1)(c)(ii) if the court:
- 7675 (A) details on the record the reasons why it is in the interests of justice not to  
 7676 impose the indeterminate prison term;
- 7677 (B) makes a finding on the record that the person does not pose a significant  
 7678 safety risk to the public; and
- 7679 (C) orders the person to complete the terms and conditions of supervised  
 7680 probation provided by the Department of Corrections.
- 7681 (d)(i) A person convicted of violating Subsection (1)(a)(iv) is guilty of a first degree  
 7682 felony punishable by imprisonment for an indeterminate term of not less than:
- 7683 (A) seven years and which may be for life; or
- 7684 (B) 15 years and which may be for life if the trier of fact determined that the  
 7685 defendant knew or reasonably should have known that any subordinate under  
 7686 Subsection (1)(a)(iv)(B) was under 18 years old.
- 7687 (ii) Imposition or execution of the sentence may not be suspended, and the person is  
 7688 not eligible for probation.
- 7689 (iii) Subsection (1)(d)(i)(B) does not apply to any defendant who, at the time of the  
 7690 offense, was under 18 years old.
- 7691 (e) The Administrative Office of the Courts shall report to the Division of Professional  
 7692 Licensing the name, case number, date of conviction, and if known, the date of birth  
 7693 of each person convicted of violating Subsection (1)(a).
- 7694 (2) Prohibited acts B -- Penalties and reporting:
- 7695 (a) It is unlawful:
- 7696 (i) for a person knowingly and intentionally to possess or use a controlled substance  
 7697 analog or a controlled substance, unless it was obtained under a valid prescription  
 7698 or order, directly from a practitioner while acting in the course of the person's  
 7699 professional practice, or as otherwise authorized by this chapter;
- 7700 (ii) for an owner, tenant, licensee, or person in control of a building, room, tenement,  
 7701 vehicle, boat, aircraft, or other place knowingly and intentionally to permit them

- 7702 to be occupied by persons unlawfully possessing, using, or distributing controlled  
7703 substances in any of those locations; or
- 7704 (iii) for a person knowingly and intentionally to possess an altered or forged  
7705 prescription or written order for a controlled substance.
- 7706 (b) A person convicted of violating Subsection (2)(a)(i) with respect to:
- 7707 (i) marijuana, if the amount is 100 pounds or more, is guilty of a second degree  
7708 felony; or
- 7709 (ii) a substance classified in Schedule I or II, or a controlled substance analog, is  
7710 guilty of a class A misdemeanor on a first or second conviction, and on a third or  
7711 subsequent conviction if each prior offense was committed within seven years  
7712 before the date of the offense upon which the current conviction is based is guilty  
7713 of a third degree felony.
- 7714 (c) Upon a person's conviction of a violation of this Subsection (2) subsequent to a  
7715 conviction under Subsection (1)(a), that person shall be sentenced to a one degree  
7716 greater penalty than provided in this Subsection (2).
- 7717 (d) A person who violates Subsection (2)(a)(i) with respect to all other controlled  
7718 substances not included in Subsection (2)(b)(i) or (ii), including a substance listed in  
7719 Section 58-37-4.2, or marijuana, is guilty of a class B misdemeanor.
- 7720 (i) Upon a third conviction the person is guilty of a class A misdemeanor, if each  
7721 prior offense was committed within seven years before the date of the offense  
7722 upon which the current conviction is based.
- 7723 (ii) Upon a fourth or subsequent conviction the person is guilty of a third degree  
7724 felony if each prior offense was committed within seven years before the date of  
7725 the offense upon which the current conviction is based.
- 7726 (e) A person convicted of violating Subsection (2)(a)(i) while inside the exterior  
7727 boundaries of property occupied by a correctional facility as defined in Section  
7728 64-13-1 or a public jail or other place of confinement shall be sentenced to a penalty  
7729 one degree greater than provided in Subsection (2)(b), and if the conviction is with  
7730 respect to controlled substances as listed in:
- 7731 (i) Subsection (2)(b), the person may be sentenced to imprisonment for an  
7732 indeterminate term as provided by law, and:
- 7733 (A) the court shall additionally sentence the person convicted to a term of one year  
7734 to run consecutively and not concurrently; and
- 7735 (B) the court may additionally sentence the person convicted for an indeterminate

- 7736 term not to exceed five years to run consecutively and not concurrently; and
- 7737 (ii) Subsection (2)(d), the person may be sentenced to imprisonment for an
- 7738 indeterminate term as provided by law, and the court shall additionally sentence
- 7739 the person convicted to a term of six months to run consecutively and not
- 7740 concurrently.
- 7741 (f) A person convicted of violating Subsection (2)(a)(ii) or (iii) is:
- 7742 (i) on a first conviction, guilty of a class B misdemeanor;
- 7743 (ii) on a second conviction, guilty of a class A misdemeanor; and
- 7744 (iii) on a third or subsequent conviction, guilty of a third degree felony.
- 7745 (g) The Administrative Office of the Courts shall report to the Division of Professional
- 7746 Licensing the name, case number, date of conviction, and if known, the date of birth
- 7747 of each person convicted of violating Subsection (2)(a).
- 7748 (3) Prohibited acts C -- Penalties:
- 7749 (a) It is unlawful for a person knowingly and intentionally:
- 7750 (i) to use in the course of the manufacture or distribution of a controlled substance a
- 7751 license number which is fictitious, revoked, suspended, or issued to another
- 7752 person or, for the purpose of obtaining a controlled substance, to assume the title
- 7753 of, or represent oneself to be, a manufacturer, wholesaler, apothecary, physician,
- 7754 dentist, veterinarian, or other authorized person;
- 7755 (ii) to acquire or obtain possession of, to procure or attempt to procure the
- 7756 administration of, to obtain a prescription for, to prescribe or dispense to a person
- 7757 known to be attempting to acquire or obtain possession of, or to procure the
- 7758 administration of a controlled substance by misrepresentation or failure by the
- 7759 person to disclose receiving a controlled substance from another source, fraud,
- 7760 forgery, deception, subterfuge, alteration of a prescription or written order for a
- 7761 controlled substance, or the use of a false name or address;
- 7762 (iii) to make a false or forged prescription or written order for a controlled substance,
- 7763 or to utter the same, or to alter a prescription or written order issued or written
- 7764 under the terms of this chapter; or
- 7765 (iv) to make, distribute, or possess a punch, die, plate, stone, or other thing designed
- 7766 to print, imprint, or reproduce the trademark, trade name, or other identifying
- 7767 mark, imprint, or device of another or any likeness of any of the foregoing upon
- 7768 any drug or container or labeling so as to render a drug a counterfeit controlled
- 7769 substance.

- 7770 (b)(i) A first or second conviction under Subsection (3)(a)(i), (ii), or (iii) is a class A  
7771 misdemeanor.
- 7772 (ii) A third or subsequent conviction under Subsection (3)(a)(i), (ii), or (iii) is a third  
7773 degree felony.
- 7774 (c) A violation of Subsection (3)(a)(iv) is a third degree felony.
- 7775 (4) Prohibited acts D -- Penalties:
- 7776 (a) Notwithstanding other provisions of this section, a person not authorized under this  
7777 chapter who commits any act that is unlawful under Subsection (1)(a) or Section  
7778 58-37b-4 is upon conviction subject to the penalties and classifications under this  
7779 Subsection (4) if the trier of fact finds the act is committed:
- 7780 (i) in a public or private elementary or secondary school or on the grounds of any of  
7781 those schools during the hours of 6 a.m. through 10 p.m.;
- 7782 (ii) in a public or private vocational school or postsecondary institution or on the  
7783 grounds of any of those schools or institutions during the hours of 6 a.m. through  
7784 10 p.m.;
- 7785 (iii) in or on the grounds of a preschool or child-care facility during the preschool's or  
7786 facility's hours of operation;
- 7787 (iv) in a public park, amusement park, arcade, or recreation center when the public or  
7788 amusement park, arcade, or recreation center is open to the public;
- 7789 (v) in or on the grounds of a house of worship as defined in Section ~~[76-10-501]~~  
7790 76-11-201;
- 7791 (vi) in or on the grounds of a library when the library is open to the public;
- 7792 (vii) within an area that is within 100 feet of any structure, facility, or grounds  
7793 included in Subsections (4)(a)(i) through (vi);
- 7794 (viii) in the presence of a person younger than 18 years old, regardless of where the  
7795 act occurs; or
- 7796 (ix) for the purpose of facilitating, arranging, or causing the transport, delivery, or  
7797 distribution of a substance in violation of this section to an inmate or on the  
7798 grounds of a correctional facility as defined in Section 76-8-311.3.
- 7799 (b)(i) A person convicted under this Subsection (4) is guilty of a first degree felony  
7800 and shall be imprisoned for a term of not less than five years if the penalty that  
7801 would otherwise have been established but for this Subsection (4) would have  
7802 been a first degree felony.
- 7803 (ii) Imposition or execution of the sentence may not be suspended, and the person is

- 7804 not eligible for probation.
- 7805 (c) If the classification that would otherwise have been established would have been less  
7806 than a first degree felony but for this Subsection (4), a person convicted under this  
7807 Subsection (4) is guilty of one degree more than the maximum penalty prescribed for  
7808 that offense.
- 7809 (d)(i) If the violation is of Subsection (4)(a)(ix):
- 7810 (A) the person may be sentenced to imprisonment for an indeterminate term as  
7811 provided by law, and the court shall additionally sentence the person convicted  
7812 for a term of one year to run consecutively and not concurrently; and
- 7813 (B) the court may additionally sentence the person convicted for an indeterminate  
7814 term not to exceed five years to run consecutively and not concurrently; and
- 7815 (ii) the penalties under this Subsection (4)(d) apply also to a person who, acting with  
7816 the mental state required for the commission of an offense, directly or indirectly  
7817 solicits, requests, commands, coerces, encourages, or intentionally aids another  
7818 person to commit a violation of Subsection (4)(a)(ix).
- 7819 (e) It is not a defense to a prosecution under this Subsection (4) that:
- 7820 (i) the actor mistakenly believed the individual to be 18 years old or older at the time  
7821 of the offense or was unaware of the individual's true age; or
- 7822 (ii) the actor mistakenly believed that the location where the act occurred was not as  
7823 described in Subsection (4)(a) or was unaware that the location where the act  
7824 occurred was as described in Subsection (4)(a).
- 7825 (5) A violation of this chapter for which no penalty is specified is a class B misdemeanor.
- 7826 (6)(a) For purposes of penalty enhancement under Subsections (1) and (2), a plea of  
7827 guilty or no contest to a violation or attempted violation of this section or a plea  
7828 which is held in abeyance under Title 77, Chapter 2a, Pleas in Abeyance, is the  
7829 equivalent of a conviction, even if the charge has been subsequently reduced or  
7830 dismissed in accordance with the plea in abeyance agreement.
- 7831 (b) A prior conviction used for a penalty enhancement under Subsection (2) shall be a  
7832 conviction that is:
- 7833 (i) from a separate criminal episode than the current charge; and
- 7834 (ii) from a conviction that is separate from any other conviction used to enhance the  
7835 current charge.
- 7836 (7) A person may be charged and sentenced for a violation of this section, notwithstanding  
7837 a charge and sentence for a violation of any other section of this chapter.

- 7838 (8)(a) A penalty imposed for violation of this section is in addition to, and not in lieu of,  
7839 a civil or administrative penalty or sanction authorized by law.
- 7840 (b) When a violation of this chapter violates a federal law or the law of another state,  
7841 conviction or acquittal under federal law or the law of another state for the same act  
7842 is a bar to prosecution in this state.
- 7843 (9) In any prosecution for a violation of this chapter, evidence or proof that shows a person  
7844 or persons produced, manufactured, possessed, distributed, or dispensed a controlled  
7845 substance or substances, is prima facie evidence that the person or persons did so with  
7846 knowledge of the character of the substance or substances.
- 7847 (10) This section does not prohibit a veterinarian, in good faith and in the course of the  
7848 veterinarian's professional practice only and not for humans, from prescribing,  
7849 dispensing, or administering controlled substances or from causing the substances to be  
7850 administered by an assistant or orderly under the veterinarian's direction and supervision.
- 7851 (11) Civil or criminal liability may not be imposed under this section on:
- 7852 (a) a person registered under this chapter who manufactures, distributes, or possesses an  
7853 imitation controlled substance for use as a placebo or investigational new drug by a  
7854 registered practitioner in the ordinary course of professional practice or research;
- 7855 (b) a law enforcement officer acting in the course and legitimate scope of the officer's  
7856 employment;or
- 7857 (c) a healthcare facility, substance use harm reduction services program, or drug  
7858 addiction treatment facility that temporarily possesses a controlled or counterfeit  
7859 substance to conduct a test or analysis on the controlled or counterfeit substance to  
7860 identify or analyze the strength, effectiveness, or purity of the substance for a public  
7861 health or safety reason.
- 7862 (12)(a) Civil or criminal liability may not be imposed under this section on any Indian,  
7863 as defined in Section 58-37-2, who uses, possesses, or transports peyote for bona fide  
7864 traditional ceremonial purposes in connection with the practice of a traditional Indian  
7865 religion as defined in Section 58-37-2.
- 7866 (b) In a prosecution alleging violation of this section regarding peyote as defined in  
7867 Section 58-37-4, it is an affirmative defense that the peyote was used, possessed, or  
7868 transported by an Indian for bona fide traditional ceremonial purposes in connection  
7869 with the practice of a traditional Indian religion.
- 7870 (c)(i) The defendant shall provide written notice of intent to claim an affirmative  
7871 defense under this Subsection (12) as soon as practicable, but not later than 10



- 7872 days before trial.
- 7873 (ii) The notice shall include the specific claims of the affirmative defense.
- 7874 (iii) The court may waive the notice requirement in the interest of justice for good  
7875 cause shown, if the prosecutor is not unfairly prejudiced by the lack of timely  
7876 notice.
- 7877 (d) The defendant shall establish the affirmative defense under this Subsection (12) by a  
7878 preponderance of the evidence. If the defense is established, it is a complete defense  
7879 to the charges.
- 7880 (13)(a) It is an affirmative defense that the person produced, possessed, or administered  
7881 a controlled substance listed in Section 58-37-4.2 if the person was:
- 7882 (i) engaged in medical research; and
- 7883 (ii) a holder of a valid license to possess controlled substances under Section 58-37-6.
- 7884 (b) It is not a defense under Subsection (13)(a) that the person prescribed or dispensed a  
7885 controlled substance listed in Section 58-37-4.2.
- 7886 (14) It is an affirmative defense that the person possessed, in the person's body, a controlled  
7887 substance listed in Section 58-37-4.2 if:
- 7888 (a) the person was the subject of medical research conducted by a holder of a valid  
7889 license to possess controlled substances under Section 58-37-6; and
- 7890 (b) the substance was administered to the person by the medical researcher.
- 7891 (15) The application of any increase in penalty under this section to a violation of  
7892 Subsection (2)(a)(i) may not result in any greater penalty than a second degree felony.  
7893 This Subsection (15) takes precedence over any conflicting provision of this section.
- 7894 (16)(a) It is an affirmative defense to an allegation of the commission of an offense  
7895 listed in Subsection (16)(b) that the person or bystander:
- 7896 (i) reasonably believes that the person or another person is experiencing an overdose  
7897 event due to the ingestion, injection, inhalation, or other introduction into the  
7898 human body of a controlled substance or other substance;
- 7899 (ii) reports, or assists a person who reports, in good faith the overdose event to a  
7900 medical provider, an emergency medical service provider as defined in Section  
7901 53-2d-101, a law enforcement officer, a 911 emergency call system, or an  
7902 emergency dispatch system, or the person is the subject of a report made under  
7903 this Subsection (16);
- 7904 (iii) provides in the report under Subsection (16)(a)(ii) a functional description of the  
7905 actual location of the overdose event that facilitates responding to the person

- 7906 experiencing the overdose event;
- 7907 (iv) remains at the location of the person experiencing the overdose event until a  
7908 responding law enforcement officer or emergency medical service provider  
7909 arrives, or remains at the medical care facility where the person experiencing an  
7910 overdose event is located until a responding law enforcement officer arrives;
- 7911 (v) cooperates with the responding medical provider, emergency medical service  
7912 provider, and law enforcement officer, including providing information regarding  
7913 the person experiencing the overdose event and any substances the person may  
7914 have injected, inhaled, or otherwise introduced into the person's body; and
- 7915 (vi) is alleged to have committed the offense in the same course of events from which  
7916 the reported overdose arose.
- 7917 (b) The offenses referred to in Subsection (16)(a) are:
- 7918 (i) the possession or use of less than 16 ounces of marijuana;
- 7919 (ii) the possession or use of a scheduled or listed controlled substance other than  
7920 marijuana; and
- 7921 (iii) any violation of Chapter 37a, Utah Drug Paraphernalia Act, or Chapter 37b,  
7922 Imitation Controlled Substances Act.
- 7923 (c) As used in this Subsection (16) and in Section 76-3-203.11, "good faith" does not  
7924 include seeking medical assistance under this section during the course of a law  
7925 enforcement agency's execution of a search warrant, execution of an arrest warrant,  
7926 or other lawful search.
- 7927 (17) If any provision of this chapter, or the application of any provision to any person or  
7928 circumstances, is held invalid, the remainder of this chapter shall be given effect without  
7929 the invalid provision or application.
- 7930 (18) A legislative body of a political subdivision may not enact an ordinance that is less  
7931 restrictive than any provision of this chapter.
- 7932 (19) If a minor who is under 18 years old is found by a court to have violated this section or  
7933 Subsection 76-5-102.1(2)(b) or 76-5-207(2)(b), the court may order the minor to  
7934 complete:
- 7935 (a) a screening as defined in Section 41-6a-501;
- 7936 (b) an assessment as defined in Section 41-6a-501 if the screening indicates an  
7937 assessment to be appropriate; and
- 7938 (c) an educational series as defined in Section 41-6a-501 or substance use disorder  
7939 treatment as indicated by an assessment.

7940 Section 110. Section **58-37-8.1**, which is renumbered from Section 76-10-2204 is renumbered  
7941 and amended to read:

7942 ~~[76-10-2204]~~ **58-37-8.1 (Effective 05/07/25). Duty to report drug diversion.**

7943 (1) As used in this section:

- 7944 (a) "Diversion" means a practitioner's transfer of a significant amount of drugs to  
7945 another individual for an unlawful purpose.
- 7946 (b) "Drug" means a Schedule II or Schedule III controlled substance, as defined in  
7947 Section 58-37-4, that is an opiate.
- 7948 (c) "HIPAA" means the same as that term is defined in Section 26B-3-126.
- 7949 (d) "Opiate" means the same as that term is defined in Section 58-37-2.
- 7950 (e) "Practitioner" means an individual:
- 7951 (i) licensed, registered, or otherwise authorized by the appropriate jurisdiction to  
7952 administer, dispense, distribute, or prescribe a drug in the course of professional  
7953 practice; or
- 7954 (ii) employed by a person who is licensed, registered, or otherwise authorized by the  
7955 appropriate jurisdiction to administer, dispense, distribute, or prescribe a drug in  
7956 the course of professional practice or standard operations.
- 7957 (f) "Significant amount" means an aggregate amount equal to, or more than, 500  
7958 morphine milligram equivalents calculated in accordance with guidelines developed  
7959 by the Centers for Disease Control and Prevention[~~-(CDC)~~].

7960 (2) An individual is guilty of a class B misdemeanor if the individual:

- 7961 (a) knows that a practitioner is involved in diversion; and
- 7962 (b) knowingly fails to report the diversion to a peace officer or law enforcement agency.

7963 (3) Subsection (2) does not apply to the extent that an individual is prohibited from  
7964 reporting by 42 C.F.R. Part 2 or HIPAA.

7965 Section 111. Section **58-37-8.2**, which is renumbered from Section 76-10-2203 is renumbered  
7966 and amended to read:

7967 ~~[76-10-2203]~~ **58-37-8.2 (Effective 05/07/25). Possession, sale, or use of an adulterant or**  
7968 **synthetic urine.**

7969 (1) As used in this section, "adulterant" means a substance that may be added to human  
7970 urine or another human bodily fluid to change, dilute, or interfere with the composition,  
7971 chemical properties, physical appearance, or physical properties of the urine or other  
7972 bodily fluid.

7973 (2) Under circumstances not amounting to a violation of Section 76-8-510.5, ~~[it is unlawful~~

- 7974 for a person to] Tampering with evidence, a person commits possession, sale or use of an  
 7975 adulterant or synthetic urine if the person:
- 7976 (a) [~~distribute, possess, or sell~~] distributes, possesses, or sells synthetic urine;
- 7977 (b) [~~distribute or sell~~] distributes or sells an adulterant with:
- 7978 (i) intent that the adulterant be used to defeat or defraud an alcohol or drug screening  
 7979 test; or
- 7980 (ii) knowledge that the recipient of the adulterant intends to use the adulterant to  
 7981 defeat or defraud an alcohol or drug screening test;
- 7982 (c) [~~possess~~] possesses an adulterant with intent to use the adulterant to defeat or defraud  
 7983 an alcohol or drug screening test; or
- 7984 (d) intentionally [~~use~~] uses:
- 7985 (i) an adulterant to defeat or defraud an alcohol or drug screening test;
- 7986 (ii) the person's urine or bodily fluid to defeat or defraud an alcohol or drug screening  
 7987 test if the urine or bodily fluid was expelled or withdrawn before the time at which  
 7988 the urine or bodily fluid is collected for the test; or
- 7989 (iii) the urine or bodily fluid of another person to defeat or defraud an alcohol or drug  
 7990 screening test.
- 7991 (3) [~~A person who violates this section is guilty of~~] A violation of this section is an  
 7992 infraction.
- 7993 (4) A person [~~is not guilty of a violation of this section for~~] does not commit a violation of  
 7994 Subsection (2) if the person is engaging in conduct described in this section for the sole  
 7995 purpose of education or medical or scientific research.
- 7996 (5) This section does not apply to persons currently under:
- 7997 (a) court-ordered supervision; or
- 7998 (b) the supervision of the Board of Pardons and Parole.
- 7999 (6) An entity that collects specimens for the purpose of testing and screening, and reports  
 8000 the results back to an employer, shall report to the employer and the Department of  
 8001 Public Safety if a report is received that indicates that adulterated or synthetic urine was  
 8002 submitted for an alcohol or drug screening test.
- 8003 Section 112. Section **58-63-307** is amended to read:
- 8004 **58-63-307 (Effective 05/07/25). Use of firearms.**
- 8005 (1) An individual licensed as an armored car security officer or an armed private security  
 8006 officer may carry a firearm only while acting as an armored car security officer or an  
 8007 armed private security officer in accordance with this chapter and rules made under this

8008 chapter.

8009 (2) An individual licensed as an armored car security officer or an armed private security  
8010 officer is exempt from the provisions of Section [~~76-10-505~~] 76-11-203 and Title 53,  
8011 Chapter 5, Part 7, Concealed Firearm Act, while acting as an armored car security  
8012 officer or an armed private security officer in accordance with this chapter and rules  
8013 made under this chapter.

8014 Section 113. Section **59-14-102** is amended to read:

8015 **59-14-102 (Effective 05/07/25). Definitions.**

8016 As used in this chapter:

8017 (1) "Alternative nicotine product" means the same as that term is defined in Section [  
8018 ~~76-10-101~~] 76-9-1101.

8019 (2) "Cigarette" means a roll made wholly or in part of tobacco:

8020 (a) regardless of:

8021 (i) the size of the roll;

8022 (ii) the shape of the roll;

8023 (iii) whether the tobacco is flavored, adulterated, or mixed with any other ingredient;

8024 or

8025 (iv) whether the tobacco is heated or burned; and

8026 (b) if the roll has a wrapper or cover that is made of paper or any other substance or  
8027 material except tobacco.

8028 (3) "Cigarette rolling machine" means a device or machine that has the capability to  
8029 produce at least 150 cigarettes in less than 30 minutes.

8030 (4) "Cigarette rolling machine operator" means a person who:

8031 (a)(i) controls, leases, owns, possesses, or otherwise has available for use a cigarette  
8032 rolling machine; and

8033 (ii) makes the cigarette rolling machine available for use by another person to  
8034 produce a cigarette; or

8035 (b) offers for sale, at retail, a cigarette produced from the cigarette rolling machine.

8036 (5) "Consumer" means a person that is not required:

8037 (a) under Section 59-14-201 to obtain a license under Section 59-14-202;

8038 (b) under Section 59-14-301 to obtain a license under Section 59-14-202; or

8039 (c) to obtain a license under Section 59-14-803.

8040 (6) "Counterfeit cigarette" means:

8041 (a) a cigarette that has a false manufacturing label; or

- 8042 (b) a package of cigarettes bearing a counterfeit tax stamp.
- 8043 (7)(a) "Electronic cigarette" means the same as that term is defined in Section [  
8044 ~~76-10-101~~] 76-9-1101.
- 8045 (b) "Electronic cigarette" does not include a cigarette or a tobacco product.
- 8046 (8) "Electronic cigarette product" means the same as that term is defined in Section [  
8047 ~~76-10-101~~] 76-9-1101.
- 8048 (9) "Electronic cigarette substance" means the same as that term is defined in Section [  
8049 ~~76-10-101~~] 76-9-1101.
- 8050 (10) "Importer" means a person that imports into the United States, either directly or  
8051 indirectly, a finished cigarette for sale or distribution.
- 8052 (11) "Indian tribal entity" means a federally recognized Indian tribe, tribal entity, or any  
8053 other person doing business as a distributor or retailer of cigarettes on tribal lands  
8054 located in the state.
- 8055 (12) "Little cigar" means a roll for smoking that:
- 8056 (a) is made wholly or in part of tobacco;
- 8057 (b) uses an integrated cellulose acetate filter or other similar filter; and
- 8058 (c) is wrapped in a substance:
- 8059 (i) containing tobacco; and
- 8060 (ii) that is not exclusively natural leaf tobacco.
- 8061 (13)(a) Except as provided in Subsection (13)(b), "manufacturer" means a person that:
- 8062 (i) manufactures, fabricates, assembles, processes, or labels a finished cigarette; or
- 8063 (ii) makes, modifies, mixes, manufactures, fabricates, assembles, processes, labels,  
8064 repackages, relabels, or imports an electronic cigarette product or a nicotine  
8065 product.
- 8066 (b) "Manufacturer" does not include a cigarette rolling machine operator.
- 8067 (14) "Moist snuff" means tobacco that:
- 8068 (a) is finely cut, ground, or powdered;
- 8069 (b) has at least 45% moisture content, as determined by the commission by rule made in  
8070 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;
- 8071 (c) is not intended to be:
- 8072 (i) smoked; or
- 8073 (ii) placed in the nasal cavity; and
- 8074 (d) except for single-use pouches of loose tobacco, is not packaged, produced, sold, or  
8075 distributed in single-use units, including:

- 8076 (i) tablets;
- 8077 (ii) lozenges;
- 8078 (iii) strips;
- 8079 (iv) sticks; or
- 8080 (v) packages containing multiple single-use units.
- 8081 (15) "Nicotine" means the same as that term is defined in Section ~~[76-10-101]~~ 76-9-1101.
- 8082 (16) "Nicotine product" means the same as that term is defined in Section ~~[76-10-101]~~
- 8083 76-9-1101.
- 8084 (17) "Nontherapeutic nicotine device" means the same as that term is defined in Section [~~76-10-101]~~
- 8085 76-9-1101.
- 8086 (18) "Nontherapeutic nicotine device substance" means the same as that term is defined in
- 8087 Section ~~[76-10-101]~~ 76-9-1101.
- 8088 (19) "Nontherapeutic nicotine product" means the same as that term is defined in Section [~~76-10-101]~~
- 8089 76-9-1101.
- 8090 (20) "Prefilled electronic cigarette" means the same as that term is defined in Section [~~76-10-101]~~
- 8091 76-9-1101.
- 8092 (21) "Prefilled nontherapeutic nicotine device" means the same as that term is defined in
- 8093 Section ~~[76-10-101]~~ 76-9-1101.
- 8094 (22) "Retailer" means a person that:
- 8095 (a) sells or distributes a cigarette, an electronic cigarette product, or a nicotine product to
- 8096 a consumer in the state; or
- 8097 (b) intends to sell or distribute a cigarette, an electronic cigarette product, or a nicotine
- 8098 product to a consumer in the state.
- 8099 (23) "Stamp" means the indicia required to be placed on a cigarette package that evidences
- 8100 payment of the tax on cigarettes required by Section 59-14-205.
- 8101 (24)(a) "Tobacco product" means a product made of, or containing, tobacco.
- 8102 (b) "Tobacco product" includes:
- 8103 (i) a cigarette produced from a cigarette rolling machine;
- 8104 (ii) a little cigar; or
- 8105 (iii) moist snuff.
- 8106 (c) "Tobacco product" does not include a cigarette.
- 8107 (25) "Tribal lands" means land held by the United States in trust for a federally recognized
- 8108 Indian tribe.
- 8109 Section 114. Section **59-14-501.5** is enacted to read:

8110 **59-14-501.5 (Effective 05/07/25). Advertising warning label requirements.**

8111 (1) For purposes of this section, "smokeless tobacco" means any finely cut, ground,  
8112 powdered, or leaf tobacco that is intended to be placed in an oral cavity or nasal passage.

8113 (2)(a) An advertisement for smokeless tobacco placed in a newspaper, magazine, or  
8114 periodical published in this state must bear a warning that states: "Use of smokeless  
8115 tobacco may cause oral cancer and other mouth disorders and is addictive."

8116 (b) The warning described in Subsection (2)(a) shall be placed in a conspicuous location  
8117 and in conspicuous and legible type, in contrast with the typography, layout, and  
8118 color of all other printed material in the advertisement.

8119 Section 115. Section **59-14-507** is amended to read:

8120 **59-14-507 (Effective 05/07/25). Penalty for violation.**

8121 [~~Violation of this part~~] A violation of any of the following sections is a class

8122 B misdemeanor:

8123 (1) Section 59-14-501, Warning labels required;

8124 (2) Section 59-14-502, Requirements for placement of warning labels;

8125 (3) Section 59-14-504, Responsibility for placement of warning labels; or

8126 (4) Section 59-14-509, Restrictions on mail order or Internet sales.

8127 Section 116. Section **59-14-807** is amended to read:

8128 **59-14-807 (Effective 05/07/25). Electronic Cigarette Substance and Nicotine**  
8129 **Product Proceeds Restricted Account.**

8130 (1) There is created within the General Fund a restricted account known as the "Electronic  
8131 Cigarette Substance and Nicotine Product Proceeds Restricted Account."

8132 (2) The Electronic Cigarette Substance and Nicotine Product Proceeds Restricted Account  
8133 consists of:

8134 (a) revenue collected from the tax imposed by Section 59-14-804;

8135 (b) fees and penalties collected under Section 59-14-810;

8136 (c) all money received by the attorney general or the Department of Commerce as a  
8137 result of any judgment, settlement, or compromise of claims pertaining to alleged  
8138 violations of law related to the manufacture, marketing, distribution, or sale of  
8139 electronic cigarette products, as defined in Section [~~76-10-101~~] 76-9-1101:

8140 (i) if the total amount of the judgment, settlement, or compromise received by the  
8141 state exceeds \$1,000,000; and

8142 (ii) after reimbursement to the attorney general and the Department of Commerce for  
8143 expenses related to the matters described in Subsection (2)(c); and



- 8144 (d) amounts appropriated by the Legislature.
- 8145 (3)(a) For each fiscal year and subject to appropriation by the Legislature, the Division  
8146 of Finance shall distribute from the Electronic Cigarette Substance and Nicotine  
8147 Product Proceeds Restricted Account:
- 8148 (i) \$2,000,000, which shall be allocated to the local health departments by the  
8149 Department of Health and Human Services using the formula created in  
8150 accordance with Section 26A-1-116;
- 8151 (ii) \$2,000,000 to the Department of Health and Human Services for statewide  
8152 cessation programs and prevention education;
- 8153 (iii) \$1,180,000 to the Department of Public Safety for law enforcement officers  
8154 aimed at disrupting organizations and networks that provide tobacco products,  
8155 electronic cigarette products, nicotine products, and other illegal controlled  
8156 substances to minors;
- 8157 (iv) \$3,000,000, which shall be allocated to the local health departments by the  
8158 Department of Health and Human Services using the formula created in  
8159 accordance with Section 26A-1-116;
- 8160 (v) \$5,084,200 to the State Board of Education for school-based prevention programs;
- 8161 (vi) \$2,000,000 to the Department of Health and Human Services for alcohol,  
8162 tobacco, and other drug prevention, reduction, cessation, and control programs  
8163 that promote unified messages and make use of media outlets, including radio,  
8164 newspaper, billboards, and television; and
- 8165 (vii) of the money deposited under Section 59-14-810:
- 8166 (A) to the commission, in an amount equal to the amount necessary to create and  
8167 maintain the registry described in Section 59-14-810;
- 8168 (B) to the Department of Health and Human Services, in an amount necessary for  
8169 completing duties described in Section 59-14-810; and
- 8170 (C) to the Department of Health and Human Services, the remainder to be divided  
8171 among the local health departments for inspection and enforcement described  
8172 in Sections 26A-1-131 and 59-14-810.
- 8173 (b) If the amount in the Electronic Cigarette Substance and Nicotine Product Proceeds  
8174 Restricted Account is insufficient to cover the distributions described in Subsection  
8175 (3)(a), the distribution amounts shall be adjusted proportionately.
- 8176 (4)(a) The local health departments shall use the money received in accordance with  
8177 Subsection (3)(a) for enforcing:

- 8178 (i) the regulation provisions described in Section 26B-7-505;  
8179 (ii) the labeling requirement described in Section 26B-7-505; and  
8180 (iii) the penalty provisions described in Section 26B-7-518.
- 8181 (b) The Department of Health and Human Services shall use the money received in  
8182 accordance with Subsection (3)(a)(ii) for the Youth Electronic Cigarette, Marijuana,  
8183 and Other Drug Prevention Program created in Section 26B-1-428.
- 8184 (c) The local health departments shall use the money received in accordance with  
8185 Subsection (3)(a)(iv) to issue grants under the Electronic Cigarette, Marijuana, and  
8186 Other Drug Prevention Grant Program created in Section 26A-1-129.
- 8187 (d) The State Board of Education shall use the money received in accordance with  
8188 Subsection (3)(a)(v) to distribute to local education agencies to pay for:
- 8189 (i)(A) stipends for positive behaviors specialists as described in Subsection  
8190 53G-10-407(4)(a)(i);  
8191 (B) the cost of administering the positive behaviors plan as described in  
8192 Subsection 53G-10-407(4)(a)(ii); and  
8193 (C) the cost of implementing an Underage Drinking and Substance Abuse  
8194 Prevention Program in grade 4 or 5, as described in Subsection 53G-10-406  
8195 (3)(b); or  
8196 (ii) a comprehensive prevention plan, as that term is defined in Section 53F-2-525.
- 8197 (5)(a) The fund shall earn interest.
- 8198 (b) All interest earned on fund money shall be deposited into the fund.
- 8199 (6) Subject to legislative appropriations, funds remaining in the Electronic Cigarette  
8200 Substance and Nicotine Product Proceeds Restricted Account after the distribution  
8201 described in Subsection (3) may only be used for:
- 8202 (a) funding commission personnel to enforce compliance with the tax collection  
8203 requirements of this part; and  
8204 (b) programs and activities related to the prevention and cessation of electronic cigarette,  
8205 nicotine products, marijuana, and other drug use.
- 8206 Section 117. Section **59-14-810** is amended to read:  
8207 **59-14-810 (Effective 05/07/25). Electronic cigarette product registry.**
- 8208 (1) Beginning on August 1, 2024, every manufacturer of an electronic cigarette product that  
8209 is sold in this state, whether directly or through a distributor, wholesaler, retailer, or  
8210 similar intermediary or intermediaries, shall certify under penalty of perjury on a form  
8211 and in the manner prescribed by the commission, that:

- 8212 (a) the manufacturer agrees to comply with this section; and
- 8213 (b) the electronic cigarette product is a premarket authorized or pending electronic
- 8214 cigarette product as defined in Section [~~76-10-101~~] 76-9-1101 and will not be illegal
- 8215 to be sold in the state as of January 1, 2025.
- 8216 (2) When submitting the certification a manufacturer shall submit a form that separately
- 8217 lists each electronic cigarette product that is sold in this state.
- 8218 (3)(a) Each certification form shall include:
- 8219 (i) the name of the electronic cigarette product, nicotine content level by percentage,
- 8220 and any flavors contained in the product;
- 8221 (ii)(A) a copy of the order granting a premarket tobacco product application of
- 8222 the electronic cigarette product by the United States Food and Drug
- 8223 Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
- 8224 (B) evidence that the premarket tobacco product application for the electronic
- 8225 cigarette product or nicotine product was submitted to the United States Food
- 8226 and Drug Administration before September 9, 2020, and a final authorization
- 8227 or order has not yet taken effect;
- 8228 (iii) a nonrefundable \$1,000 fee for an electronic cigarette product that is being added
- 8229 to the registry in the first instance; and
- 8230 (iv) information described in Subsection (10) if applicable.
- 8231 (b) The commission shall make the materials submitted under Subsection (3)(a)
- 8232 available to the Department of Health and Human Services for review and approval.
- 8233 (c) A manufacturer required to submit a certification form under this section shall notify
- 8234 the commission and the Department of Health and Human Services in a manner
- 8235 prescribed by the commission within 30 days of any material change making the
- 8236 certification form no longer accurate, including:
- 8237 (i) the issuance or denial of a marketing authorization or other order by the United
- 8238 States Food and Drug Administration under 21 U.S.C. Sec. 387j; or
- 8239 (ii) any other order or action by the United States Food and Drug Administration or
- 8240 any court that affects the ability of the electronic cigarette product to be
- 8241 introduced or delivered into interstate commerce for commercial distribution in
- 8242 the United States.
- 8243 (d) On or before January 31 of each year and in a manner prescribed by the commission,
- 8244 a manufacturer shall:
- 8245 (i) recertify that the information contained in the certification is correct and accurate;

- 8246 (ii) correct or amend information if necessary; and  
8247 (iii) pay a \$250 nonrefundable fee for each electronic cigarette product on the registry  
8248 that is manufactured by the manufacturer.
- 8249 (e) A manufacturer may amend a certification, including to add additional electronic  
8250 cigarette products to the registry, if all requirements of this section are met.
- 8251 (f) The commission shall:
- 8252 (i) provide an electronic notification to a manufacturer that has not submitted a  
8253 recertification under Subsection (3)(d); and  
8254 (ii) remove a manufacturer or an electronic cigarette product that is not recertified  
8255 from the registry by March 15.
- 8256 (4)(a) The Department of Health and Human Services shall review materials described  
8257 in Subsection (3)(a) and notify the commission regarding whether an electronic  
8258 cigarette product should be included in the registry.
- 8259 (b) On or before October 1, 2024, the commission shall make publicly available on the  
8260 commission's website a registry that lists each electronic cigarette product  
8261 manufacturer and each electronic cigarette product for which certification forms have  
8262 been approved by the Department of Health and Human Services.
- 8263 (c) An electronic cigarette product may not be listed on the registry unless the  
8264 Department of Health and Human Services determines the requirements of  
8265 Subsection (3)(a) are met.
- 8266 (5)(a) If the Department of Health and Human Services obtains information that an  
8267 electronic cigarette product should not be listed in the registry, the Department of  
8268 Health and Human Services shall provide the manufacturer notice and an opportunity  
8269 to cure deficiencies before notifying the commission to remove the manufacturer or  
8270 products from the registry.
- 8271 (b) Except as provided in Subsection (5)(c), the Department of Health and Human  
8272 Services shall comply with Title 63G, Chapter 4, Administrative Procedures Act,  
8273 before notifying the commission to remove an electronic cigarette product or  
8274 manufacturer from the registry.
- 8275 (c) Subsection (5)(b) does not apply to a manufacturer failing:
- 8276 (i) to decertify an electronic cigarette product;  
8277 (ii) to provide fees and documentation described in Subsection (3)(a) or (3)(d); or  
8278 (iii) to comply with Subsection (10).
- 8279 (6)(a) If a product is removed from the registry, each retailer, distributor, and

- 8280 wholesaler shall have 30 days from the day on which the product is removed from the  
8281 registry to remove the product from any inventory and return the product to the  
8282 manufacturer for disposal.
- 8283 (b) After the period described in Subsection (6)(a), any electronic cigarette product of a  
8284 manufacturer identified in the notice of removal are contraband and are subject to  
8285 penalties under Subsection (8) and seizure, forfeiture, and destruction under Section  
8286 26A-1-131.
- 8287 (7)(a) Beginning on January 1, 2025, a person may not sell or offer for retail sale an  
8288 electronic cigarette product in this state that is not included in the registry.
- 8289 (b) A manufacturer may not sell, either directly or through a distributor, wholesaler,  
8290 retailer, or similar intermediary or intermediaries, an electronic cigarette product in  
8291 this state that is not included in the registry.
- 8292 (8)(a) A wholesaler, distributor, or retailer who sells or offers for retail sale an  
8293 electronic cigarette product in this state that is not included in the registry shall be  
8294 subject to a civil penalty of:
- 8295 (i) \$1,000 for each product offered for sale in violation of this section; and  
8296 (ii) \$100 per day until the offending product is removed from the market or until the  
8297 offending product is properly listed on the registry.
- 8298 (b) The commission shall suspend the person's license issued under Section 59-14-803  
8299 for a violation of Subsection (8)(a) as follows:
- 8300 (i) for a second violation within a 12-month period, at least 14 days;  
8301 (ii) for a third violation within a 12-month period, at least 60 days; or  
8302 (iii) for a fourth violation within a 12-month period, at least one year.
- 8303 (c) A manufacturer whose electronic cigarette products are not listed in the registry and  
8304 are sold in this state, whether directly or through a distributor, wholesaler, retailer, or  
8305 similar intermediary or intermediaries, is subject to a civil penalty of:
- 8306 (i) \$1,000 for each product offered for retail sale in violation of this section; and  
8307 (ii) \$100 per day until the offending product is removed from the market or until the  
8308 offending product is properly listed on the registry.
- 8309 (d) A manufacturer that falsely represents any information required by a certification  
8310 form described in this section shall be guilty of a class C misdemeanor for each false  
8311 representation.
- 8312 (e) A repeated violation of this section shall constitute a deceptive act or practice as  
8313 provided in Sections 13-11-4 and 13-11a-3 and shall be subject to any remedies or

- 8314 penalties available for a violation of those sections.
- 8315 (9)(a) To assist in ensuring compliance and enforcement of this section and Section  
8316 26A-1-131, the commission shall disclose to the following entities, upon request, any  
8317 information obtained under this section:
- 8318 (i) the Department of Health and Human Services;
  - 8319 (ii) a local health department; or
  - 8320 (iii) the attorney general.
- 8321 (b) The commission and attorney general shall share with each other information  
8322 received under this section, or corresponding laws of other states.
- 8323 (10)(a)(i) The commission may not list a nonresident manufacturer of an electronic  
8324 cigarette product in the registry unless:
- 8325 (A) the nonresident manufacturer has registered to do business in the state as a  
8326 foreign corporation or business entity; or
  - 8327 (B) the nonresident manufacturer appoints and maintains without interruption the  
8328 services of an agent in this state to receive any service of process on behalf of  
8329 the manufacturer.
- 8330 (b) The nonresident manufacturer shall provide the name, address, and telephone  
8331 number of the agent to the commission.
- 8332 (c)(i) A nonresident manufacturer shall provide notice to the commission 30 days  
8333 before the termination of the authority of an agent and shall further provide proof  
8334 to the satisfaction of the commission of the appointment of a new agent no less  
8335 than five calendar days prior to the termination of an existing agent appointment.
- 8336 (ii) In the event an agent terminates an agency appointment, the manufacturer shall  
8337 notify the commission of the termination within five calendar days and shall  
8338 include proof to the satisfaction of the commission of the appointment of a new  
8339 agent.
- 8340 (11) Before May 31 of each year, the commission and the Department of Health and  
8341 Human Services shall provide a report to the Revenue and Taxation Interim Committee  
8342 and the Health and Human Services Interim Committee regarding:
- 8343 (a) the status of the registry;
  - 8344 (b) manufacturers and products included in the registry;
  - 8345 (c) revenue and expenditures related to administration of this section; and
  - 8346 (d) enforcement activities undertaken under this section and Section 26A-1-131.
- 8347 (12) All fees and penalties collected under this section shall be used for administration and

- 8348 enforcement of this section and Section 26A-1-131.
- 8349 (13) The commission, in consultation with the Department of Health and Human Services,  
8350 may make rules in accordance with Title 63G, Chapter 3, Utah Administrative  
8351 Rulemaking Act, to implement this section.
- 8352 Section 118. Section **59-27-105** is amended to read:
- 8353 **59-27-105 (Effective 05/07/25). Sexually Explicit Business and Escort Service**  
8354 **Fund -- Administrative charge.**
- 8355 (1) There is created an expendable special revenue fund called the "Sexually Explicit  
8356 Business and Escort Service Fund."
- 8357 (2)(a) Except as provided in Subsection (3), the fund consists of all amounts collected  
8358 by the commission under this chapter.
- 8359 (b)(i) The money in the fund shall be invested by the state treasurer pursuant to Title  
8360 51, Chapter 7, State Money Management Act.
- 8361 (ii) All interest or other earnings derived from the fund money shall be deposited in  
8362 the fund.
- 8363 (3) Notwithstanding any other provision of this chapter, the commission shall retain and  
8364 deposit an administrative charge in accordance with Section 59-1-306 from the revenues  
8365 the commission collects from a tax under this chapter.
- 8366 (4)(a) Fund money shall be used as provided in this Subsection (4).
- 8367 (b) The Department of Corrections shall use 60% of the money in the fund, in addition  
8368 to existing budgets, to provide treatment services to nonworking or indigent adults  
8369 who:
- 8370 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
8371 Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; and  
8372 (ii) are not currently confined or incarcerated in a jail or prison.
- 8373 (c) The Adult Probation and Parole section of the Department of Corrections shall use  
8374 15% of the money in the fund to provide outpatient treatment services to individuals  
8375 who:
- 8376 (i) have been convicted of an offense under Title 76, Chapter 5, Part 4, Sexual  
8377 Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; and  
8378 (ii) are not currently confined or incarcerated in a jail or prison.
- 8379 (d) The Department of Corrections shall use 10% of the money in the fund, in addition  
8380 to existing budgets, to implement treatment programs for juveniles who have been  
8381 convicted of an offense under Title 76, Chapter 5, Part 4, Sexual Offenses, not

8382 including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

8383 (e) The attorney general shall use 15% of the money in the fund to provide funding for  
8384 any task force:

8385 (i) administered through the Office of the Attorney General; and

8386 (ii) that investigates and prosecutes individuals who use the Internet to commit  
8387 crimes against children.

8388 Section 119. Section **63G-6a-2505** is amended to read:

8389 **63G-6a-2505 (Effective 05/07/25). Debarment or suspension from consideration**  
8390 **for award of contracts.**

8391 (1) The executive director may:

8392 (a) debar or suspend a person from consideration for an award of a contract for a human  
8393 services procurement item for any amount of time in accordance with the process  
8394 described in Subsection 63G-6a-904(1); and

8395 (b) obtain the recommendation of the council before debarring or suspending the person.

8396 (2) The council shall recommend that the executive director debar or suspend a person for  
8397 an award of a contract for a human services procurement item if the person:

8398 (a) is convicted of a criminal offense:

8399 (i) for actions taken to obtain or perform under a public or private contract;

8400 (ii) for embezzlement, fraud, theft, forgery, bribery, falsification or destruction of  
8401 records, or receiving stolen property; or

8402 (iii) under [~~Title 76, Chapter 10, Part 31, Utah Antitrust Act~~] Title 76, Chapter 16,  
8403 Part 5, Antitrust Offenses, or another antitrust law;

8404 (b) fails, without good cause, to perform in accordance with the terms of a contract with  
8405 the department;

8406 (c) commits two or more violations of department rules made in accordance with Title  
8407 63G, Chapter 3, Utah Administrative Rulemaking Act;

8408 (d) violates this chapter;

8409 (e) poses a significant risk of harm to department clients or the department;

8410 (f) is barred or suspended from providing services to another governmental agency; or

8411 (g) takes another action that the council determines is fraudulent or substantially affects  
8412 the person's ability to perform under a contract with the department for a human  
8413 services procurement item.

8414 Section 120. Section **63G-7-301** is amended to read:

8415 **63G-7-301 (Effective 05/07/25). Waivers of immunity.**



- 8416 (1)(a) Immunity from suit of each governmental entity is waived as to any contractual  
8417 obligation.
- 8418 (b) Actions arising out of contractual rights or obligations are not subject to the  
8419 requirements of Section 63G-7-401, 63G-7-402, 63G-7-403, or 63G-7-601.
- 8420 (c) The Division of Water Resources is not liable for failure to deliver water from a  
8421 reservoir or associated facility authorized by Title 73, Chapter 26, Bear River  
8422 Development Act, if the failure to deliver the contractual amount of water is due to  
8423 drought, other natural condition, or safety condition that causes a deficiency in the  
8424 amount of available water.
- 8425 (2) Immunity from suit of each governmental entity is waived:
- 8426 (a) as to any action brought to recover, obtain possession of, or quiet title to real or  
8427 personal property;
- 8428 (b) as to any action brought to foreclose mortgages or other liens on real or personal  
8429 property, to determine any adverse claim on real or personal property, or to obtain an  
8430 adjudication about any mortgage or other lien that the governmental entity may have  
8431 or claim on real or personal property;
- 8432 (c) as to any action based on the negligent destruction, damage, or loss of goods,  
8433 merchandise, or other property while it is in the possession of any governmental  
8434 entity or employee, if the property was seized for the purpose of forfeiture under any  
8435 provision of state law;
- 8436 (d) subject to Section 63G-7-302, as to any action brought under the authority of Utah  
8437 Constitution, Article I, Section 22, for the recovery of compensation from the  
8438 governmental entity when the governmental entity has taken or damaged private property for  
8439 public uses without just compensation;
- 8440 (e) as to any claim for attorney fees or costs under Section 63G-2-209, 63G-2-405, or  
8441 63G-2-802;
- 8442 (f) for actual damages under Title 67, Chapter 21, Utah Protection of Public Employees  
8443 Act;
- 8444 (g) as to any action brought to obtain relief from a land use regulation that imposes a  
8445 substantial burden on the free exercise of religion under Title 63L, Chapter 5, Utah  
8446 Religious Land Use Act;
- 8447 (h) except as provided in Subsection 63G-7-201(3), as to any injury caused by:
- 8448 (i) a defective, unsafe, or dangerous condition of any highway, road, street, alley,  
8449 crosswalk, sidewalk, culvert, tunnel, bridge, viaduct, or other structure located on

- 8450           them; or
- 8451           (ii) any defective or dangerous condition of a public building, structure, dam,
- 8452           reservoir, or other public improvement;
- 8453           (i) subject to Subsections 63G-7-101(4) and 63G-7-201(4), as to any injury proximately
- 8454           caused by a negligent act or omission of an employee committed within the scope of
- 8455           employment;
- 8456           (j) notwithstanding Subsection 63G-7-101(4), as to a claim for an injury resulting from a
- 8457           sexual battery, as provided in Section ~~[76-9-702.1]~~ 76-5-418, committed:
- 8458           (i) against a student of a public elementary or secondary school, including a charter
- 8459           school; and
- 8460           (ii) by an employee of a public elementary or secondary school or charter school who:
- 8461           (A) at the time of the sexual battery, held a position of special trust, as defined in
- 8462           Section 76-5-404.1, with respect to the student;
- 8463           (B) is criminally charged in connection with the sexual battery; and
- 8464           (C) the public elementary or secondary school or charter school knew or in the
- 8465           exercise of reasonable care should have known, at the time of the employee's
- 8466           hiring, to be a sex offender, kidnap offender, or child abuse offender as defined
- 8467           in Section 77-41-102, required to register under Title 77, Chapter 41, Sex,
- 8468           Kidnap, and Child Abuse Offender Registry, whose status as a sex offender,
- 8469           kidnap offender, or child abuse offender would have been revealed in a
- 8470           background check under Section 53G-11-402;
- 8471           (k) as to any action brought under Section 78B-6-2303; and
- 8472           (l) as to any action brought to obtain relief under Title 53B, Chapter 27, Part 6, Student
- 8473           Legal Representation.
- 8474           (3)(a) As used in this Subsection (3):
- 8475           (i) "Code of conduct" means a code of conduct that:
- 8476           (A) is not less stringent than a model code of conduct, created by the State Board
- 8477           of Education, establishing a professional standard of care for preventing the
- 8478           conduct described in Subsection (3)(a)(i)(D);
- 8479           (B) is adopted by the applicable local education governing body;
- 8480           (C) regulates behavior of a school employee toward a student; and
- 8481           (D) includes a prohibition against any sexual conduct between an employee and a
- 8482           student and against the employee and student sharing any sexually explicit or
- 8483           lewd communication, image, or photograph.

- 8484 (ii) "Local education agency" means:
- 8485 (A) a school district;
- 8486 (B) a charter school; or
- 8487 (C) the Utah Schools for the Deaf and the Blind.
- 8488 (iii) "Local education governing board" means:
- 8489 (A) for a school district, the local school board;
- 8490 (B) for a charter school, the charter school governing board; or
- 8491 (C) for the Utah Schools for the Deaf and the Blind, the state board.
- 8492 (iv) "Public school" means a public elementary or secondary school.
- 8493 (v) "Sexual abuse" means the offense described in Subsection 76-5-404.1(2).
- 8494 (vi) "Sexual battery" means the offense described in Section [~~76-9-702.1~~] 76-5-418,
- 8495 considering the term "child" in that section to include an individual under age 18.
- 8496 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a
- 8497 claim against a local education agency for an injury resulting from a sexual battery or
- 8498 sexual abuse committed against a student of a public school by a paid employee of
- 8499 the public school who is criminally charged in connection with the sexual battery or
- 8500 sexual abuse, unless:
- 8501 (i) at the time of the sexual battery or sexual abuse, the public school was subject to a
- 8502 code of conduct; and
- 8503 (ii) before the sexual battery or sexual abuse occurred, the public school had:
- 8504 (A) provided training on the code of conduct to the employee; and
- 8505 (B) required the employee to sign a statement acknowledging that the employee
- 8506 has read and understands the code of conduct.
- 8507 (4)(a) As used in this Subsection (4):
- 8508 (i) "Higher education institution" means an institution included within the state
- 8509 system of higher education under Section 53B-1-102.
- 8510 (ii) "Policy governing behavior" means a policy adopted by a higher education
- 8511 institution or the Utah Board of Higher Education that:
- 8512 (A) establishes a professional standard of care for preventing the conduct
- 8513 described in Subsections (4)(a)(ii)(C) and (D);
- 8514 (B) regulates behavior of a special trust employee toward a subordinate student;
- 8515 (C) includes a prohibition against any sexual conduct between a special trust
- 8516 employee and a subordinate student; and
- 8517 (D) includes a prohibition against a special trust employee and subordinate student

8518 sharing any sexually explicit or lewd communication, image, or photograph.

8519 (iii) "Sexual battery" means the offense described in Section [76-9-702.1] 76-5-418.

8520 (iv) "Special trust employee" means an employee of a higher education institution

8521 who is in a position of special trust, as defined in Section 76-5-404.1, with a

8522 higher education student.

8523 (v) "Subordinate student" means a student:

8524 (A) of a higher education institution; and

8525 (B) whose educational opportunities could be adversely impacted by a special

8526 trust employee.

8527 (b) Notwithstanding Subsection 63G-7-101(4), immunity from suit is waived as to a

8528 claim for an injury resulting from a sexual battery committed against a subordinate

8529 student by a special trust employee, unless:

8530 (i) the institution proves that the special trust employee's behavior that otherwise

8531 would constitute a sexual battery was:

8532 (A) with a subordinate student who was at least 18 years old at the time of the

8533 behavior; and

8534 (B) with the student's consent; or

8535 (ii)(A) at the time of the sexual battery, the higher education institution was

8536 subject to a policy governing behavior; and

8537 (B) before the sexual battery occurred, the higher education institution had taken

8538 steps to implement and enforce the policy governing behavior.

8539 Section 121. Section **63G-12-102** is amended to read:

8540 **63G-12-102 (Effective 05/07/25). Definitions.**

8541 As used in this chapter:

8542 (1) "Basic health insurance plan" means a health plan that is actuarially equivalent to a

8543 federally qualified high deductible health plan.

8544 (2) "Department" means the Department of Public Safety created in Section 53-1-103.

8545 (3) "Employee" means an individual employed by an employer under a contract for hire.

8546 (4) "Employer" means a person who has one or more employees employed in the same

8547 business, or in or about the same establishment, under any contract of hire, express or

8548 implied, oral or written.

8549 (5) "E-verify program" means the electronic verification of the work authorization program

8550 of the Illegal Immigration Reform and Immigration Responsibility Act of 1996, 8 U.S.C.

8551 Sec. 1324a, known as the e-verify program.

- 8552 (6) "Family member" means for an undocumented individual:
- 8553 (a) a member of the undocumented individual's immediate family;
- 8554 (b) the undocumented individual's grandparent;
- 8555 (c) the undocumented individual's sibling;
- 8556 (d) the undocumented individual's grandchild;
- 8557 (e) the undocumented individual's nephew;
- 8558 (f) the undocumented individual's niece;
- 8559 (g) a spouse of an individual described in this Subsection (6); or
- 8560 (h) an individual who is similar to one listed in this Subsection (6).
- 8561 (7) "Federal SAVE program" means the Systematic Alien Verification for Entitlements
- 8562 Program operated by the United States Department of Homeland Security or an
- 8563 equivalent program designated by the Department of Homeland Security.
- 8564 (8) "Guest worker" means an undocumented individual who holds a guest worker permit.
- 8565 (9) "Guest worker permit" means a permit issued in accordance with Section 63G-12-207 to
- 8566 an undocumented individual who meets the eligibility criteria of Section 63G-12-205.
- 8567 (10) "Immediate family" means for an undocumented individual:
- 8568 (a) the undocumented individual's spouse; or
- 8569 (b) a child of the undocumented individual if the child is:
- 8570 (i) under 21 years old; and
- 8571 (ii) unmarried.
- 8572 (11) "Immediate family permit" means a permit issued in accordance with Section
- 8573 63G-12-207 to an undocumented individual who meets the eligibility criteria of Section
- 8574 63G-12-206.
- 8575 (12) "Permit" means a permit issued under Part 2, Guest Worker Program, and includes:
- 8576 (a) a guest worker permit; and
- 8577 (b) an immediate family permit.
- 8578 (13) "Permit holder" means an undocumented individual who holds a permit.
- 8579 (14) "Private employer" means an employer who is not the federal government or a public
- 8580 employer.
- 8581 (15) "Program" means the Guest Worker Program described in Section 63G-12-201.
- 8582 (16) "Program start date" means the day on which the department is required to implement
- 8583 the program under Subsection 63G-12-202(3).
- 8584 (17) "Public employer" means an employer that is:
- 8585 (a) the state of Utah or any administrative subunit of the state;

- 8586 (b) a state institution of higher education, as defined in Section 53B-3-102;
- 8587 (c) a political subdivision of the state including a county, city, town, school district,
- 8588 special district, or special service district; or
- 8589 (d) an administrative subunit of a political subdivision.
- 8590 (18) "Relevant contact information" means the following for an undocumented individual:
- 8591 (a) the undocumented individual's name;
- 8592 (b) the undocumented individual's residential address;
- 8593 (c) the undocumented individual's residential telephone number;
- 8594 (d) the undocumented individual's personal email address;
- 8595 (e) the name of the person with whom the undocumented individual has a contract for
- 8596 hire;
- 8597 (f) the name of the contact person for the person listed in Subsection (18)(e);
- 8598 (g) the address of the person listed in Subsection (18)(e);
- 8599 (h) the telephone number for the person listed in Subsection (18)(e);
- 8600 (i) the names of the undocumented individual's immediate family members;
- 8601 (j) the names of the family members who reside with the undocumented individual; and
- 8602 (k) any other information required by the department by rule made in accordance with
- 8603 Chapter 3, Utah Administrative Rulemaking Act.
- 8604 (19) "Restricted account" means the Immigration Act Restricted Account created in Section
- 8605 63G-12-103.
- 8606 (20) "Serious felony" means a felony under:
- 8607 (a) Section 53-5a-304;
- 8608 (b) Title 76, Chapter 5, Offenses Against the Individual;
- 8609 ~~(b)~~ (c) Title 76, Chapter 5b, Sexual Exploitation Act;
- 8610 (d) Title 76, Chapter 5c, Pornographic and Harmful Materials and Performances;
- 8611 (e) Title 76, Chapter 5d, Prostitution;
- 8612 ~~(e)~~ (f) Title 76, Chapter 6, Offenses Against Property;
- 8613 ~~(d)~~ (g) Title 76, Chapter 7, Offenses Against the Family;
- 8614 ~~(e)~~ (h) Title 76, Chapter 8, Offenses Against the Administration of Government;
- 8615 (i) Title 76, Chapter 9, Offenses Against Public Order, Health, and Safety;
- 8616 (j) Title 76, Chapter 11, Weapons;
- 8617 (k) Title 76, Chapter 12, Offenses Related to Privacy, Information, and Communication;
- 8618 (l) Title 76, Chapter 13, Offenses Involving Cruelty to Animals;
- 8619 (m) Title 76, Chapter 14, Offenses Related to Immigration Status;

- 8620        (n) Title 76, Chapter 15, Explosives and Weapons of Mass Destruction;  
 8621        (o) Title 76, Chapter 16, Offenses Concerning Business Practices; and  
 8622        (p) Title 76, Chapter 17, Offenses Concerning Kickbacks, Pyramid Schemes, and  
 8623        Patterns of Unlawful Activity.  
 8624        [~~(f) Title 76, Chapter 9, Offenses Against Public Order and Decency; and]~~  
 8625        [~~(g) Title 76, Chapter 10, Offenses Against Public Health, Safety, Welfare, and Morals.]~~
- 8626        (21)(a) "Status verification system" means an electronic system operated by the federal  
 8627        government, through which an authorized official of a state agency or a political  
 8628        subdivision of the state may inquire by exercise of authority delegated pursuant to 8  
 8629        U.S.C. Sec. 1373, to verify the citizenship or immigration status of an individual  
 8630        within the jurisdiction of the agency or political subdivision for a purpose authorized  
 8631        under this section.
- 8632        (b) "Status verification system" includes:
- 8633            (i) the e-verify program;
- 8634            (ii) an equivalent federal program designated by the United States Department of  
 8635            Homeland Security or other federal agency authorized to verify the work  
 8636            eligibility status of a newly hired employee pursuant to the Immigration Reform  
 8637            and Control Act of 1986;
- 8638            (iii) the Social Security Number Verification Service or similar online verification  
 8639            process implemented by the United States Social Security Administration; or
- 8640            (iv) an independent third-party system with an equal or higher degree of reliability as  
 8641            the programs, systems, or processes described in Subsection (21)(b)(i), (ii), or (iii).
- 8642        (22) "Unauthorized alien" is as defined in 8 U.S.C. Sec. 1324a(h)(3).
- 8643        (23) "Undocumented individual" means an individual who:
- 8644            (a) lives or works in the state; and
- 8645            (b) is not in compliance with the Immigration and Nationality Act, 8 U.S.C. Sec. 1101 et  
 8646            seq. with regard to presence in the United States.
- 8647        (24) "U-verify program" means the verification procedure developed by the department in  
 8648        accordance with Section 63G-12-210.
- 8649        Section 122. Section **63G-12-106** is amended to read:
- 8650        **63G-12-106 (Effective 05/07/25). Severability.**
- 8651        (1) If a provision of Part 2, Guest Worker Program, or the application of a provision to a  
 8652        person or circumstance is held invalid, the remainder of this chapter may not be given  
 8653        effect without the invalid provision or application so that the provisions of this chapter

8654 are not severable.

8655 (2) The following provisions are severable from this chapter:

8656 (a) [~~Title 76, Chapter 9, Part 10, The Illegal Immigration Enforcement Act~~] Title 76,

8657 Chapter 14, Offenses Related to Immigration Status; and

8658 [~~(b) Section 76-10-2901; and~~]

8659 [(e)] (b) Section 77-7-2.

8660 Section 123. Section **63G-31-302** is amended to read:

8661 **63G-31-302 (Effective 05/07/25). Sex-designated changing rooms in publicly**  
 8662 **owned facilities open to the general public.**

8663 (1)(a) Except as provided in Subsection (1)(b), to preserve the individual privacy of  
 8664 males and females, an individual may only access an operational sex-designated  
 8665 changing room in a government entity's facility that is open to the general public if:

8666 (i) the individual's sex corresponds with the sex designation of the changing room; or

8667 (ii) the individual has:

8668 (A) legally amended the individual's birth certificate to correspond with the sex  
 8669 designation of the changing room, which may be supported with a review of  
 8670 any amendment history obtained under Section 26B-8-125; and

8671 (B) undergone a primary sex characteristic surgical procedure as defined in  
 8672 Section 58-67-102 to correspond with the sex designation of the changing  
 8673 room.

8674 (b) Subsection (1)(a) does not apply to:

8675 (i) a minor child who requires assistance to access or use the changing room that  
 8676 corresponds with the sex of the minor's parent, guardian, or relative;

8677 (ii) a dependent minor, as defined in Section 76-5-110, or a dependent adult, as  
 8678 defined in Section 76-5-111 who requires assistance to access or use the changing  
 8679 room that corresponds with the sex of a caretaker;

8680 (iii) an individual providing public safety services, including law enforcement,  
 8681 emergency medical services as defined in Section 26B-4-101, and fire protection;

8682 (iv) an employee of a health care facility, as defined in Section 26B-2-201, to provide  
 8683 health care services to a patient of the health care facility; or

8684 (v) an individual whose employment duties include the maintenance or cleaning of  
 8685 the changing room.

8686 (2) An individual in a changing room has a reasonable expectation of privacy, satisfying the  
 8687 privacy element of the [~~offense of voyeurism in~~



- 8689 Section ~~76-9-702.7.~~] following offenses:
- 8690 (a) voyeurism, as described in Section 76-12-306; and
- 8691 (b) recorded or photographed voyeurism, as described in Section 76-12-307.
- 8692 (3) An individual who knowingly enters a changing room in violation of Subsection (1)
- 8693 commits the offense of criminal trespass under Section 76-6-206 if the individual enters
- 8694 or remains in the changing room under circumstances which a reasonable person would
- 8695 expect to likely cause affront or alarm to, on, or in the presence of another individual.
- 8696 (4) The surgical provision described in Subsection (1)(a)(ii) does not shield an individual
- 8697 from the offense of lewdness related to genitalia under Subsection [~~76-9-702(3)~~]
- 8698 ~~76-5-419(6)~~ or [~~76-9-702.5(4)~~] ~~76-5-420(5)~~.
- 8699 (5) An individual may use the following evidence as a defense against an allegation that the
- 8700 individual is not eligible to access and use a sex-designated changing room under
- 8701 Subsection (1):
- 8702 (a) for an individual whose birth sex corresponds with the sex designation of the
- 8703 changing room:
- 8704 (i) an individual's unamended birth certificate that corresponds with the sex
- 8705 designation of the changing room, which may be supported with a review of any
- 8706 amendment history obtained under Section 26B-8-125; or
- 8707 (ii) documentation of a medical treatment or procedure that is consistent only with
- 8708 the sex designation of the changing room; or
- 8709 (b) for an individual whose birth sex does not correspond with the sex designation of the
- 8710 changing room:
- 8711 (i) the individual's amended birth certificate, which may be supported with a review
- 8712 of any amendment history obtained under Section 26B-8-125; and
- 8713 (ii) documentation that demonstrates that the individual has undergone a primary sex
- 8714 characteristic surgical procedure as defined in Section 58-67-102.
- 8715 (6) Subsection (1) does not apply to:
- 8716 (a) a unisex or single-occupant facility;
- 8717 (b) a changing room that is not open to the general public; or
- 8718 (c) an intersex individual.

8719 Section 124. Section **63G-31-304** is amended to read:

8720 **63G-31-304 (Effective 05/07/25). Government entity facility compliance.**

- 8721 (1) Except as provided under Section 53G-8-211, a government entity shall contact law
- 8722 enforcement if the entity receives a complaint or allegation regarding the following

- 8723 within a privacy space in a facility that is open to the general public:
- 8724 (a) an offense of lewdness [~~under~~] as described in Section [76-9-702] 76-5-419;
- 8725 (b) an offense of lewdness involving a child [~~under~~] as described in Section [76-9-702.5]
- 8726 76-5-420;
- 8727 (c) voyeurism [~~under~~] as described in Section [76-9-702.7] 76-12-306;
- 8728 (d) recorded or photographed voyeurism as described in Section 76-12-307;
- 8729 (e) distribution of images obtained through voyeurism as described in Section 76-12-308;
- 8730 [~~(d)~~] (f) loitering in a privacy space [~~under~~] as described in Section [76-9-702.8] 76-12-309;
- 8731 or
- 8732 [~~(e)~~] (g) for a changing room described in Section 63G-31-302, an offense of criminal
- 8733 trespass under Subsection 63G-31-302(2).
- 8734 (2) To preserve the individual privacy of males and females in privacy spaces:
- 8735 (a) a government entity shall adopt a privacy compliance plan to address compliance
- 8736 with the government entity's duties under this chapter;
- 8737 (b) for construction of a new facility, a government entity shall ensure that the new
- 8738 construction includes a single-occupant facility; and
- 8739 (c) for existing privacy spaces, a government entity:
- 8740 (i) shall consider the feasibility of retrofitting or remodeling to include:
- 8741 (A) floor-to-ceiling walls and doors or similar privacy protections;
- 8742 (B) curtains; or
- 8743 (C) other methods of improving individual privacy within the facility that are
- 8744 comparable to the methods described in Subsections (2)(a)(i) and (ii); and
- 8745 (ii) may reduce the number of fixtures that state law requires by up to 20% to provide
- 8746 adequate space for the retrofitting or remodeling described in Subsection (2)(a).
- 8747 (3) A government entity shall ensure sufficient sex-designated privacy spaces through
- 8748 compliance with Sections 15A-3-112 and 15A-3-304 regarding unisex facilities.
- 8749 Section 125. Section **63I-1-276** is amended to read:
- 8750 **63I-1-276 (Effective 05/07/25). Repeal dates: Title 76.**
- 8751 (1) Subsection 76-7-313(6), regarding a report provided by the Department of Health and
- 8752 Human Services, is repealed July 1, 2027.
- 8753 (2) Section [~~76-10-526.1]~~ 53-5a-303, Information check before private sale of firearm, is
- 8754 repealed July 1, 2025.
- 8755 Section 126. Section **63I-2-276** is amended to read:
- 8756 **63I-2-276 (Effective 05/07/25). Repeal dates: Title 76.**

- 8757 (1) Subsection 76-5-102.7(2)(b), regarding assault or threat of violence against an employee  
8758 of a health facility, is repealed January 1, 2027.
- 8759 (2) Subsection [~~76-10-529(9)~~] 76-11-215(10), regarding data collection requirements for a  
8760 law enforcement agency that issues a written warning, citation, or referral, is repealed  
8761 December 31, 2031.
- 8762 Section 127. Section **63M-7-502** is amended to read:  
8763 **63M-7-502 (Effective 05/07/25). Definitions.**
- 8764 As used in this part:
- 8765 (1) "Accomplice" means an individual who has engaged in criminal conduct as described in  
8766 Section 76-2-202.
- 8767 (2) "Advocacy services provider" means the same as that term is defined in Section  
8768 77-38-403.
- 8769 (3) "Bodily injury" means physical pain, illness, or any impairment of physical condition.
- 8770 (4) "Claimant" means any of the following claiming reparations under this part:
- 8771 (a) a victim;
- 8772 (b) a dependent of a deceased victim; or
- 8773 (c) an individual or representative who files a reparations claim on behalf of a victim.
- 8774 (5) "Child" means an unemancipated individual who is under 18 years old.
- 8775 (6) "Collateral source" means any source of benefits or advantages for economic loss  
8776 otherwise reparable under this part that the claimant has received, or that is readily  
8777 available to the claimant from:
- 8778 (a) the offender;
- 8779 (b) the insurance of the offender or the victim;
- 8780 (c) the United States government or any of its agencies, a state or any of its political  
8781 subdivisions, or an instrumentality of two or more states, except in the case on  
8782 nonobligatory state-funded programs;
- 8783 (d) social security, Medicare, and Medicaid;
- 8784 (e) state-required temporary nonoccupational income replacement insurance or disability  
8785 income insurance;
- 8786 (f) workers' compensation;
- 8787 (g) wage continuation programs of any employer;
- 8788 (h) proceeds of a contract of insurance payable to the claimant for the loss the claimant  
8789 sustained because of the criminally injurious conduct;
- 8790 (i) a contract providing prepaid hospital and other health care services or benefits for

- 8791 disability; or
- 8792 (j) veteran's benefits, including veteran's hospitalization benefits.
- 8793 (7)(a) "Confidential record" means a record in the custody of the office that relates to a
- 8794 claimant's eligibility for a reparations award.
- 8795 (b) "Confidential record" includes:
- 8796 (i) a reparations claim;
- 8797 (ii) any correspondence regarding:
- 8798 (A) the approval or denial of a reparations claim; or
- 8799 (B) the payment of a reparations award;
- 8800 (iii) a document submitted to the office in support of a reparations award;
- 8801 (iv) a medical or mental health treatment plan; and
- 8802 (v) an investigative report provided to the office by a law enforcement agency.
- 8803 (8) "Criminal justice system victim advocate" means the same as that term is defined in
- 8804 Section 77-38-403.
- 8805 (9)(a) "Criminally injurious conduct" other than acts of war declared or not declared
- 8806 means conduct that:
- 8807 (i) is or would be subject to prosecution in this state under Section 76-1-201;
- 8808 (ii) occurs or is attempted;
- 8809 (iii) causes, or poses a substantial threat of causing, bodily injury or death;
- 8810 (iv) is punishable by fine, imprisonment, or death if the individual engaging in the
- 8811 conduct possessed the capacity to commit the conduct; and
- 8812 (v) does not arise out of the ownership, maintenance, or use of a motor vehicle,
- 8813 aircraft, or water craft, unless the conduct is:
- 8814 (A) intended to cause bodily injury or death;
- 8815 (B) punishable under Title 76, Chapter 5, Offenses Against the Individual; or
- 8816 (C) chargeable as an offense for driving under the influence of alcohol or drugs.
- 8817 (b) "Criminally injurious conduct" includes a felony violation of Section 76-7-101 and
- 8818 other conduct leading to the psychological injury of an individual resulting from
- 8819 living in a setting that involves a bigamous relationship.
- 8820 (10)(a) "Dependent" means a natural person to whom the victim is wholly or partially
- 8821 legally responsible for care or support.
- 8822 (b) "Dependent" includes a child of the victim born after the victim's death.
- 8823 (11) "Dependent's economic loss" means loss after the victim's death of contributions of
- 8824 things of economic value to the victim's dependent, not including services the dependent

- 8825 would have received from the victim if the victim had not suffered the fatal injury, less  
8826 expenses of the dependent avoided by reason of victim's death.
- 8827 (12) "Dependent's replacement services loss" means loss reasonably and necessarily  
8828 incurred by the dependent after the victim's death in obtaining services in lieu of those  
8829 the decedent would have performed for the victim's benefit if the victim had not suffered  
8830 the fatal injury, less expenses of the dependent avoided by reason of the victim's death  
8831 and not subtracted in calculating the dependent's economic loss.
- 8832 (13) "Director" means the director of the office.
- 8833 (14) "Disposition" means the sentencing or determination of penalty or punishment to be  
8834 imposed upon an individual:
- 8835 (a) convicted of a crime;  
8836 (b) found delinquent; or  
8837 (c) against whom a finding of sufficient facts for conviction or finding of delinquency is  
8838 made.
- 8839 (15)(a) "Economic loss" means economic detriment consisting only of allowable  
8840 expense, work loss, replacement services loss, and if injury causes death, dependent's  
8841 economic loss and dependent's replacement service loss.
- 8842 (b) "Economic loss" includes economic detriment even if caused by pain and suffering  
8843 or physical impairment.
- 8844 (c) "Economic loss" does not include noneconomic detriment.
- 8845 (16) "Elderly victim" means an individual who is 60 years old or older and who is a victim.
- 8846 (17) "Fraudulent claim" means a filed reparations based on material misrepresentation of  
8847 fact and intended to deceive the reparations staff for the purpose of obtaining reparation  
8848 funds for which the claimant is not eligible.
- 8849 (18) "Fund" means the Crime Victim Reparations Fund created in Section 63M-7-526.
- 8850 (19)(a) "Interpersonal violence" means an act involving violence, physical harm, or a  
8851 threat of violence or physical harm, that is committed by an individual who is or has  
8852 been in a domestic, dating, sexual, or intimate relationship with the victim.
- 8853 (b) "Interpersonal violence" includes any attempt, conspiracy, or solicitation of an act  
8854 described in Subsection (19)(a).
- 8855 (20) "Law enforcement agency" means a public or private agency having general police  
8856 power and charged with making arrests in connection with enforcement of the criminal  
8857 statutes and ordinances of this state or any political subdivision of this state.
- 8858 (21) "Law enforcement officer" means the same as that term is defined in Section 53-13-103.

- 8859 (22)(a) "Medical examination" means a physical examination necessary to document  
8860 criminally injurious conduct.
- 8861 (b) "Medical examination" does not include mental health evaluations for the  
8862 prosecution and investigation of a crime.
- 8863 (23) "Mental health counseling" means outpatient and inpatient counseling necessitated as a  
8864 result of criminally injurious conduct, is subject to rules made by the office in  
8865 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 8866 (24) "Misconduct" means conduct by the victim that was attributable to the injury or death  
8867 of the victim as provided by rules made by the office in accordance with Title 63G,  
8868 Chapter 3, Utah Administrative Rulemaking Act.
- 8869 (25) "Noneconomic detriment" means pain, suffering, inconvenience, physical impairment,  
8870 and other nonpecuniary damage, except as provided in this part.
- 8871 (26) "Nongovernment organization victim advocate" means the same as that term is defined  
8872 in Section 77-38-403.
- 8873 (27) "Nonpublic restitution record" means a restitution record that contains a claimant's  
8874 medical or mental health information
- 8875 (28) "Pecuniary loss" does not include loss attributable to pain and suffering except as  
8876 otherwise provided in this part.
- 8877 (29) "Offender" means an individual who has violated Title 76, Utah Criminal Code,  
8878 through criminally injurious conduct regardless of whether the individual is arrested,  
8879 prosecuted, or convicted.
- 8880 (30) "Offense" means a violation of Title 76, Utah Criminal Code.
- 8881 (31) "Office" means the director, the reparations and assistance officers, and any other staff  
8882 employed for the purpose of carrying out the provisions of this part.
- 8883 (32) "Perpetrator" means the individual who actually participated in the criminally injurious  
8884 conduct.
- 8885 (33) "Public restitution record" means a restitution record that does not contain a claimant's  
8886 medical or mental health information.
- 8887 (34)(a) "Rape crisis and services center" means a nonprofit entity that assists victims of  
8888 sexual assault and victims' families by offering sexual assault crisis intervention and  
8889 counseling through a sexual assault counselor.
- 8890 (b) "Rape crisis and services center" does not include a qualified institutional victim  
8891 services provider as defined in Section 53B-28-201.
- 8892 (35) "Reparations award" means money or other benefits provided to a claimant or to

- 8893 another on behalf of a claimant after the day on which a reparations claim is approved  
8894 by the office.
- 8895 (36) "Reparations claim" means a claimant's request or application made to the office for a  
8896 reparations award.
- 8897 (37)(a) "Reparations officer" means an individual employed by the office to investigate  
8898 a claimant's request for reparations and award reparations under this part.
- 8899 (b) "Reparations officer" includes the director when the director is acting as a  
8900 reparations officer.
- 8901 (38) "Replacement service loss" means expenses reasonably and necessarily incurred in  
8902 obtaining ordinary and necessary services in lieu of those the injured individual would  
8903 have performed, not for income but the benefit of the injured individual or the injured  
8904 individual's dependents if the injured individual had not been injured.
- 8905 (39)(a) "Representative" means the victim, immediate family member, legal guardian,  
8906 attorney, conservator, executor, or an heir of an individual.
- 8907 (b) "Representative" does not include a service provider or collateral source.
- 8908 (40) "Restitution" means the same as that term is defined in Section 77-38b-102.
- 8909 (41)(a) "Restitution record" means a record documenting payments made to, or on  
8910 behalf of, a claimant by the office that the office relies on to support a restitution  
8911 request made in accordance with Section 77-38b-205.
- 8912 (b) "Restitution record" includes:
- 8913 (i) a notice of restitution;
- 8914 (ii) an itemized list of payments;
- 8915 (iii) an invoice, receipt, or bill submitted to the office for reimbursement; and
- 8916 (iv) any documentation that the office relies on to establish a nexus between an  
8917 offender's criminally injurious conduct and a reparations award made by the office.
- 8918 (42) "Secondary victim" means an individual who is traumatically affected by the  
8919 criminally injurious conduct subject to rules made by the office in accordance with Title  
8920 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 8921 (43) "Service provider" means an individual or agency who provides a service to a claimant  
8922 for a monetary fee, except attorneys as provided in Section 63M-7-524.
- 8923 (44) "Serious bodily injury" means the same as that term is defined in Section 76-1-101.5.
- 8924 (45) "Sexual assault" means any criminal conduct described in Title 76, Chapter 5, Part 4,  
8925 Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
- 8926 (46) "Sexual assault counselor" means an individual who:

- 8927 (a) is employed by or volunteers at a rape crisis and services center;
- 8928 (b) has a minimum of 40 hours of training in counseling and assisting victims of sexual  
8929 assault; and
- 8930 (c) is under the supervision of the director of a rape crisis and services center or the  
8931 director's designee.
- 8932 (47) "Strangulation" means any act involving the use of unlawful force or violence that:
- 8933 (a) impedes breathing or the circulation of blood; and
- 8934 (b) is likely to produce a loss of consciousness by:
- 8935 (i) applying pressure to the neck or throat of an individual; or
- 8936 (ii) obstructing the nose, mouth, or airway of an individual.
- 8937 (48) "Substantial bodily injury" means the same as that term is defined in Section  
8938 76-1-101.5.
- 8939 (49)(a) "Victim" means an individual who suffers bodily or psychological injury or  
8940 death as a direct result of:
- 8941 (i) criminally injurious conduct; or
- 8942 (ii) the production of pornography in violation of Section 76-5b-201 or 76-5b-201.1  
8943 if the individual is a minor.
- 8944 (b) "Victim" does not include an individual who participated in or observed the judicial  
8945 proceedings against an offender unless otherwise provided by statute or rule made in  
8946 accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 8947 (50) "Work loss" means loss of income from work the injured victim would have performed  
8948 if the injured victim had not been injured and expenses reasonably incurred by the  
8949 injured victim in obtaining services in lieu of those the injured victim would have  
8950 performed for income, reduced by any income from substitute work the injured victim  
8951 was capable of performing but unreasonably failed to undertake.
- 8952 Section 128. Section **64-13-41** is amended to read:
- 8953 **64-13-41 (Effective 05/07/25). Limitations on offender access to sexually explicit**  
8954 **material.**
- 8955 (1) As used in this section:
- 8956 (a)(i) "Commercially published information or material" means any book, booklet,  
8957 pamphlet, magazine, periodical, newsletter, or similar document, including  
8958 stationery and greeting cards, and video and audio tapes, disks, or other recording,  
8959 that is distributed or made available through any means or media for a commercial  
8960 purpose.



- 8961 (ii) "Commercially published information or material" includes an extraction,  
 8962 photocopy, clipping, or electronically created copy made from any of the items  
 8963 under Subsection (1)(a)(i).
- 8964 (b)(i) "Features nudity" means the information or material:  
 8965 (A) that, in the case of a one-time publication or issue, promotes itself based upon  
 8966 depictions of nudity or sexually explicit conduct; or  
 8967 (B) that, in the case of information or material other than under Subsection  
 8968 (1)(b)(i)(A), contains depictions of nudity or sexually explicit conduct on a  
 8969 routine or regular basis.
- 8970 (ii) The department may by rule, pursuant to Title 63G, Chapter 3, Utah  
 8971 Administrative Rulemaking Act, exclude from the definition in Subsection  
 8972 (1)(b)(i) information or material containing nudity that is illustrative of medical,  
 8973 educational, or anthropological content.
- 8974 (c) "Nudity" means a pictorial depiction where genitalia or female breasts are exposed.
- 8975 (d) "Offender" means any person who has been convicted of a crime and is housed in a  
 8976 prison, jail, youth detention facility, or community correctional center.
- 8977 (e) "Sexually explicit" means a pictorial depiction of actual or simulated sexual acts,  
 8978 including sexual intercourse, sodomy, or masturbation.
- 8979 (f) "State funds" means state or local funding provided to the department, and includes  
 8980 legislative appropriations to the department, dedicated credits, grants, and money for  
 8981 jail reimbursement to county correctional facilities under Title 64, Chapter 13,  
 8982 Department of Corrections - State Prison, private providers, and contractors.
- 8983 (2) State funds may not be used to distribute or make available any commercially published  
 8984 information or material to an offender when the state employee, contractor, or private  
 8985 provider who has the authority to expend the funds knows that the commercially  
 8986 published information or material is sexually explicit or features nudity.
- 8987 (3)(a) When the department rejects commercially published information or material for  
 8988 distribution to an offender under this section, the department shall advise the  
 8989 publisher or sender that it may request reconsideration by the department of the  
 8990 decision to reject the material. However, the department need advise the publisher or  
 8991 sender only once in the case of information or material that on a routine or regular  
 8992 basis either depicts sexually explicit material or features nudity.
- 8993 (b) The department shall make rules pursuant to Title 63G, Chapter 3, Utah  
 8994 Administrative Rulemaking Act, to establish an administrative reconsideration

- 8995 process.
- 8996 (c) For purposes of extraordinary relief under Rule 65B, Utah Rules of Civil Procedure,  
8997 this administrative reconsideration process is a plain, speedy, and adequate legal  
8998 remedy that must be exhausted before extraordinary relief is available.
- 8999 (d) There is no right to judicial review of the department's decision under this section to  
9000 reject material for distribution.
- 9001 (4) This section does not apply to sexually explicit material used under [Section  
9002 ~~76-10-1207.5~~] Subsection 76-5c-110(1) for the assessment or treatment of an offender.  
9003 Section 129. Section **67-5-22.7** is amended to read:  
9004 **67-5-22.7 (Effective 05/07/25). Multi-agency strike force to combat violent and**  
9005 **other major felony crimes associated with illegal immigration and human trafficking --**  
9006 **Fraudulent Documents Identification Unit.**
- 9007 (1) The Office of the Attorney General is authorized to administer and coordinate the  
9008 operation of a multi-agency strike force to combat violent and other major felony crimes  
9009 committed within the state that are associated with illegal immigration and human  
9010 trafficking.
- 9011 (2) The office shall invite officers of the U.S. Immigration and Customs Enforcement and  
9012 state and local law enforcement personnel to participate in this mutually supportive,  
9013 multi-agency strike force to more effectively utilize their combined skills, expertise, and  
9014 resources.
- 9015 (3) The strike force shall focus its efforts on detecting, investigating, deterring, and  
9016 eradicating violent and other major felony criminal activity related to illegal  
9017 immigration and human trafficking.
- 9018 (4) In conjunction with the strike force and subject to available funding, the Office of the  
9019 Attorney General shall establish a Fraudulent Documents Identification Unit:  
9020 (a) for the primary purpose of investigating, apprehending, and prosecuting individuals  
9021 or entities that participate in the sale or distribution of fraudulent documents used for  
9022 identification purposes;  
9023 (b) to specialize in fraudulent identification documents created and prepared for  
9024 individuals who are unlawfully residing within the state; and  
9025 (c) to administer the Identity Theft Victims Restricted Account created under Subsection  
9026 (5).
- 9027 (5)(a) There is created a restricted account in the General Fund known as the "Identity  
9028 Theft Victims Restricted Account."

- 9029 (b) The Identity Theft Victims Restricted Account shall consist of money appropriated  
 9030 to the Identity Theft Victims Restricted Account by the Legislature.
- 9031 (c) Subject to appropriations from the Legislature, beginning on the program start date,  
 9032 as defined in Section 63G-12-102, the Fraudulent Documents Identification Unit may  
 9033 expend the money in the Identity Theft Victims Restricted Account to pay a claim as  
 9034 provided in this Subsection (5) to a person who is a victim of identity theft  
 9035 prosecuted under Section 76-11-215 or 76-6-1102~~[or 76-10-1801]~~.
- 9036 (d) To obtain payment from the Identity Theft Victims Restricted Account, a person  
 9037 shall file a claim with the Fraudulent Documents Identification Unit by no later than  
 9038 one year after the day on which an individual is convicted, pleads guilty to, pleads no  
 9039 contest to, pleads guilty in a similar manner to, or resolved by diversion or its  
 9040 equivalent an offense under Section 76-11-215 or 76-6-1102 ~~[or 76-10-1801]~~ for the  
 9041 theft of the identity of the person filing the claim.
- 9042 (e) A claim filed under this Subsection (5) shall include evidence satisfactory to the  
 9043 Fraudulent Documents Identification Unit:
- 9044 (i) that the person is the victim of identity theft described in Subsection (5)(d); and  
 9045 (ii) of the actual damages experienced by the person as a result of the identity theft  
 9046 that are not recovered from a public or private source.
- 9047 (f) The Fraudulent Documents Identification Unit shall pay a claim from the Identity  
 9048 Theft Victims Restricted Account:
- 9049 (i) if the Fraudulent Documents Identification Unit determines that the person has  
 9050 provided sufficient evidence to meet the requirements of Subsection (5)(e);  
 9051 (ii) in the order that claims are filed with the Fraudulent Documents Identification  
 9052 Unit; and  
 9053 (iii) to the extent that there is money in the Identity Theft Victims Restricted  
 9054 Account.
- 9055 (g) If there is insufficient money in the Identity Theft Victims Restrict Account when a  
 9056 claim is filed under this Subsection (5) to pay the claim in full, the Fraudulent  
 9057 Documents Identification Unit may pay a claim when there is sufficient money in the  
 9058 account to pay the claim in the order that the claims are filed.
- 9059 (6) The strike force shall make an annual report on its activities to the governor and the  
 9060 Legislature's Law Enforcement and Criminal Justice Interim Committee by December 1,  
 9061 together with any proposed recommendations for modifications to this section.
- 9062 Section 130. Section **67-5-40**, which is renumbered from Section 76-10-3114 is renumbered

9063 and amended to read:

9064 ~~[76-10-3114]~~67-5-40 (Effective 05/07/25). **Attorney General Litigation Fund.**

9065 (1)(a) There is created an expendable special revenue fund known as the Attorney

9066 General Litigation Fund for the purpose of providing funds to pay for:

9067 (i) ~~[any]~~costs and expenses incurred by the state attorney general in relation to  
9068 actions under state or federal antitrust, criminal laws, or civil proceedings under

9069 Title 13, Chapter 44, Protection of Personal Information Act; and

9070 (ii) citizen education and outreach related to any item described in Subsection (1)(a)(i).

9071 (b) The funds described in Subsection (1)(a) are in addition to other funds as may be

9072 appropriated by the Legislature to the attorney general for the administration and

9073 enforcement of the laws of this state.

9074 (c) At the close of any fiscal year, any balance in the fund in excess of \$4,000,000 shall

9075 be transferred to the General Fund.

9076 (d) The attorney general may expend money from the Attorney General Litigation Fund

9077 for the purposes in Subsection (1)(a).

9078 (2)(a) All money received by the state or ~~[its]~~ the state's agencies by reason of ~~[any]~~ a

9079 judgment, settlement, or compromise as the result of ~~[any]~~ an action commenced,

9080 investigated, or prosecuted by the attorney general, after payment of any fines,

9081 restitution, payments, costs, or fees allocated by the court, shall be deposited ~~[in]~~ into

9082 the Attorney General Litigation Fund, except as provided in Subsection (2)(b).

9083 (b)(i) Any expenses advanced by the attorney general in any of the actions under

9084 Subsection (1)(a) shall be credited to the Attorney General Litigation Fund.

9085 (ii) Any money recovered by the attorney general on behalf of ~~[any]~~ a private person

9086 or public body other than the state shall be paid to those persons or bodies from

9087 funds remaining after payment of expenses under Subsection (2)(b)(i).

9088 Section 131. Section ~~72-10-901~~ is amended to read:

9089 **~~72-10-901~~ (Effective 05/07/25). Definitions.**

9090 As used in this part, "weapon" means:

9091 (1) a firearm as that term is defined in Section ~~[76-10-501]~~ 76-11-101; or

9092 (2) an object that in the manner of the object's use or intended use is capable of causing

9093 death, bodily injury, or damage to property, as determined according to the following

9094 factors:

9095 (a) the location and circumstances in which the object is used or possessed;

9096 (b) the primary purpose for which the object is made;

- 9097 (c) the character of the damage, if any, the object is likely to cause;
- 9098 (d) the manner in which the object is used;
- 9099 (e) whether the manner in which the object is used or possessed constitutes a potential
- 9100 imminent threat to public safety; and
- 9101 (f) the lawful purposes for which the object may be used.

9102 Section 132. Section **73-2-27** is amended to read:

9103 **73-2-27 (Effective 05/07/25). Criminal penalties.**

9104 (1) This section applies to offenses committed under:

- 9105 (a) Section 73-1-14;
- 9106 (b) Section 73-1-15;
- 9107 (c) Section 73-2-20;
- 9108 (d) Section 73-3-3;
- 9109 (e) Section 73-3-26;
- 9110 (f) Section 73-3-29;
- 9111 (g) Section 73-5-9;
- 9112 (h) Section [~~76-10-201~~] 76-9-1202;
- 9113 (i) Section [~~76-10-202~~] 76-9-1203; and
- 9114 (j) Section [~~76-10-203~~] 76-9-1204.

9115 (2) Under circumstances not amounting to an offense with a greater penalty under

9116 Subsection 76-6-106(2)(a)(ii), Section 76-6-106.3, or Section 76-6-404, violation of a

9117 provision listed in Subsection (1) is punishable:

- 9118 (a) as a felony of the third degree if:
- 9119 (i) the value of the water diverted or property damaged or taken is \$2,500 or greater;
- 9120 and
- 9121 (ii) the person violating the provision has previously been convicted of violating the
- 9122 same provision;
- 9123 (b) as a class A misdemeanor if:
- 9124 (i) the value of the water diverted or property damaged or taken is \$2,500 or greater;
- 9125 or
- 9126 (ii) the person violating the provision has previously been convicted of violating the
- 9127 same provision; or
- 9128 (c) as a class B misdemeanor if Subsection (2)(a) or (b) does not apply.

9129 Section 133. Section **73-29-102** is amended to read:

9130 **73-29-102 (Effective 05/07/25). Definitions.**

9131 As used in this chapter:

9132 (1) "Division" means the Division of Wildlife Resources.

9133 (2) "Floating access" means the right to access public water flowing over private property  
9134 for floating and fishing while floating upon the water.

9135 (3) "Impounded wetlands" means a wetland or wetland pond that is formed or the level of  
9136 which is controlled by a dike, berm, or headgate that retains or manages the flow or  
9137 depth of water, including connecting channels.

9138 (4) "Navigable water" means a water course that in its natural state without the aid of  
9139 artificial means is useful for commerce and has a useful capacity as a public highway of  
9140 transportation.

9141 (5) "Private property to which access is restricted" means privately owned real property:

9142 (a) that is cultivated land, as defined in Section 23A-5-317;

9143 (b) that is:

9144 (i) properly posted, as defined in Section 23A-5-317;

9145 (ii) posted as described in Subsection 76-6-206(2)(b)(iii); or

9146 (iii) posted as described in Subsection 76-6-206.3(2)(c);

9147 (c) that is fenced or enclosed as described in:

9148 (i) Subsection 76-6-206(2)(b)(ii); or

9149 (ii) Subsection 76-6-206.3(2)(b); or

9150 (d) that the owner or a person authorized to act on the owner's behalf has requested a  
9151 person to leave as provided by:

9152 (i) Section 23A-5-317;

9153 (ii) Subsection 76-6-206(2)(b)(i); or

9154 (iii) Subsection 76-6-206.3(2)(a).

9155 (6) "Public access area" means the limited part of privately owned property that:

9156 (a) lies beneath or within three feet of a public water or that is the most direct, least

9157 invasive, and closest means of portage around an obstruction in a public water; and

9158 (b) is open to public recreational access under Section 73-29-203; and

9159 (c) can be accessed from an adjoining public access area or public right-of-way.

9160 (7) "Public recreational access" means the right to engage in recreational access established  
9161 in accordance with Section 73-29-203.

9162 (8)(a) "Public water" means water:

9163 (i) described in Section 73-1-1; and

9164 (ii) flowing or collecting on the surface:

- 9165 (A) within a natural or realigned channel; or
- 9166 (B) in a natural lake, pond, or reservoir on a natural or realigned channel.
- 9167 (b) "Public water" does not include water flowing or collecting:
- 9168 (i) on impounded wetland;
- 9169 (ii) on a migratory bird production area, as defined in Section 23A-13-101;
- 9170 (iii) on private property in a manmade:
- 9171 (A) irrigation canal;
- 9172 (B) irrigation ditch; or
- 9173 (C) impoundment or reservoir constructed outside of a natural or realigned
- 9174 channel; or
- 9175 (iv) on a jurisdictional wetland described in 33 C.F.R. 328.3.
- 9176 (9)(a) "Recreational access" means to use a public water and to touch a public access
- 9177 area incidental to the use of the public water for:
- 9178 (i) floating;
- 9179 (ii) fishing; or
- 9180 (iii) waterfowl hunting conducted:
- 9181 (A) in compliance with applicable law or rule, including Sections 23A-5-314,
- 9182 73-29-203, and [~~76-10-508~~] 76-11-207; and
- 9183 (B) so that the individual who engages in the waterfowl hunting shoots a firearm
- 9184 only while within a public access area and no closer than 600 feet of any
- 9185 dwelling.
- 9186 (b) "Recreational access" does not include:
- 9187 (i) hunting, except as provided in Subsection (9)(a)(iii);
- 9188 (ii) wading without engaging in activity described in Subsection (9)(a); or
- 9189 (iii) any other activity.
- 9190 Section 134. Section **76-1-301** is amended to read:
- 9191 **76-1-301 (Effective 05/07/25). Offenses for which prosecution may be**
- 9192 **commenced at any time.**
- 9193 (1) As used in this section:
- 9194 (a) "Aggravating offense" means any offense incident to which a homicide was
- 9195 committed as described in Subsection 76-5-202(2)(a)(iv) or (v) or Subsection
- 9196 76-5-202(2)(b).
- 9197 (b) "Predicate offense" means an offense described in Subsection 76-5-203(1)(a) if a
- 9198 person other than a party as defined in Section 76-2-202 was killed in the course of

9199 the commission, attempted commission, or immediate flight from the commission or  
9200 attempted commission of the offense.

9201 (2) Notwithstanding any other provisions of this code, prosecution for the following  
9202 offenses may be commenced at any time:

- 9203 (a) an offense classified as a capital felony under Section 76-3-103;  
9204 (b) aggravated murder under Section 76-5-202;  
9205 (c) murder under Section 76-5-203;  
9206 (d) manslaughter under Section 76-5-205;  
9207 (e) child abuse homicide under Section 76-5-208;  
9208 (f) aggravated kidnapping under Section 76-5-302;  
9209 (g) child kidnapping under Section 76-5-301.1;  
9210 (h) rape under Section 76-5-402;  
9211 (i) rape of a child under Section 76-5-402.1;  
9212 (j) object rape under Section 76-5-402.2;  
9213 (k) object rape of a child under Section 76-5-402.3;  
9214 (l) forcible sodomy under Section 76-5-403;  
9215 (m) sodomy on a child under Section 76-5-403.1;  
9216 (n) sexual abuse of a child under Section 76-5-404.1;  
9217 (o) aggravated sexual abuse of a child under Section 76-5-404.3;  
9218 (p) aggravated sexual assault under Section 76-5-405;  
9219 (q) any predicate offense to a murder or aggravating offense to an aggravated murder;  
9220 (r) aggravated human trafficking under Section 76-5-310;  
9221 (s) aggravated human smuggling under Section 76-5-310.1;  
9222 [~~(t) aggravated exploitation of prostitution involving a child under Section 76-10-1306;~~  
9223 ~~or~~]  
9224 [~~(t)~~] (t) human trafficking of a child under Section 76-5-308.5[-] ; or  
9225 (u) aggravated exploitation of prostitution involving a child under Section 76-5d-208.

9226 Section 135. Section **76-2-304.5** is amended to read:

9227 **76-2-304.5 (Effective 05/07/25). Mistake as to victim's age not a defense.**

9228 (1) It is not a defense to the following offenses that the actor mistakenly believed the victim  
9229 to be 14 years old or older at the time of the alleged offense or was unaware of the  
9230 victim's true age:

- 9231 (a) child kidnapping, Section 76-5-301.1;  
9232 (b) rape of a child, Section 76-5-402.1;



- 9233 (c) object rape of a child, Section 76-5-402.3;
- 9234 (d) sodomy on a child, Section 76-5-403.1;
- 9235 (e) sexual abuse of a child, Section 76-5-404.1;
- 9236 (f) aggravated sexual abuse of a child, Section 76-5-404.3;
- 9237 (g) unlawful kissing of a child, Section 76-5-416.2; or
- 9238 (h) an attempt to commit an offense listed in Subsections (1)(a) through (1)(g).
- 9239 (2) It is not a defense to the following offenses that the actor mistakenly believed the victim
- 9240 to be 16 years old or older at the time of the alleged offense or was unaware of the
- 9241 victim's true age:
- 9242 (a) unlawful sexual activity with a minor, Section 76-5-401;
- 9243 (b) sexual abuse of a minor, Section 76-5-401.1; or
- 9244 (c) an attempt to commit an offense listed in Subsection (2)(a) or (2)(b).
- 9245 (3) It is not a defense to the following offenses that the actor mistakenly believed the victim
- 9246 to be 18 years old or older at the time of the alleged offense or was unaware of the
- 9247 victim's true age:
- 9248 (a) human trafficking of a child, Section 76-5-308.5;
- 9249 (b) aggravated human trafficking, Section 76-5-310;
- 9250 (c) aggravated human smuggling, Section 76-5-310.1;
- 9251 (d) unlawful sexual conduct with a minor, Subsection 76-5-401.2(2)(a)(ii);
- 9252 (e) patronizing a [~~prostitute~~] child involved in prostitution, Section [~~76-10-1303~~]
- 9253 76-5d-204;
- 9254 (f) aggravated exploitation of prostitution, Section [~~76-10-1306~~] 76-5d-208; or
- 9255 (g) sexual solicitation of a child, Section [~~76-10-1313~~] 76-5d-210.
- 9258 Section 136. Section **76-2-306** is amended to read:
- 9259 **76-2-306 (Effective 05/07/25). Voluntary intoxication.**
- 9260 (1) Voluntary intoxication is not a defense to a criminal charge unless such intoxication
- 9261 negates the existence of the mental state which is an element of the offense. If
- 9262 recklessness or criminal negligence establishes an element of an offense and the actor is
- 9263 unaware of the risk because of voluntary intoxication, his unawareness is immaterial in a
- 9264 prosecution for that offense.
- 9265 (2) Voluntary intoxication is not a defense to sexual offenses, as defined in Title 76,
- 9266 Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419,
- 9267 or 76-5-420.
- 9268 Section 137. Section **76-3-203.1** is amended to read:

- 9269           **76-3-203.1 (Effective 05/07/25). Offenses committed in concert with three or**  
9270 **more persons or in relation to a criminal street gang -- Notice -- Enhanced penalties.**
- 9271 (1) As used in this section:
- 9272       (a) "Criminal street gang" means the same as that term is defined in Section 76-9-802.
- 9273       (b) "In concert with three or more persons" means:
- 9274           (i) the defendant was aided or encouraged by at least three other persons in  
9275                 committing the offense and was aware of this aid or encouragement; and
- 9276           (ii) each of the other persons:
- 9277                 (A) was physically present; and
- 9278                 (B) participated as a party to any offense listed in Subsection (4), (5), or (6).
- 9279       (c) "In concert with three or more persons" means, regarding intent:
- 9280           (i) other persons participating as parties need not have the intent to engage in the  
9281                 same offense or degree of offense as the defendant; and
- 9282           (ii) a minor is a party if the minor's actions would cause the minor to be a party if the  
9283                 minor were an adult.
- 9284 (2) A person who commits any offense in accordance with this section is subject to an  
9285 enhanced penalty as provided in Subsection (4), (5), or (6) if the trier of fact finds  
9286 beyond a reasonable doubt that the person acted:
- 9287       (a) in concert with three or more persons;
- 9288       (b) for the benefit of, at the direction of, or in association with any criminal street gang  
9289           as defined in Section 76-9-802; or
- 9290       (c) to gain recognition, acceptance, membership, or increased status with a criminal  
9291           street gang as defined in Section 76-9-802.
- 9292 (3) The prosecuting attorney, or grand jury if an indictment is returned, shall cause to be  
9293 subscribed upon the information or indictment notice that the defendant is subject to the  
9294 enhanced penalties provided under this section.
- 9295 (4)(a) For an offense listed in Subsection (4)(b), a person may be charged as follows:
- 9296       (i) for a class B misdemeanor, as a class A misdemeanor; and
- 9297       (ii) for a class A misdemeanor, as a third degree felony.
- 9298       (b) The following offenses are subject to Subsection (4)(a):
- 9299           (i) criminal mischief as described in Section 76-6-106;
- 9300           (ii) property damage or destruction as described in Section 76-6-106.1; and
- 9301           (iii) defacement by graffiti as described in Section 76-6-107.
- 9302 (5)(a) For an offense listed in Subsection (5)(b), a person may be charged as follows:

- 9303 (i) for a class B misdemeanor, as a class A misdemeanor;
- 9304 (ii) for a class A misdemeanor, as a third degree felony; and
- 9305 (iii) for a third degree felony, as a second degree felony.
- 9306 (b) The following offenses are subject to Subsection (5)(a):
- 9307 (i) burglary, if committed in a dwelling as defined in Subsection 76-6-202(3)(b);
- 9308 (ii) any offense of obstructing government operations under Chapter 8, Part 3,
- 9309 Obstructing Governmental Operations, except Sections 76-8-302, 76-8-303,
- 9310 76-8-307, 76-8-308, and 76-8-312;
- 9311 (iii) tampering with a witness under Section 76-8-508;
- 9312 (iv) retaliation against a witness, victim, or informant, or other violation of Section
- 9313 76-8-508.3;
- 9314 (v) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 9315 (vi) extortion or bribery to dismiss a criminal proceeding as defined in Section
- 9316 76-8-509;
- 9317 (vii) any weapons offense under [~~Chapter 10, Part 5, Weapons~~] Chapter 11, Weapons;
- 9318 and
- 9319 (viii) any violation of [~~Chapter 10, Part 16, Pattern of Unlawful Activity Act~~] Chapter
- 9320 17, Part 4, Offenses Concerning Patterns of Unlawful Activity.
- 9321 (6)(a) For an offense listed in Subsection (6)(b), a person may be charged as follows:
- 9322 (i) for a class B misdemeanor, as a class A misdemeanor;
- 9323 (ii) for a class A misdemeanor, as a third degree felony;
- 9324 (iii) for a third degree felony, as a second degree felony; and
- 9325 (iv) for a second degree felony, as a first degree felony.
- 9326 (b) The following offenses are subject to Subsection (6)(a):
- 9327 (i) assault and related offenses under Chapter 5, Part 1, Assault and Related Offenses;
- 9328 (ii) any criminal homicide offense under Chapter 5, Part 2, Criminal Homicide;
- 9329 (iii) kidnapping and related offenses under Chapter 5, Part 3, Kidnapping,
- 9330 Trafficking, and Smuggling;
- 9331 (iv) any felony sexual offense under Chapter 5, Part 4, Sexual Offenses, not including
- 9332 Section 76-5-417, 76-5-419, or 76-5-420;
- 9333 (v) sexual exploitation of a minor as defined in Section 76-5b-201;
- 9334 (vi) aggravated sexual exploitation of a minor as defined in Section 76-5b-201.1;
- 9335 (vii) robbery and aggravated robbery under Chapter 6, Part 3, Robbery; and
- 9336 (viii) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-208.

- 9337 (7) The sentence imposed under Subsection (4), (5), or (6) may be suspended and the  
 9338 individual placed on probation for the higher level of offense.
- 9339 (8) It is not a bar to imposing the enhanced penalties under this section that the persons with  
 9340 whom the actor is alleged to have acted in concert are not identified, apprehended,  
 9341 charged, or convicted, or that any of those persons are charged with or convicted of a  
 9342 different or lesser offense.

9343 Section 138. Section **76-3-203.3** is amended to read:

9344 **76-3-203.3 (Effective 05/07/25). Penalty for hate crimes -- Civil rights violation.**

9345 As used in this section:

- 9346 (1) "Primary offense" means those offenses provided in Subsection (4).
- 9347 (2)(a) A person who commits any primary offense with the intent to intimidate or  
 9348 terrorize another person or with reason to believe that his action would intimidate or  
 9349 terrorize that person is subject to Subsection (2)(b).
- 9350 (b)(i) A class C misdemeanor primary offense is a class B misdemeanor; and  
 9351 (ii) a class B misdemeanor primary offense is a class A misdemeanor.
- 9352 (3) "Intimidate or terrorize" means an act which causes the person to fear for his physical  
 9353 safety or damages the property of that person or another. The act must be accompanied  
 9354 with the intent to cause or has the effect of causing a person to reasonably fear to freely  
 9355 exercise or enjoy any right secured by the Constitution or laws of the state or by the  
 9356 Constitution or laws of the United States.
- 9357 (4) Primary offenses referred to in Subsection (1) are the misdemeanor offenses for:
- 9358 (a) assault and related offenses under Sections 76-5-102, 76-5-102.4, 76-5-106, 76-5-107,  
 9359 and 76-5-108;
- 9360 (b) any misdemeanor property destruction offense under Sections 76-6-102 and 76-6-104,  
 9361 and Subsection 76-6-106(2)(a);
- 9362 (c) any criminal trespass offense under Sections 76-6-204 and 76-6-206;
- 9363 (d) any misdemeanor theft offense under Chapter 6, Offenses Against Property;
- 9364 (e) any offense of obstructing government operations under Sections 76-8-301,  
 9365 76-8-301.2, 76-8-302, 76-8-305, 76-8-306, 76-8-307, 76-8-308, 76-8-309.2, and  
 9366 76-8-313;
- 9367 (f) any offense of interfering or intending to interfere with activities of colleges and  
 9368 universities under Title 76, Chapter 8, Part 7, Colleges and Universities;
- 9369 (g) any misdemeanor offense against public order and decency as defined in Title 76,  
 9370 Chapter 9, Part 1, Breaches of the Peace and Related Offenses, not including Section

- 9371 76-9-105.5, 76-9-105.6, 76-9-110, 76-9-111, 76-9-112, 76-9-113, or 76-9-114;  
 9372 (h) any telephone abuse offense under [~~Title 76, Chapter 9, Part 2, Electronic~~  
 9373 ~~Communication and Telephone Abuse~~] Sections 76-12-202, 76-12-203, 76-12-204,  
 9374 and 76-12-206;  
 9375 (i) any cruelty to animals offense under [~~Section 76-9-301~~] Sections 76-13-202,  
 9376 76-13-203, and 76-13-204;  
 9377 (j) any weapons offense under Section [~~76-10-506~~] 76-11-205; or  
 9378 (k) a violation of Section 76-9-102, if the violation occurs at an official meeting.  
 9379 (5) This section does not affect or limit any individual's constitutional right to the lawful  
 9380 expression of free speech or other recognized rights secured by the Constitution or laws  
 9381 of the state or by the Constitution or laws of the United States.

9382 Section 139. Section **76-3-203.5** is amended to read:

9383 **76-3-203.5 (Effective 05/07/25). Habitual violent offender -- Definition --**

9384 **Procedure -- Penalty.**

9385 (1) As used in this section:

- 9386 (a) "Felony" means any violation of a criminal statute of the state, any other state, the  
 9387 United States, or any district, possession, or territory of the United States for which  
 9388 the maximum punishment the offender may be subjected to exceeds one year in  
 9389 prison.  
 9390 (b) "Habitual violent offender" means a person convicted within the state of any violent  
 9391 felony and who on at least two previous occasions has been convicted of a violent  
 9392 felony and committed to either prison in Utah or an equivalent correctional institution  
 9393 of another state or of the United States either at initial sentencing or after revocation  
 9394 of probation.  
 9395 (c) "Violent felony" means:  
 9396 (i) any of the following offenses, or any attempt, solicitation, or conspiracy to  
 9397 commit any of the following offenses punishable as a felony:  
 9398 (A) arson as described in Section 76-6-102;  
 9399 (B) causing a catastrophe as described in Subsection 76-6-105(3)(a) or (3)(b);  
 9400 (C) criminal mischief as described in Section 76-6-106;  
 9401 (D) aggravated arson as described in Section 76-6-103;  
 9402 (E) assault by prisoner as described in Section 76-5-102.5;  
 9403 (F) disarming a police officer as described in Section 76-5-102.8;  
 9404 (G) aggravated assault as described in Section 76-5-103;

- 9405 (H) aggravated assault by prisoner as described in Section 76-5-103.5;
- 9406 (I) mayhem as described in Section 76-5-105;
- 9407 (J) stalking as described in Subsection 76-5-106.5(2);
- 9408 (K) threat of terrorism as described in Section 76-5-107.3;
- 9409 (L) aggravated child abuse as described in Subsection 76-5-109.2(3)(a) or (b);
- 9410 (M) commission of domestic violence in the presence of a child as described in
- 9411 Section 76-5-114;
- 9412 (N) abuse or neglect of a child with a disability as described in Section 76-5-110;
- 9413 (O) abuse or exploitation of a vulnerable adult as described in Section 76-5-111,
- 9414 76-5-111.2, 76-5-111.3, or 76-5-111.4;
- 9415 (P) endangerment of a child or vulnerable adult as described in Section 76-5-112.5;
- 9416 (Q) an offense described in Chapter 5, Part 2, Criminal Homicide;
- 9417 (R) kidnapping as described in Section 76-5-301;
- 9418 (S) child kidnapping as described in Section 76-5-301.1;
- 9419 (T) aggravated kidnapping as described in Section 76-5-302;
- 9420 (U) rape as described in Section 76-5-402;
- 9421 (V) rape of a child as described in Section 76-5-402.1;
- 9422 (W) object rape as described in Section 76-5-402.2;
- 9423 (X) object rape of a child as described in Section 76-5-402.3;
- 9424 (Y) forcible sodomy as described in Section 76-5-403;
- 9425 (Z) sodomy on a child as described in Section 76-5-403.1;
- 9426 (AA) forcible sexual abuse as described in Section 76-5-404;
- 9427 (BB) sexual abuse of a child as described in Section 76-5-404.1;
- 9428 (CC) aggravated sexual abuse of a child as described in Section 76-5-404.3;
- 9429 (DD) aggravated sexual assault as described in Section 76-5-405;
- 9430 (EE) sexual exploitation of a minor as described in Section 76-5b-201;
- 9431 (FF) aggravated sexual exploitation of a minor as described in Section 76-5b-201.1;
- 9432 (GG) sexual exploitation of a vulnerable adult as described in Section 76-5b-202;
- 9433 (HH) aggravated exploitation of prostitution as described in Subsection
- 9434 76-5d-208(2)(a);
- 9435 [~~HH~~] (II) burglary as described in Subsection 76-6-202(3)(b);
- 9436 [~~H~~] (JJ) aggravated burglary as described in Section 76-6-203;
- 9437 [~~JJ~~] (KK) robbery as described in Section 76-6-301;
- 9438 [~~KK~~] (LL) aggravated robbery as described in Section 76-6-302;

9439 ~~[(LL)]~~ (MM) theft by extortion as described in Subsection 76-6-406(1)(a)(i) or  
 9440 (1)(a)(ii);

9441 ~~[(MM)]~~ (NN) tampering with a witness as described in Section 76-8-508;  
 9442 ~~[(NN)]~~ (OO) retaliation against a witness, victim, or informant as described in  
 9443 Section 76-8-508.3;

9444 ~~[(OO)]~~ (PP) tampering or retaliating against a juror as described in Subsection  
 9445 76-8-508.5(2)(a)(iii);

9446 ~~[(PP)]~~ (QQ) extortion to dismiss a criminal proceeding as described in Subsection  
 9447 76-6-406(1)(a)(i), (ii), or (ix);

9448 ~~[(QQ) possession, use, or removal of explosive, chemical, or incendiary devices~~  
 9449 ~~as described in Subsections 76-10-306(3) through (6);]~~

9450 (RR) bus hijacking as described in Section 76-9-1502;

9451 (SS) assault with intent to commit bus hijacking as described in Section 76-9-1503;

9452 (TT) purchase or possession of a dangerous weapon or handgun by a restricted  
 9453 person as described in Section 76-11-302;

9454 ~~[(RR)]~~ (UU) unlawful delivery of explosive, chemical, or incendiary devices as  
 9455 described in Section ~~[76-10-307]~~ 76-15-209;

9456 (VV) unlawful conduct involving an explosive, chemical, or incendiary device as  
 9457 described in Section 76-15-210;

9458 (WW) unlawful conduct involving an explosive, chemical, or incendiary part as  
 9459 described in Section 76-15-211; and

9460 ~~[(SS) purchase or possession of a dangerous weapon or handgun by a restricted~~  
 9461 ~~person as described in Section 76-10-503;]~~

9462 ~~[(TT) aggravated exploitation of prostitution as described in Subsection~~  
 9463 ~~76-10-1306(1)(a);]~~

9464 ~~[(UU) bus hijacking as described in Section 76-10-1504; and]~~

9465 ~~[(VV)]~~ (XX) ~~[discharging firearms and hurling missiles]~~ unlawful discharge of a  
 9466 firearm or hurling of a missile into a bus or terminal as described in Section [  
 9467 76-10-1505] 76-9-1504; or

9468 (ii) any felony violation of a criminal statute of any other state, the United States, or  
 9469 any district, possession, or territory of the United States which would constitute a  
 9470 violent felony as defined in this Subsection (1) if committed in this state.

9471 (2) If a person is convicted in this state of a violent felony by plea or by verdict and the trier  
 9472 of fact determines beyond a reasonable doubt that the person is a habitual violent

- 9473 offender under this section, the penalty for a:
- 9474 (a) third degree felony is as if the conviction were for a first degree felony;
- 9475 (b) second degree felony is as if the conviction were for a first degree felony; or
- 9476 (c) first degree felony remains the penalty for a first degree penalty except:
- 9477 (i) the convicted person is not eligible for probation; and
- 9478 (ii) the Board of Pardons and Parole shall consider that the convicted person is a
- 9479 habitual violent offender as an aggravating factor in determining the length of
- 9480 incarceration.
- 9481 (3)(a) The prosecuting attorney, or grand jury if an indictment is returned, shall provide
- 9482 notice in the information or indictment that the defendant is subject to punishment as
- 9483 a habitual violent offender under this section. Notice shall include the case number,
- 9484 court, and date of conviction or commitment of any case relied upon by the
- 9485 prosecution.
- 9486 (b)(i) The defendant shall serve notice in writing upon the prosecutor if the
- 9487 defendant intends to deny that:
- 9488 (A) the defendant is the person who was convicted or committed;
- 9489 (B) the defendant was represented by counsel or had waived counsel; or
- 9490 (C) the defendant's plea was understandingly or voluntarily entered.
- 9491 (ii) The notice of denial shall be served not later than five days prior to trial and shall
- 9492 state in detail the defendant's contention regarding the previous conviction and
- 9493 commitment.
- 9494 (4)(a) If the defendant enters a denial under Subsection (3)(b) and if the case is tried to a
- 9495 jury, the jury may not be told, until after it returns its verdict on the underlying felony
- 9496 charge, of the:
- 9497 (i) defendant's previous convictions for violent felonies, except as otherwise provided
- 9498 in the Utah Rules of Evidence; or
- 9499 (ii) allegation against the defendant of being a habitual violent offender.
- 9500 (b) If the jury's verdict is guilty, the defendant shall be tried regarding the allegation of
- 9501 being an habitual violent offender by the same jury, if practicable, unless the
- 9502 defendant waives the jury, in which case the allegation shall be tried immediately to
- 9503 the court.
- 9504 (c)(i) Before or at the time of sentencing the trier of fact shall determine if this
- 9505 section applies.
- 9506 (ii) The trier of fact shall consider any evidence presented at trial and the prosecution



- 9507 and the defendant shall be afforded an opportunity to present any necessary  
 9508 additional evidence.
- 9509 (iii) Before sentencing under this section, the trier of fact shall determine whether this  
 9510 section is applicable beyond a reasonable doubt.
- 9511 (d) If any previous conviction and commitment is based upon a plea of guilty or no  
 9512 contest, there is a rebuttable presumption that the conviction and commitment were  
 9513 regular and lawful in all respects if the conviction and commitment occurred after  
 9514 January 1, 1970. If the conviction and commitment occurred prior to January 1,  
 9515 1970, the burden is on the prosecution to establish by a preponderance of the  
 9516 evidence that the defendant was then represented by counsel or had lawfully waived  
 9517 the right to have counsel present, and that the defendant's plea was understandingly  
 9518 and voluntarily entered.
- 9519 (e) If the trier of fact finds this section applicable, the court shall enter that specific  
 9520 finding on the record and shall indicate in the order of judgment and commitment  
 9521 that the defendant has been found by the trier of fact to be a habitual violent offender  
 9522 and is sentenced under this section.
- 9523 (5)(a) The sentencing enhancement provisions of Section 76-3-407 supersede the  
 9524 provisions of this section.
- 9525 (b) Notwithstanding Subsection (5)(a), the "violent felony" offense defined in  
 9526 Subsection (1)(c) shall include any felony sexual offense violation of Chapter 5, Part  
 9527 4, Sexual Offenses, not including Section 76-5-417, 76-5-419, or 76-5-420, to  
 9528 determine if the convicted person is a habitual violent offender.
- 9529 (6) The sentencing enhancement described in this section does not apply if:
- 9530 (a) the offense for which the person is being sentenced is:
- 9531 (i) a grievous sexual offense;
- 9532 (ii) child kidnapping, Section 76-5-301.1;
- 9533 (iii) aggravated kidnapping, Section 76-5-302; or
- 9534 (iv) forcible sexual abuse, Section 76-5-404; and
- 9535 (b) applying the sentencing enhancement provided for in this section would result in a  
 9536 lower maximum penalty than the penalty provided for under the section that  
 9537 describes the offense for which the person is being sentenced.
- 9538 Section 140. Section **76-3-203.12** is amended to read:
- 9539 **76-3-203.12 (Effective 05/07/25). Enhanced penalty for sexual offenses**  
 9540 **committed by a person with human immunodeficiency virus, acquired immunodeficiency**

9541 **virus, hepatitis B, or hepatitis C.**

9542 (1) A person convicted of a sexual offense described in Chapter 5, Part 4, Sexual Offenses,  
 9543 not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, is subject to an  
 9544 enhanced penalty if at the time of the sexual offense the person was infected with [  
 9545 ~~Human Immunodeficiency Virus, Acquired Immunodeficiency Virus~~] human  
 9546 immunodeficiency virus, acquired immunodeficiency virus, hepatitis B, or hepatitis C  
 9547 and the person knew of the infection.

9548 (2)(a) Except as provided in Subsection (2)(b), the enhancement of a penalty described  
 9549 in Subsection (1) shall be an enhancement of one classification higher than the root  
 9550 offense for which the person was convicted.

9551 (b) A felony of the first degree is not enhanced under this section.

9552 Section 141. Section **76-3-209** is amended to read:

9553 **76-3-209 (Effective 05/07/25). Limitation on sentencing for crimes committed by**  
 9554 **juveniles.**

9555 [~~(1) As used in this section, "qualifying sexual offense" means:~~]

9556 [~~(a) an offense described in Chapter 5, Part 4, Sexual Offenses;~~]

9557 [~~(b) Section 76-9-702, lewdness;~~]

9558 [~~(c) Section 76-9-702.1, sexual battery; or~~]

9559 [~~(d) Section 76-9-702.5, lewdness involving a child.~~]

9560 (1) As used in this section, "qualifying sexual offense" means an offense described in  
 9561 Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417.

9562 (2)(a) This Subsection (2) only applies prospectively to an individual sentenced on or  
 9563 after May 10, 2016.

9564 (b) Notwithstanding any provision of law, an individual may not be sentenced to life  
 9565 without parole if:

9566 (i) the individual is convicted of a crime punishable by life without parole; and

9567 (ii) at the time the individual committed the crime, the individual was under 18 years  
 9568 old.

9569 (c) The maximum punishment that may be imposed on an individual described in  
 9570 Subsection (2)(b) is an indeterminate prison term of not less than 25 years and that  
 9571 may be for life.

9572 (3) Except as provided in Subsection (4), if an individual is convicted in district court of a  
 9573 qualifying sexual offense and, at the time of the offense, the individual was at least 14  
 9574 years old, but under 18 years old:

- 9575 (a) the district court shall impose a sentence consistent with the disposition that would  
 9576 have been made in juvenile court; and
- 9577 (b) the district court may not impose incarceration unless the court enters specific  
 9578 written findings that incarceration is warranted based on a totality of the  
 9579 circumstances, taking into account:
- 9580 (i) the time that elapsed after the individual committed the offense;  
 9581 (ii) the age of the individual at the time of the offense;  
 9582 (iii) the age of the victim at the time of the offense;  
 9583 (iv) the criminal history of the individual after the individual committed the offense;  
 9584 (v) any treatment assessments or validated risk tools; and  
 9585 (vi) public safety concerns.
- 9586 (4) Subsection (3) does not apply if:
- 9587 (a) before the individual described in Subsection (3) is convicted of the qualifying  
 9588 sexual offense, the individual is convicted of a qualifying sexual offense that the  
 9589 individual committed when the individual was 18 years old or older;
- 9590 (b) the individual is convicted in district court, before the victim is 18 years old, of a  
 9591 violation of Section 76-5-405, aggravated sexual assault; or
- 9592 (c) the conviction occurred in district court after the individual was:
- 9593 (i) charged by criminal information in the juvenile court for the qualifying sexual  
 9594 offense in accordance with Section 80-6-503; and
- 9595 (ii) bound over to the district court for the qualifying sexual offense in accordance  
 9596 with Section 80-6-504.
- 9597 (5) If the district court imposes incarceration under Subsection (3)(b), the term of  
 9598 incarceration may not exceed:
- 9599 (a) seven years for a violation of Section 76-5-405, aggravated sexual assault;
- 9600 (b) except as provided in Subsection (5)(a), four years for a felony violation of Chapter  
 9601 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-419, or 76-5-420; or
- 9602 (c) the maximum sentence described in Section 76-3-204 for[;]  
 9603 [(+)] a misdemeanor violation of Chapter 5, Part 4, Sexual Offenses[;] , not including  
 9604 Section 76-5-417.
- 9605 [(ii) ~~a violation of Section 76-9-702, lewdness;~~]  
 9606 [(iii) ~~a violation of Section 76-9-702.1, sexual battery; or~~]  
 9607 [(iv) ~~a violation of Section 76-9-702.5, lewdness involving a child.~~]  
 9608 Section 142. Section **76-3-402** is amended to read:

9609           **76-3-402 (Effective 05/07/25). Conviction of lower degree of offense -- Procedure**  
9610 **and limitations.**

9611 (1) As used in this section:

9612       (a) "Lower degree of offense" includes an offense for which:

9613           (i) a statutory enhancement is charged in the information or indictment that would  
9614               increase either the maximum or the minimum sentence; and

9615           (ii) the court removes the statutory enhancement in accordance with this section.

9616       (b) "Minor regulatory offense" means the same as that term is defined in Section  
9617           77-40a-101.

9618       (c)(i) "Rehabilitation program" means a program designed to reduce criminogenic  
9619           and recidivism risks.

9620       (ii) "Rehabilitation program" includes:

9621           (A) a domestic violence treatment program, as that term is defined in Section  
9622               26B-2-101;

9623           (B) a residential, vocational, and life skills program, as that term is defined in  
9624               Section 13-53-102;

9625           (C) a substance abuse treatment program, as that term is defined in Section  
9626               26B-2-101;

9627           (D) a substance use disorder treatment program, as that term is defined in Section  
9628               26B-2-101;

9629           (E) a youth program, as that term is defined in Section 26B-2-101;

9630           (F) a program that meets the standards established by the Department of  
9631               Corrections under Section 64-13-25;

9632           (G) a drug court, a veterans court, or a mental health court certified by the Judicial  
9633               Council; or

9634           (H) a program that is substantially similar to a program described in Subsections  
9635               (1)(c)(ii)(A) through (G).

9636       (d) "Serious offense" means a felony or misdemeanor offense that is not a minor  
9637           regulatory offense or a traffic offense.

9638       (e) "Traffic offense" means the same as that term is defined in Section 77-40a-101.

9639       (f)(i) Except as provided in Subsection (1)(f)(ii), "violent felony" means the same as  
9640           that term is defined in Section 76-3-203.5.

9641           (ii) "Violent felony" does not include an offense, or any attempt, solicitation, or  
9642           conspiracy to commit an offense, for:

- 9643            [~~(A) the possession, use, or removal of explosive, chemical, or incendiary devices~~  
9644            ~~under Subsection 76-10-306(3), (5), or (6); or]~~
- 9645            [~~(B)~~ (A) the purchase or possession of a dangerous weapon or handgun by a  
9646            restricted person under Section [~~76-10-503.~~] 76-11-302;
- 9647            (B) unlawful conduct involving an explosive, chemical, or incendiary device  
9648            under Subsection 76-15-210(2)(a); or
- 9649            (C) unlawful conduct involving an explosive, chemical, or incendiary part under  
9650            Section 76-15-211.
- 9651        (2) The court may enter a judgment of conviction for a lower degree of offense than  
9652            established by statute and impose a sentence at the time of sentencing for the lower  
9653            degree of offense if the court:
- 9654            (a) takes into account:
- 9655                (i) the nature and circumstances of the offense of which the defendant was found  
9656                guilty; and
- 9657                (ii) the history and character of the defendant;
- 9658            (b) gives any victim present at the sentencing and the prosecuting attorney an  
9659            opportunity to be heard; and
- 9660            (c) concludes that the degree of offense established by statute would be unduly harsh to  
9661            record as a conviction on the record for the defendant.
- 9662        (3) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
9663            judgment of conviction for a lower degree of offense than established by statute:
- 9664            (a) after the defendant is successfully discharged from probation or parole for the  
9665            conviction; and
- 9666            (b) if the court finds that entering a judgment of conviction for a lower degree of offense  
9667            is in the interest of justice in accordance with Subsection (7).
- 9668        (4) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
9669            judgment of conviction for a lower degree of offense than established by statute if:
- 9670            (a) the defendant's probation or parole for the conviction did not result in a successful  
9671            discharge but the defendant is successfully discharged from probation or parole for a  
9672            subsequent conviction of an offense;
- 9673            (b)(i) at least five years have passed after the day on which the defendant is  
9674            sentenced for the subsequent conviction; or
- 9675            (ii) at least three years have passed after the day on which the defendant is sentenced  
9676            for the subsequent conviction and the prosecuting attorney consents to the

- 9677 reduction;
- 9678 (c) the defendant is not convicted of a serious offense during the time period described  
9679 in Subsection (4)(b);
- 9680 (d) there are no criminal proceedings pending against the defendant;
- 9681 (e) the defendant is not on probation, on parole, or currently incarcerated for any other  
9682 offense;
- 9683 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting  
9684 attorney consents to the reduction; and
- 9685 (g) the court finds that entering a judgment of conviction for a lower degree of offense is  
9686 in the interest of justice in accordance with Subsection (7).
- 9687 (5) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
9688 judgment of conviction for a lower degree of offense than established by statute if:
- 9689 (a) the defendant's probation or parole for the conviction did not result in a successful  
9690 discharge but the defendant is successfully discharged from a rehabilitation program;
- 9691 (b) at least three years have passed after the day on which the defendant is successfully  
9692 discharged from the rehabilitation program;
- 9693 (c) the defendant is not convicted of a serious offense during the time period described  
9694 in Subsection (5)(b);
- 9695 (d) there are no criminal proceedings pending against the defendant;
- 9696 (e) the defendant is not on probation, on parole, or currently incarcerated for any other  
9697 offense;
- 9698 (f) if the offense for which the reduction is sought is a violent felony, the prosecuting  
9699 attorney consents to the reduction; and
- 9700 (g) the court finds that entering a judgment of conviction for a lower degree of offense is  
9701 in the interest of justice in accordance with Subsection (7).
- 9702 (6) Upon a motion from the prosecuting attorney or the defendant, the court may enter a  
9703 judgment of conviction for a lower degree of offense than established by statute if:
- 9704 (a) at least five years have passed after the day on which the defendant's probation or  
9705 parole for the conviction did not result in a successful discharge;
- 9706 (b) the defendant is not convicted of a serious offense during the time period described  
9707 in Subsection (6)(a);
- 9708 (c) there are no criminal proceedings pending against the defendant;
- 9709 (d) the defendant is not on probation, on parole, or currently incarcerated for any other  
9710 offense;

- 9711 (e) if the offense for which the reduction is sought is a violent felony, the prosecuting  
9712 attorney consents to the reduction; and
- 9713 (f) the court finds that entering a judgment of conviction for a lower degree of offense is  
9714 in the interest of justice in accordance with Subsection (7).
- 9715 (7) In determining whether entering a judgment of a conviction for a lower degree of  
9716 offense is in the interest of justice under Subsection (3), (4), (5), or (6):
- 9717 (a) the court shall consider:
- 9718 (i) the nature, circumstances, and severity of the offense for which a reduction is  
9719 sought;
- 9720 (ii) the physical, emotional, or other harm that the defendant caused any victim of the  
9721 offense for which the reduction is sought; and
- 9722 (iii) any input from a victim of the offense; and
- 9723 (b) the court may consider:
- 9724 (i) any special characteristics or circumstances of the defendant, including the  
9725 defendant's criminogenic risks and needs;
- 9726 (ii) the defendant's criminal history;
- 9727 (iii) the defendant's employment and community service history;
- 9728 (iv) whether the defendant participated in a rehabilitative program and successfully  
9729 completed the program;
- 9730 (v) any effect that a reduction would have on the defendant's ability to obtain or  
9731 reapply for a professional license from the Department of Commerce;
- 9732 (vi) whether the level of the offense has been reduced by law after the defendant's  
9733 conviction;
- 9734 (vii) any potential impact that the reduction would have on public safety; or
- 9735 (viii) any other circumstances that are reasonably related to the defendant or the  
9736 offense for which the reduction is sought.
- 9737 (8)(a) A court may only enter a judgment of conviction for a lower degree of offense  
9738 under Subsection (3), (4), (5), or (6) after:
- 9739 (i) notice is provided to the other party;
- 9740 (ii) reasonable efforts have been made by the prosecuting attorney to provide notice  
9741 to any victims; and
- 9742 (iii) a hearing is held if a hearing is requested by either party.
- 9743 (b) A prosecuting attorney is entitled to a hearing on a motion seeking to reduce a  
9744 judgment of conviction for a lower degree of offense under Subsection (3), (4), (5),

- 9745 or (6).
- 9746 (c) In a motion under Subsection (3), (4), (5), or (6) and at a requested hearing on the  
9747 motion, the moving party has the burden to provide evidence sufficient to  
9748 demonstrate that the requirements under Subsection (3), (4), (5), or (6) are met.
- 9749 (d) If a defendant files a motion under this section, the prosecuting attorney shall  
9750 respond to the motion within 35 days after the day on which the motion is filed with  
9751 the court.
- 9752 (9) A court has jurisdiction to consider and enter a judgment of conviction for a lower  
9753 degree of offense under Subsection (3), (4), (5), or (6) regardless of whether the  
9754 defendant is committed to jail as a condition of probation or is sentenced to prison.
- 9755 (10)(a) An offense may be reduced only one degree under this section, unless the  
9756 prosecuting attorney specifically agrees in writing or on the court record that the  
9757 offense may be reduced two degrees.
- 9758 (b) An offense may not be reduced under this section by more than two degrees.
- 9759 (11) This section does not preclude an individual from obtaining or being granted an  
9760 expungement of the individual's record in accordance with Title 44, Chapter 40A,  
9761 Expungement of Criminal Records.
- 9762 (12) The court may not enter a judgment for a conviction for a lower degree of offense  
9763 under this section if:
- 9764 (a) the reduction is specifically precluded by law; or  
9765 (b) any unpaid balance remains on court-ordered restitution for the offense for which the  
9766 reduction is sought.
- 9767 (13) When the court enters a judgment for a lower degree of offense under this section, the  
9768 actual title of the offense for which the reduction is made may not be altered.
- 9769 (14)(a) An individual may not obtain a reduction under this section of a conviction that  
9770 requires the individual to register as a sex offender, kidnap offender, or child abuse  
9771 offender until the registration requirements under Title 77, Chapter 41, Sex, Kidnap,  
9772 and Child Abuse Offender Registry, have expired.
- 9773 (b) An individual required to register as a sex offender, kidnap offender, or child abuse  
9774 offender for the individual's lifetime under Subsection 77-41-105(3)(c) may not be  
9775 granted a reduction of the conviction for the offense or offenses that require the  
9776 individual to register as a sex offender, kidnap offender, or child abuse offender.
- 9777 Section 143. Section **76-3-407** is amended to read:  
9778 **76-3-407 (Effective 05/07/25). Repeat and habitual sex offenders -- Additional**



9779 **prison term for prior felony convictions.**

9780 (1) As used in this section:

9781 (a) "Prior sexual offense" means:

9782 (i) a felony offense described in Chapter 5, Part 4, Sexual Offenses, not including  
9783 Section 76-5-419 or 76-5-410;

9784 (ii) sexual exploitation of a minor, Section 76-5b-201;

9785 (iii) aggravated sexual exploitation of a minor, Section 76-5b-201.1;

9786 [~~(iv) a felony offense of enticing a minor, Section 76-4-401;~~]

9787 [~~(v)~~] (iv) a felony attempt to commit an offense described in Subsections (1)(a)(i)  
9788 through [~~(iv)~~] (iii); or

9789 [~~(vi)~~] (v) an offense in another state, territory, or district of the United States that, if  
9790 committed in Utah, would constitute an offense described in Subsections (1)(a)(i)  
9791 through [~~(v)~~] (iv).

9792 (b) "Sexual offense" means:

9793 (i) an offense that is a felony of the second or third degree, or an attempted offense,  
9794 which attempt is a felony of the second or third degree, described in Chapter 5,  
9795 Part 4, Sexual Offenses, not including Section 76-5-419 or 76-5-410;

9796 (ii) sexual exploitation of a minor, Section 76-5b-201;

9797 (iii) aggravated sexual exploitation of a minor, Section 76-5b-201.1;

9798 [~~(iv) a felony offense of enticing a minor, Section 76-4-401;~~]

9799 [~~(v)~~] (iv) a felony attempt to commit an offense described in Subsections (1)(b)(ii)  
9800 through [~~(iv)~~] (iii); or

9801 [~~(vi)~~] (v) an offense in another state, territory, or district of the United States that, if  
9802 committed in Utah, would constitute an offense described in Subsections (1)(b)(i)  
9803 through [~~(v)~~] (iv).

9804 (2) Notwithstanding any other provision of law, the maximum penalty for a sexual offense  
9805 is increased by five years for each conviction of the defendant for a prior sexual offense  
9806 that arose from a separate criminal episode, if the trier of fact finds that:

9807 (a) the defendant was convicted of a prior sexual offense; and

9808 (b) the defendant was convicted of the prior sexual offense described in Subsection (2)(a)  
9809 before the defendant was convicted of the sexual offense for which the defendant is  
9810 being sentenced.

9811 (3) The increased maximum term described in Subsection (2) shall be in addition to, and  
9812 consecutive to, any other prison term served by the defendant.

- 9813 Section 144. Section **76-4-102** is amended to read:  
9814 **76-4-102 (Effective 05/07/25). Attempt -- Classification of offenses.**
- 9815 (1) Criminal attempt to commit:
- 9816 (a)(i) a capital felony, or a felony punishable by imprisonment for life without  
9817 parole, is a first degree felony;
- 9818 (ii) except as provided in Subsection (2), an attempt to commit aggravated murder,  
9819 Section 76-5-202, which results in serious bodily injury, is punishable by  
9820 imprisonment for an indeterminate term of not fewer than 15 years and which may  
9821 be for life;
- 9822 (b) except as provided in Subsection (1)(c) or (d), a first degree felony is a second  
9823 degree felony;
- 9824 (c) any of the following offenses is a first degree felony punishable by imprisonment for  
9825 an indeterminate term of not fewer than three years and which may be for life:
- 9826 (i) murder, Subsection 76-5-203(2)(a);  
9827 (ii) child kidnapping, Section 76-5-301.1; or  
9828 (iii) except as provided in Subsection (1)(d), any of the felonies described in Title 76,  
9829 Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417, that are first  
9830 degree felonies;
- 9831 (d) except as provided in Subsection (3), any of the following offenses is a first degree  
9832 felony, punishable by a term of imprisonment of not less than 15 years and which  
9833 may be for life:
- 9834 (i) rape of a child, Section 76-5-402.1;  
9835 (ii) object rape of a child, Section 76-5-402.3; or  
9836 (iii) sodomy on a child, Section 76-5-403.1;
- 9837 (e) a second degree felony is a third degree felony;  
9838 (f) a third degree felony is a class A misdemeanor;  
9839 (g) a class A misdemeanor is a class B misdemeanor;  
9840 (h) a class B misdemeanor is a class C misdemeanor; and  
9841 (i) a class C misdemeanor is punishable by a penalty not exceeding one half the penalty  
9842 for a class C misdemeanor.
- 9843 (2) If, when imposing a sentence under Subsection (1)(a)(ii), a court finds that a lesser term  
9844 than the term described in Subsection (1)(a)(ii) is in the interests of justice and the court  
9845 states the reasons for this finding on the record, the court may impose a term of  
9846 imprisonment of not less than:

9847 (a) 10 years and which may be for life; or  
 9848 (b) six years and which may be for life.  
 9849 (3) If, when imposing a sentence under Subsection (1)(d), a court finds that a lesser term  
 9850 than the term described in Subsection (1)(d) is in the interests of justice and states the  
 9851 reasons for this finding on the record, the court may impose a term of imprisonment of  
 9852 not less than:

9853 (a) 10 years and which may be for life;  
 9854 (b) six years and which may be for life; or  
 9855 (c) three years and which may be for life.

9856 Section 145. Section **76-4-202** is amended to read:

9857 **76-4-202 (Effective 05/07/25). Conspiracy -- Classification of offenses.**

9858 Conspiracy to commit:

9859 (1) a capital felony is a first degree felony;  
 9860 (2) a first degree felony is a second degree felony; except that conspiracy to commit child  
 9861 kidnaping, in violation of Section 76-5-301.1 or to commit any of those felonies  
 9862 described in Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 9863 which are first degree felonies, is a first degree felony punishable by imprisonment for  
 9864 an indeterminate term of not less than three years and which may be for life;  
 9865 (3) a second degree felony is a third degree felony;  
 9866 (4) a third degree felony is a class A misdemeanor;  
 9867 (5) a class A misdemeanor is a class B misdemeanor;  
 9868 (6) a class B misdemeanor is a class C misdemeanor;  
 9869 (7) A class C misdemeanor is punishable by a penalty not exceeding one half the penalty  
 9870 for a class C misdemeanor.

9871 Section 146. Section **76-4-203** is amended to read:

9872 **76-4-203 (Effective 05/07/25). Criminal solicitation of an adult.**

9873 (1)(a) As used in this section:

9874 (i) "Adult" means an individual who is 18 years old or older.  
 9875 (ii) "Solicit" means to ask, command, encourage, importune, offer to hire, or request.  
 9876 (b) Terms defined in Section 76-1-101.5 apply to this section.

9877 (2) An actor commits criminal solicitation of an adult if, with the intent that a felony  
 9878 offense be committed, the actor solicits an adult to engage in specific conduct that, under  
 9879 the circumstances as the actor believes the circumstances to be, would be a felony  
 9880 offense or would cause the adult to be a party to the commission of a felony offense.

- 9881 (3) A violation of Subsection (2) where the actor solicits the adult to commit:
- 9882 (a) a capital felony, or a felony punishable by imprisonment for life without parole, is a
- 9883 first degree felony;
- 9884 (b) except as provided in Subsection (3)(c) or (d), a first degree felony is a second
- 9885 degree felony;
- 9886 (c) any of the following felony offenses is a first degree felony punishable by
- 9887 imprisonment for an indeterminate term of not fewer than three years and which may
- 9888 be for life:
- 9889 (i) murder, as described in Subsection 76-5-203(2)(a);
- 9890 (ii) child kidnapping, as described in Section 76-5-301.1; or
- 9891 (iii) except as provided in Subsection (3)(d), an offense described in Title 76, Chapter
- 9892 5, Part 4, Sexual Offenses, not including Section 76-5-417, that is a first degree
- 9893 felony;
- 9894 (d) except as provided in Subsection (4), any of the following felony offenses is a first
- 9895 degree felony punishable by a term of imprisonment of not less than 15 years and
- 9896 which may be for life:
- 9897 (i) rape of a child, Section 76-5-402.1;
- 9898 (ii) object rape of a child, Section 76-5-402.3; or
- 9899 (iii) sodomy on a child, Section 76-5-403.1;
- 9900 (e) a second degree felony is a third degree felony; and
- 9901 (f) a third degree felony is a class A misdemeanor.
- 9902 (4) If a court finds that a lesser term than the term described in Subsection (3)(d) is in the
- 9903 interests of justice and states the reasons for this finding on the record, the court may
- 9904 impose a term of imprisonment of not less than:
- 9905 (a) 10 years and which may be for life;
- 9906 (b) six years and which may be for life; or
- 9907 (c) three years and which may be for life.
- 9908 (5) An actor may be convicted under this section only if the solicitation is made under
- 9909 circumstances strongly corroborative of the actor's intent that the offense be committed.
- 9910 (6) It is not a defense to a violation of this section that:
- 9911 (a) the adult solicited by the actor:
- 9912 (i) does not agree to act upon the solicitation;
- 9913 (ii) does not commit an overt act;
- 9914 (iii) does not engage in conduct constituting a substantial step toward the commission

- 9915 of any offense;
- 9916 (iv) is not criminally responsible for the felony offense solicited;
- 9917 (v) was acquitted, was not prosecuted or convicted, or was convicted of a different
- 9918 offense or of a different type or degree of offense; or
- 9919 (vi) is immune from prosecution; or
- 9920 (b) the actor:
- 9921 (i) belongs to a class of persons that by definition is legally incapable of committing
- 9922 the offense in an individual capacity; or
- 9923 (ii) fails to communicate with the adult that the actor solicits to commit an offense if
- 9924 the intent of the actor's conduct was to effect the communication.
- 9925 (7) Nothing in this section prevents an actor who otherwise solicits an adult to engage, or
- 9926 intentionally aids an adult in engaging, in conduct that constitutes an offense from being
- 9927 prosecuted and convicted as a party to the offense under Section 76-2-202 if the adult
- 9928 actually commits the offense.

9929 Section 147. Section **76-5-102.8** is amended to read:

9930 **76-5-102.8 (Effective 05/07/25). Disarming a peace officer -- Penalties.**

- 9931 (1)(a) As used in this section:
- 9932 (i) "Conductive energy device" means a weapon that uses electrical current to disrupt
- 9933 voluntary control of muscles.
- 9934 (ii) "Firearm" means the same as that term is defined in Section [76-10-501]
- 9935 76-11-101.
- 9936 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 9937 (2) An actor commits disarming a peace officer if the actor intentionally takes or removes,
- 9938 or attempts to take or remove a firearm or a conductive energy device from an individual
- 9939 or immediate presence of an individual who the actor knows is a peace officer:
- 9940 (a) without the consent of the peace officer; and
- 9941 (b) while the peace officer is acting within the scope of the peace officer's authority as a
- 9942 peace officer.
- 9943 (3)(a) A violation of Subsection (2) regarding a firearm is a first degree felony.
- 9944 (b) A violation of Subsection (2) regarding a conductive energy device is a third degree
- 9945 felony.

9946 Section 148. Section **76-5-104** is amended to read:

9947 **76-5-104 (Effective 05/07/25). Consensual altercation.**

- 9948 (1) As used in this section, "ultimate fighting match" means the same as that term is defined

9949 in Section [~~76-9-705~~] 76-9-112.

9950 (2) In any prosecution for criminal homicide under Part 2, Criminal Homicide, or assault as  
 9951 that offense is described in Section 76-5-102, it is no defense to the prosecution that the  
 9952 defendant was a party to any duel, mutual combat, or other consensual altercation if  
 9953 during the course of the duel, combat, or altercation:

9954 (a) any dangerous weapon was used; or

9955 (b) the defendant was engaged in an ultimate fighting match.

9956 Section 149. Section **76-5-106.5** is amended to read:

9957 **76-5-106.5 (Effective 05/07/25). Stalking -- Definitions -- Injunction -- Penalties**  
 9958 **-- Duties of law enforcement officer.**

9959 (1)(a) As used in this section:

9960 (i) "Course of conduct" means two or more acts directed at or toward a specific  
 9961 individual, including:

9962 (A) acts in which the actor follows, monitors, observes, photographs, surveils,  
 9963 threatens, or communicates to or about an individual, or interferes with an  
 9964 individual's property:

9965 (I) directly, indirectly, or through any third party; and

9966 (II) by any action, method, device, or means; or

9967 (B) when the actor engages in any of the following acts or causes someone else to  
 9968 engage in any of these acts:

9969 (I) approaches or confronts an individual;

9970 (II) appears at the individual's workplace or contacts the individual's employer  
 9971 or coworker;

9972 (III) appears at an individual's residence or contacts an individual's neighbor, or  
 9973 enters property owned, leased, or occupied by an individual;

9974 (IV) sends material by any means to the individual or for the purpose of  
 9975 obtaining or disseminating information about or communicating with the  
 9976 individual to a member of the individual's family or household, employer,  
 9977 coworker, friend, or associate of the individual;

9978 (V) places an object on or delivers an object to property owned, leased, or  
 9979 occupied by an individual, or to the individual's place of employment with  
 9980 the intent that the object be delivered to the individual; or

9981 (VI) uses a computer, the Internet, text messaging, or any other electronic  
 9982 means to commit an act that is a part of the course of conduct.

- 9983 (ii)(A) "Emotional distress" means significant mental or psychological suffering,  
 9984 whether or not medical or other professional treatment or counseling is  
 9985 required.
- 9986 (B) "Emotional distress" includes significant mental or psychological suffering  
 9987 resulting from harm to an animal.
- 9988 (iii) "Immediate family" means a spouse, parent, child, sibling, or any other  
 9989 individual who regularly resides in the household or who regularly resided in the  
 9990 household within the prior six months.
- 9991 (iv) "Private investigator" means the same as that term is defined in Section [76-9-408]  
 9992 76-12-305.
- 9993 (v) "Reasonable person" means a reasonable person in the victim's circumstances.
- 9994 (vi) "Stalking" means an offense as described in Subsection (2).
- 9995 (vii) "Text messaging" means a communication in the form of electronic text or one  
 9996 or more electronic images sent by the actor from a telephone or computer to  
 9997 another individual's telephone or computer by addressing the communication to  
 9998 the recipient's telephone number.
- 9999 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10000 (2) An actor commits stalking if the actor intentionally or knowingly:
- 10001 (a) engages in a course of conduct directed at a specific individual and knows or is  
 10002 reckless as to whether the course of conduct would cause a reasonable person:
- 10003 (i) to fear for the individual's own safety or the safety of a third individual; or  
 10004 (ii) to suffer other emotional distress; or
- 10005 (b) violates:
- 10006 (i) a stalking injunction issued under Title 78B, Chapter 7, Part 7, Civil Stalking  
 10007 Injunctions; or
- 10008 (ii) a permanent criminal stalking injunction issued under Title 78B, Chapter 7, Part 9,  
 10009 Criminal Stalking Injunctions.
- 10010 (3)(a) A violation of Subsection (2) is a class A misdemeanor:
- 10011 (i) upon the actor's first violation of Subsection (2); or  
 10012 (ii) if the actor violated a stalking injunction issued under Title 78B, Chapter 7, Part 7,  
 10013 Civil Stalking Injunctions.
- 10014 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree  
 10015 felony if the actor:
- 10016 (i) has been previously convicted of an offense of stalking;

- 10017 (ii) has been previously convicted in another jurisdiction of an offense that is  
10018 substantially similar to the offense of stalking;
- 10019 (iii) has been previously convicted of any felony offense in Utah or of any crime in  
10020 another jurisdiction which if committed in Utah would be a felony, in which the  
10021 victim of the stalking offense or a member of the victim's immediate family was  
10022 also a victim of the previous felony offense;
- 10023 (iv) violated a permanent criminal stalking injunction issued under Title 78B,  
10024 Chapter 7, Part 9, Criminal Stalking Injunctions; or
- 10025 (v) has been or is at the time of the offense a cohabitant, as defined in Section  
10026 78B-7-102, of the victim.
- 10027 (c) Notwithstanding Subsection (3)(a) or (b), a violation of Subsection (2) is a second  
10028 degree felony if the actor:
- 10029 (i) used a dangerous weapon or used other means or force likely to produce death or  
10030 serious bodily injury, in the commission of the crime of stalking;
- 10031 (ii) has been previously convicted two or more times of the offense of stalking;
- 10032 (iii) has been convicted two or more times in another jurisdiction or jurisdictions of  
10033 offenses that are substantially similar to the offense of stalking;
- 10034 (iv) has been convicted two or more times, in any combination, of offenses under  
10035 Subsection (3)(b)(i), (ii), or (iii);
- 10036 (v) has been previously convicted two or more times of felony offenses in Utah or of  
10037 crimes in another jurisdiction or jurisdictions which, if committed in Utah, would  
10038 be felonies, in which the victim of the stalking was also a victim of the previous  
10039 felony offenses; or
- 10040 (vi) has been previously convicted of an offense under Subsection (3)(b)(iv) or (v).
- 10041 (4) In a prosecution under this section, it is not a defense that the actor:
- 10042 (a) was not given actual notice that the course of conduct was unwanted; or  
10043 (b) did not intend to cause the victim fear or other emotional distress.
- 10044 (5) An offense of stalking may be prosecuted under this section in any jurisdiction where  
10045 one or more of the acts that is part of the course of conduct was initiated or caused an  
10046 effect on the victim.
- 10047 (6)(a) Except as provided in Subsection (6)(b), an actor does not violate this section if  
10048 the actor is acting:
- 10049 (i) in the actor's official capacity as a law enforcement officer, governmental  
10050 investigator, or private investigator; and



- 10051 (ii) for a legitimate official or business purpose.
- 10052 (b) A private investigator is not exempt from this section if the private investigator  
10053 engages in conduct that would constitute a ground for disciplinary action under  
10054 Section 53-9-118.
- 10055 (7)(a) A permanent criminal stalking injunction limiting the contact between the actor  
10056 and victim may be filed in accordance with Section 78B-7-902.
- 10057 (b) This section does not preclude the filing of criminal information for stalking based  
10058 on the same act which is the basis for the violation of the stalking injunction issued  
10059 under Title 78B, Chapter 7, Part 7, Civil Stalking Injunctions, or a permanent  
10060 criminal stalking injunction issued under Title 78B, Chapter 7, Part 9, Criminal  
10061 Stalking Injunctions.
- 10062 (8)(a) A law enforcement officer who responds to an allegation of stalking shall use all  
10063 reasonable means to protect the victim and prevent further violence, including:
- 10064 (i) taking action that, in the officer's discretion, is reasonably necessary to provide for  
10065 the safety of the victim and any family or household member;
- 10066 (ii) confiscating the weapon or weapons involved in the alleged stalking;
- 10067 (iii) making arrangements for the victim and any child to obtain emergency housing  
10068 or shelter;
- 10069 (iv) providing protection while the victim removes essential personal effects;
- 10070 (v) arranging, facilitating, or providing for the victim and any child to obtain medical  
10071 treatment; and
- 10072 (vi) arranging, facilitating, or providing the victim with immediate and adequate  
10073 notice of the rights of victims and of the remedies and services available to  
10074 victims of stalking, in accordance with Subsection (8)(b).
- 10075 (b)(i) A law enforcement officer shall give written notice to the victim in simple  
10076 language, describing the rights and remedies available under this section and Title  
10077 78B, Chapter 7, Part 7, Civil Stalking Injunctions.
- 10078 (ii) The written notice shall also include:
- 10079 (A) a statement that the forms needed in order to obtain a stalking injunction are  
10080 available from the court clerk's office in the judicial district where the victim  
10081 resides or is temporarily domiciled; and
- 10082 (B) a list of shelters, services, and resources available in the appropriate  
10083 community, together with telephone numbers, to assist the victim in accessing  
10084 any needed assistance.

- 10085 (c) If a weapon is confiscated under this Subsection (8), the law enforcement agency  
 10086 shall return the weapon to the individual from whom the weapon is confiscated if a  
 10087 stalking injunction is not issued or once the stalking injunction is terminated.
- 10088 Section 150. Section **76-5-107** is amended to read:
- 10089 **76-5-107 (Effective 05/07/25). Threat of violence.**
- 10090 (1) Terms defined in Section 76-1-101.5 apply to this section.
- 10091 (2) An actor commits a threat of violence if the actor:
- 10092 (a)(i) threatens to commit an offense:
- 10093 (A) under Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section  
 10094 76-5-417, 76-5-418, 76-5-419, or 76-5-420; or
- 10095 (B) involving bodily injury, death, or substantial property damage; and
- 10096 (ii) acts with intent to place an individual in fear:
- 10097 (A) that the actor will imminently commit an offense under Title 76, Chapter 5,  
 10098 Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419,  
 10099 or 76-5-420, against the individual; or
- 10100 (B) of imminent serious bodily injury, substantial bodily injury, or death; or
- 10101 (b) makes a threat, accompanied by a show of immediate force or violence, to do bodily  
 10102 injury to an individual.
- 10103 (3)(a) A violation of Subsection (2) is a class B misdemeanor.
- 10104 (b) An actor who commits an offense under this section is subject to punishment for that  
 10105 offense, in addition to any other offense committed, including the carrying out of the  
 10106 threatened act.
- 10107 (4) It is not a defense under this section that the actor did not attempt to or was incapable of  
 10108 carrying out the threat.
- 10109 (5) A threat under Subsection (2) may be express or implied.
- 10110 Section 151. Section **76-5-107.1** is amended to read:
- 10111 **76-5-107.1 (Effective 05/07/25). Threats against schools.**
- 10112 (1)(a) As used in this section:
- 10113 (i) "Hoax weapon of mass destruction" means the same as that term is defined in  
 10114 Section [~~76-10-401~~] 76-15-301.
- 10115 (ii) "School" means a preschool or a public or private elementary or secondary school.
- 10116 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10117 (2) An actor is guilty of making a threat against a school if the actor threatens, with real  
 10118 intent or as an intentional hoax, to commit an offense involving bodily injury, death, or

- 10119 substantial property damage and the actor:
- 10120 (a) threatens the use of a firearm or weapon or hoax weapon of mass destruction;
- 10121 (b) acts with intent to:
- 10122 (i) disrupt the regular schedule of the school or influence or affect the conduct of
- 10123 students, employees, or the general public at the school;
- 10124 (ii) prevent or interrupt the occupancy of the school or a portion of the school, or a
- 10125 facility or vehicle used by the school; or
- 10126 (iii) intimidate or coerce students or employees of the school; or
- 10127 (c) causes an official or volunteer agency organized to deal with emergencies to take
- 10128 action due to the risk to the school or general public.
- 10129 (3)(a)(i) A violation of Subsection (2)(a), (b)(i), or (b)(iii) is a third degree felony.
- 10130 (ii) A violation of Subsection (2)(b)(ii) is a class A misdemeanor.
- 10131 (iii) A violation of Subsection (2)(c) is a class B misdemeanor.
- 10132 (b)(i) In addition to another penalty authorized by law, a court shall order an actor
- 10133 convicted under this section to pay restitution to a federal, state, or local unit of
- 10134 government, or a private business, organization, individual, or entity for expenses
- 10135 and losses incurred in responding to the threat, unless the court states on the
- 10136 record the reasons why the reimbursement would be inappropriate.
- 10137 (ii) Restitution ordered in the case of a minor adjudicated for a violation of this
- 10138 section shall be determined in accordance with Section 80-6-710.
- 10139 (4) It is not a defense to this section that the actor did not attempt to carry out the threat or
- 10140 was incapable of carrying out the threat.
- 10141 (5) A violation of this section shall be reported to the local law enforcement agency.
- 10142 (6) Counseling for a minor alleged to have violated this section and the minor's family may
- 10143 be made available through state and local health department programs.
- 10144 Section 152. Section **76-5-107.3** is amended to read:
- 10145 **76-5-107.3 (Effective 05/07/25). Threat of terrorism -- Penalty.**
- 10146 (1)(a) As used in this section:
- 10147 (i) "Hoax weapon of mass destruction" means the same as that term is defined in
- 10148 Section [~~76-10-401~~] 76-15-301.
- 10149 (ii) "Weapon of mass destruction" means the same as that term is defined in Section [
- 10150 ~~76-10-401~~] 76-15-301.
- 10151 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10152 (2)(a) An actor commits a threat of terrorism if the actor threatens to commit an offense

- 10153 involving bodily injury, death, or substantial property damage and the actor:
- 10154 (i)(A) threatens the use of a weapon of mass destruction; or
- 10155 (B) threatens the use of a hoax weapon of mass destruction; or
- 10156 (ii) acts with intent to:
- 10157 (A) intimidate or coerce a civilian population or to influence or affect the conduct
- 10158 of a government or a unit of government;
- 10159 (B) prevent or interrupt the occupation of a building or a portion of the building, a
- 10160 place to which the public has access, or a facility or vehicle of public
- 10161 transportation operated by a common carrier; or
- 10162 (C) cause an official or volunteer agency organized to deal with emergencies to
- 10163 take action due to the actor's conduct posing a serious and substantial risk to
- 10164 the general public.
- 10165 (b) A threat under this section may be express or implied.
- 10166 (3)(a)(i) A violation of Subsection (2)(a)(i) or (2)(a)(ii)(A) is a second degree felony.
- 10167 (ii) A violation of Subsection (2)(a)(ii)(B) is a third degree felony.
- 10168 (iii) A violation of Subsection (2)(a)(ii)(C) is a class B misdemeanor.
- 10169 (b) An actor who commits an offense under this section is subject to punishment for that
- 10170 offense, in addition to any other offense committed, including the carrying out of the
- 10171 threatened act.
- 10172 (c) In addition to any other penalty authorized by law, a court shall order an actor
- 10173 convicted of a violation of this section to reimburse any federal, state, or local unit of
- 10174 government, or any private business, organization, individual, or entity for all
- 10175 expenses and losses incurred in responding to the violation, unless the court states on
- 10176 the record the reasons why the reimbursement would be inappropriate.
- 10177 (4) It is not a defense under this section that the actor did not attempt to carry out or was
- 10178 incapable of carrying out the threat.

10179 Section 153. Section **76-5-109.3** is amended to read:

10180 **76-5-109.3 (Effective 05/07/25). Child abandonment.**

- 10181 (1)(a) As used in this section:
- 10182 (i) "Child" means the same as that term is defined in Section 76-5-109.
- 10183 (ii) "Enterprise" means the same as that term is defined in Section [76-10-1602]
- 10184 76-17-401.
- 10185 (iii) "Serious physical injury" means the same as that term is defined in Section
- 10186 76-5-109.

- 10187 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10188 (2)(a) Except as provided in Subsection (4), an actor commits child abandonment if the
- 10189 actor:
- 10190 (i) is a parent or legal guardian of a child, and:
- 10191 (A) intentionally ceases to maintain physical custody of the child;
- 10192 (B) intentionally fails to make reasonable arrangements for the safety, care, and
- 10193 physical custody of the child; and
- 10194 (C)(I) intentionally fails to provide the child with food, shelter, or clothing;
- 10195 (II) manifests an intent to permanently not resume physical custody of the
- 10196 child; or
- 10197 (III) for a period of at least 30 days, intentionally fails to resume physical
- 10198 custody of the child and fails to manifest a genuine intent to resume
- 10199 physical custody of the child; or
- 10200 (ii) encourages or causes the parent or legal guardian of a child to violate Subsection
- 10201 (2)(a)(i).
- 10202 (b) Except as provided in Subsection (4), an enterprise commits child abandonment if
- 10203 the enterprise encourages, commands, induces by misrepresentation, or causes
- 10204 another to violate Subsection (2)(a).
- 10205 (3)(a)(i) A violation of Subsection (2) is a third degree felony.
- 10206 (ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2) is a second
- 10207 degree felony if, as a result of the child abandonment:
- 10208 (A) the child suffers a serious physical injury; or
- 10209 (B) the actor or enterprise receives, directly or indirectly, any benefit.
- 10210 (b)(i) In addition to the penalty described in Subsection (3)(a)(ii), the court may
- 10211 order the actor or enterprise described in Subsection (3)(a)(ii)(B) to pay the costs
- 10212 of investigating and prosecuting the offense and the costs of securing any
- 10213 forfeiture provided for under Subsection (3)(b)(ii).
- 10214 (ii) Any tangible or pecuniary benefit received under Subsection (3)(a)(ii)(B) is
- 10215 subject to criminal or civil forfeiture pursuant to Title 77, Chapter 11b, Forfeiture
- 10216 of Seized Property.
- 10217 (4)(a) A parent or legal guardian who provides a child with treatment by spiritual means
- 10218 alone through prayer, in lieu of medical treatment, in accordance with the tenets and
- 10219 practices of an established church or religious denomination of which the parent or
- 10220 legal guardian is a member or adherent may not, for that reason alone, be considered

- 10221 to have committed an offense under this section.
- 10222 (b) An actor is not guilty of an offense under this section for conduct that constitutes:
- 10223 (i) the safe relinquishment of a child pursuant to the provisions of Section 80-4-502;
- 10224 (ii) giving legal consent to a court order for termination of parental rights:
- 10225 (A) in a legal adoption proceeding; or
- 10226 (B) in a case in which a petition for the termination of parental rights, or the
- 10227 termination of a guardianship, has been filed;
- 10228 (iii) reasonable discipline or management of a child, including withholding
- 10229 privileges; or
- 10230 (iv) conduct described in Section 76-2-401.
- 10231 (c) It is a defense to prosecution under Subsection (2)(a)(i) that the actor committed
- 10232 child abandonment due to:
- 10233 (i) intimidation;
- 10234 (ii) isolation;
- 10235 (iii) harassment;
- 10236 (iv) coercion;
- 10237 (v) the actor's reasonable fear of bodily harm; or
- 10238 (vi) the reasonable actions of the actor to protect the safety and welfare of the actor or
- 10239 another individual.

10240 Section 154. Section **76-5-115**, which is renumbered from Section 76-10-2202 is renumbered

10241 and amended to read:

10242 **~~[76-10-2202]~~ 76-5-115 (Effective 05/07/25). Leaving a child unattended in a motor vehicle.**

10243 (1)(a) As used in this section:

10244 ~~[(a)]~~ (i) "Child" means ~~[a person]~~ an individual who is younger than nine years old.

10245 ~~[(b)]~~ (ii) "Enclosed compartment" means any enclosed area of a motor vehicle,

10246 including the passenger compartment, regardless of whether a door, window, or

10247 hatch is left open.

10248 ~~[(c)]~~ (iii) "Motor vehicle" means an automobile, truck, truck tractor, bus, or any other

10249 self-propelled vehicle.

10250 (b) Terms defined in Section 76-1-101.5 apply to this section.

10251 (2) ~~[A person who is responsible for a child is guilty of a class C misdemeanor]~~ An actor

10252 commits leaving a child unattended in a motor vehicle if:

10253 (a) the ~~[person]~~ actor intentionally, ~~[recklessly,]~~ knowingly, recklessly, or with criminal

10254 negligence leaves ~~[the]~~ a child in an enclosed compartment of a motor vehicle;

- 10255 (b) the motor vehicle is on:
- 10256 (i) public property; or
- 10257 (ii) private property that is open to the general public;
- 10258 (c) the child is not supervised by [~~a person~~] an individual who is at least nine years old;
- 10259 and
- 10260 (d) the conditions present a risk to the child of:
- 10261 (i) hyperthermia;
- 10262 (ii) hypothermia; or
- 10263 (iii) dehydration. [(3)] This section does not apply if the [~~person's~~] actor's conduct that
- 10264 constitutes a violation of this section is subject to a greater penalty under another
- 10265 provision of state law.
- 10266 (3) A violation of Subsection (2) is a class C misdemeanor.
- 10267 (4) This section preempts enforcement of a local law or ordinance that makes it an
- 10268 infraction or a criminal offense to engage in the conduct that constitutes a misdemeanor
- 10269 under this section.
- 10270 (5) Notwithstanding any provision of state law to the contrary, a conviction under this
- 10271 section may not be used by a state or local government entity as grounds for revoking,
- 10272 refusing to grant, or refusing to renew, a license or permit, including a license or permit
- 10273 relating to the provision of day care or child care.
- 10274 Section 155. Section **76-5-202** is amended to read:
- 10275 **76-5-202 (Effective 05/07/25). Aggravated murder -- Penalties -- Affirmative**
- 10276 **defense and special mitigation -- Separate offense.**
- 10277 (1)(a) As used in this section:
- 10278 (i) "Correctional officer" means the same as that term is defined in Section 53-13-104.
- 10279 (ii) "Emergency responder" means the same as that term is defined in Section
- 10280 53-2b-102.
- 10281 (iii) "Federal officer" means the same as that term is defined in Section 53-13-106.
- 10282 (iv) "Law enforcement officer" means the same as that term is defined in Section
- 10283 53-13-103.
- 10284 (v) "Peace officer" means:
- 10285 (A) a correctional officer, federal officer, law enforcement officer, or special
- 10286 function officer; or
- 10287 (B) any other person who may exercise peace officer authority in accordance with
- 10288 Title 53, Chapter 13, Peace Officer Classifications.

- 10289 (vi) "Special function officer" means the same as that term is defined in Section  
10290 53-13-105.
- 10291 (vii) "Target a law enforcement officer" means an act:  
10292 (A) involving the unlawful use of force and violence against a law enforcement  
10293 officer;  
10294 (B) that causes serious bodily injury or death; and  
10295 (C) that is in furtherance of political or social objectives in order to intimidate or  
10296 coerce a civilian population or to influence or affect the conduct of a  
10297 government or a unit of government.
- 10298 (viii) "Weapon of mass destruction" means the same as that term is defined in Section [  
10299 ~~76-10-401~~] 76-15-301.
- 10300 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10301 (2)(a) An actor commits aggravated murder if the actor intentionally or knowingly  
10302 causes the death of another individual under any of the following circumstances:  
10303 (i) the actor committed homicide while confined in a jail or other correctional  
10304 institution;  
10305 (ii)(A) the actor committed homicide incident to one act, scheme, course of  
10306 conduct, or criminal episode during which two or more individuals other than  
10307 the actor were killed; or  
10308 (B) the actor, during commission of the homicide, attempted to kill one or more  
10309 other individuals in addition to the deceased individual;  
10310 (iii) the actor knowingly created a great risk of death to another individual other than  
10311 the deceased individual and the actor;  
10312 (iv) the actor committed homicide incident to an act, scheme, course of conduct, or  
10313 criminal episode during which the actor committed or attempted to commit  
10314 aggravated robbery, robbery, rape, rape of a child, object rape, object rape of a  
10315 child, forcible sodomy, sodomy upon a child, forcible sexual abuse, sexual abuse  
10316 of a child, aggravated sexual abuse of a child, aggravated child abuse as described  
10317 in Subsection 76-5-109.2(3)(a), or aggravated sexual assault, aggravated arson,  
10318 arson, aggravated burglary, burglary, aggravated kidnapping, or kidnapping, or  
10319 child kidnapping;  
10320 (v) the actor committed homicide incident to one act, scheme, course of conduct, or  
10321 criminal episode during which the actor committed the crime of abuse or  
10322 desecration of a dead human body as described in Subsection [~~76-9-704(2)(e)~~]



- 10323 76-5-802(2)(d);
- 10324 (vi) the actor committed homicide for the purpose of avoiding or preventing an arrest
- 10325 of the actor or another individual by a peace officer acting under color of legal
- 10326 authority or for the purpose of effecting the actor's or another individual's escape
- 10327 from lawful custody;
- 10328 (vii) the actor committed homicide for pecuniary gain;
- 10329 (viii) the actor committed, engaged, or employed another person to commit the
- 10330 homicide subject to an agreement or contract for remuneration or the promise of
- 10331 remuneration for commission of the homicide;
- 10332 (ix) the actor previously committed or was convicted of:
- 10333 (A) aggravated murder under this section;
- 10334 (B) attempted aggravated murder under this section;
- 10335 (C) murder, under Section 76-5-203;
- 10336 (D) attempted murder, under Section 76-5-203; or
- 10337 (E) an offense committed in another jurisdiction which if committed in this state
- 10338 would be a violation of a crime listed in this Subsection (2)(a)(ix);
- 10339 (x) the actor was previously convicted of:
- 10340 (A) aggravated assault, under Section 76-5-103;
- 10341 (B) mayhem, under Section 76-5-105;
- 10342 (C) kidnapping, under Section 76-5-301;
- 10343 (D) child kidnapping, under Section 76-5-301.1;
- 10344 (E) aggravated kidnapping, under Section 76-5-302;
- 10345 (F) rape, under Section 76-5-402;
- 10346 (G) rape of a child, under Section 76-5-402.1;
- 10347 (H) object rape, under Section 76-5-402.2;
- 10348 (I) object rape of a child, under Section 76-5-402.3;
- 10349 (J) forcible sodomy, under Section 76-5-403;
- 10350 (K) sodomy on a child, under Section 76-5-403.1;
- 10351 (L) aggravated sexual abuse of a child, under Section 76-5-404.3;
- 10352 (M) aggravated sexual assault, under Section 76-5-405;
- 10353 (N) aggravated arson, under Section 76-6-103;
- 10354 (O) aggravated burglary, under Section 76-6-203;
- 10355 (P) aggravated robbery, under Section 76-6-302;
- 10356 (Q) felony discharge of a firearm, under Section [~~76-10-508.1~~] 76-11-208; or

- 10357 (R) an offense committed in another jurisdiction which if committed in this state  
10358 would be a violation of a crime listed in this Subsection (2)(a)(x);
- 10359 (xi) the actor committed homicide for the purpose of:
- 10360 (A) preventing a witness from testifying;
- 10361 (B) preventing a person from providing evidence or participating in any legal  
10362 proceedings or official investigation;
- 10363 (C) retaliating against a person for testifying, providing evidence, or participating  
10364 in any legal proceedings or official investigation; or
- 10365 (D) disrupting or hindering any lawful governmental function or enforcement of  
10366 laws;
- 10367 (xii) the deceased individual was a local, state, or federal public official, or a  
10368 candidate for public office, and the homicide is based on, is caused by, or is  
10369 related to that official position, act, capacity, or candidacy;
- 10370 (xiii) the deceased individual was on duty in a verified position or the homicide is  
10371 based on, is caused by, or is related to the deceased individual's position, and the  
10372 actor knew, or reasonably should have known, that the deceased individual holds  
10373 or has held the position of:
- 10374 (A) a peace officer;
- 10375 (B) an executive officer, prosecuting officer, jailer, or prison official;
- 10376 (C) a firefighter, search and rescue personnel, emergency medical personnel,  
10377 ambulance personnel, or any other emergency responder;
- 10378 (D) a judge or other court official, juror, probation officer, or parole officer; or
- 10379 (E) a security officer contracted to secure, guard, or otherwise protect tangible  
10380 personal property, real property, or the life and well-being of human or animal  
10381 life in the area of the offense;
- 10382 (xiv) the actor committed homicide:
- 10383 (A) by means of a destructive device, bomb, explosive, incendiary device, or  
10384 similar device which was planted, hidden, or concealed in any place, area,  
10385 dwelling, building, or structure, or was mailed or delivered;
- 10386 (B) by means of any weapon of mass destruction; or
- 10387 (C) to target a law enforcement officer;
- 10388 (xv) the actor committed homicide during the act of unlawfully assuming control of  
10389 an aircraft, train, or other public conveyance by use of threats or force with intent  
10390 to:

- 10391 (A) obtain any valuable consideration for the release of the public conveyance or  
10392 any passenger, crew member, or any other person aboard;
- 10393 (B) direct the route or movement of the public conveyance; or  
10394 (C) otherwise exert control over the public conveyance;
- 10395 (xvi) the actor committed homicide by means of the administration of a poison or of  
10396 any lethal substance or of any substance administered in a lethal amount, dosage,  
10397 or quantity;
- 10398 (xvii) the deceased individual was held or otherwise detained as a shield, hostage, or  
10399 for ransom;
- 10400 (xviii) the actor committed homicide in an especially heinous, atrocious, cruel, or  
10401 exceptionally depraved manner, any of which must be demonstrated by physical  
10402 torture, serious physical abuse, or serious bodily injury of the deceased individual  
10403 before death;
- 10404 (xix) the actor dismembers, mutilates, or disfigures the deceased individual's body,  
10405 whether before or after death, in a manner demonstrating the actor's depravity of  
10406 mind; or
- 10407 (xx) the deceased individual, at the time of the death of the deceased individual:  
10408 (A) was younger than 14 years old; and  
10409 (B) was not an unborn child.
- 10410 (b) An actor commits aggravated murder if the actor, with reckless indifference to  
10411 human life, causes the death of another individual incident to an act, scheme, course  
10412 of conduct, or criminal episode during which the actor is a major participant in the  
10413 commission or attempted commission of:
- 10414 (i) aggravated child abuse, punishable as a felony of the second degree under  
10415 Subsection 76-5-109.2(3)(a);
- 10416 (ii) child kidnapping, under Section 76-5-301.1;
- 10417 (iii) rape of a child, under Section 76-5-402.1;
- 10418 (iv) object rape of a child, under Section 76-5-402.3;
- 10419 (v) sodomy on a child, under Section 76-5-403.1; or
- 10420 (vi) sexual abuse or aggravated sexual abuse of a child, under Section 76-5-404.1.
- 10421 (3)(a) If a notice of intent to seek the death penalty has been filed, a violation of  
10422 Subsection (2) is a capital felony.
- 10423 (b) If a notice of intent to seek the death penalty has not been filed, aggravated murder is  
10424 a noncapital first degree felony punishable as provided in Section 76-3-207.7.

- 10425 (c)(i) Within 60 days after arraignment of the defendant, the prosecutor may file  
10426 notice of intent to seek the death penalty.
- 10427 (ii) The notice shall be served on the defendant or defense counsel and filed with the  
10428 court.
- 10429 (iii) Notice of intent to seek the death penalty may be served and filed more than 60  
10430 days after the arraignment upon written stipulation of the parties or upon a finding  
10431 by the court of good cause.
- 10432 (d) Without the consent of the prosecutor, the court may not accept a plea of guilty to  
10433 noncapital first degree felony aggravated murder during the period in which the  
10434 prosecutor may file a notice of intent to seek the death penalty under Subsection  
10435 (3)(c)(i).
- 10436 (e) If the defendant was younger than 18 years old at the time the offense was  
10437 committed, aggravated murder is a noncapital first degree felony punishable as  
10438 provided in Section 76-3-207.7.
- 10439 (f) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of  
10440 aggravated murder, or alternatively, attempted aggravated murder, as described in  
10441 this section, are proved beyond a reasonable doubt, and also finds that the existence  
10442 of special mitigation is established by a preponderance of the evidence and in  
10443 accordance with Section 76-5-205.5, the court shall enter a judgment of conviction as  
10444 follows:
- 10445 (i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall  
10446 enter a judgment of conviction for murder; or
- 10447 (ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the  
10448 court shall enter a judgment of conviction for attempted murder.
- 10449 (4)(a) It is an affirmative defense to a charge of aggravated murder or attempted  
10450 aggravated murder that the actor caused the death of another or attempted to cause  
10451 the death of another under a reasonable belief that the circumstances provided a legal  
10452 justification or excuse for the conduct although the conduct was not legally justifiable  
10453 or excusable under the existing circumstances.
- 10454 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from  
10455 the viewpoint of a reasonable person under the then existing circumstances.
- 10456 (c) Notwithstanding Subsection (3)(a) or (3)(b), if the trier of fact finds the elements of  
10457 aggravated murder, or alternatively, attempted aggravated murder, as described in  
10458 this section, are proved beyond a reasonable doubt, and also finds the affirmative

10459 defense described in this Subsection (4) is not disproven beyond a reasonable doubt,  
10460 the court shall enter a judgment of conviction as follows:

10461 (i) if the trier of fact finds the defendant guilty of aggravated murder, the court shall  
10462 enter a judgment of conviction for murder; or

10463 (ii) if the trier of fact finds the defendant guilty of attempted aggravated murder, the  
10464 court shall enter a judgment of conviction for attempted murder.

10465 (5)(a) Any aggravating circumstance described in Subsection (2) that constitutes a  
10466 separate offense does not merge with the crime of aggravated murder.

10467 (b) An actor who is convicted of aggravated murder, based on an aggravating  
10468 circumstance described in Subsection (2) that constitutes a separate offense, may also  
10469 be convicted of, and punished for, the separate offense.

10470 Section 156. Section **76-5-203** is amended to read:

10471 **76-5-203 (Effective 05/07/25). Murder -- Penalties-- Affirmative defense and**  
10472 **special mitigation -- Separate offenses.**

10473 (1)(a) As used in this section, "predicate offense" means:

10474 (i) a clandestine drug lab violation under Section 58-37d-4 or 58-37d-5;

10475 (ii) aggravated child abuse, under Subsection 76-5-109.2(3)(a), when the abused  
10476 individual is younger than 18 years old;

10477 (iii) kidnapping under Section 76-5-301;

10478 (iv) child kidnapping under Section 76-5-301.1;

10479 (v) aggravated kidnapping under Section 76-5-302;

10480 (vi) rape under Section 76-5-402;

10481 (vii) rape of a child under Section 76-5-402.1;

10482 (viii) object rape under Section 76-5-402.2;

10483 (ix) object rape of a child under Section 76-5-402.3;

10484 (x) forcible sodomy under Section 76-5-403;

10485 (xi) sodomy upon a child under Section 76-5-403.1;

10486 (xii) forcible sexual abuse under Section 76-5-404;

10487 (xiii) sexual abuse of a child under Section 76-5-404.1;

10488 (xiv) aggravated sexual abuse of a child under Section 76-5-404.3;

10489 (xv) aggravated sexual assault under Section 76-5-405;

10490 (xvi) arson under Section 76-6-102;

10491 (xvii) aggravated arson under Section 76-6-103;

10492 (xviii) burglary under Section 76-6-202;

- 10493 (xix) aggravated burglary under Section 76-6-203;
- 10494 (xx) robbery under Section 76-6-301;
- 10495 (xxi) aggravated robbery under Section 76-6-302;
- 10496 (xxii) escape under Section 76-8-309;
- 10497 (xxiii) aggravated escape under Section 76-8-309.3; or
- 10498 (xxiv) a felony violation of Section [~~76-10-508 or 76-10-508.1~~] 76-11-207 or
- 10499 76-11-208 regarding discharge of a firearm or dangerous weapon.
- 10500 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10501 (2) An actor commits murder if:
- 10502 (a) the actor intentionally or knowingly causes the death of another individual;
- 10503 (b) intending to cause serious bodily injury to another individual, the actor commits an
- 10504 act clearly dangerous to human life that causes the death of the other individual;
- 10505 (c) acting under circumstances evidencing a depraved indifference to human life, the
- 10506 actor knowingly engages in conduct that creates a grave risk of death to another
- 10507 individual and thereby causes the death of the other individual;
- 10508 (d)(i) the actor is engaged in the commission, attempted commission, or immediate
- 10509 flight from the commission or attempted commission of any predicate offense, or
- 10510 is a party to the predicate offense;
- 10511 (ii) an individual other than a party described in Section 76-2-202 is killed in the
- 10512 course of the commission, attempted commission, or immediate flight from the
- 10513 commission or attempted commission of any predicate offense; and
- 10514 (iii) the actor acted with the intent required as an element of the predicate offense;
- 10515 (e) the actor recklessly causes the death of a peace officer or military service member in
- 10516 uniform while in the commission or attempted commission of:
- 10517 (i) an assault against a peace officer under Section 76-5-102.4;
- 10518 (ii) interference with a peace officer while making a lawful arrest under Section
- 10519 76-8-305 if the actor uses force against the peace officer; or
- 10520 (iii) an assault against a military service member in uniform under Section 76-5-102.4;
- 10521 or
- 10522 (f) the actor commits a homicide that would be aggravated murder, but the offense is
- 10523 reduced in accordance with Subsection 76-5-202(4).
- 10524 (3)(a)(i) A violation of Subsection (2) is a first degree felony.
- 10525 (ii) A defendant who is convicted of murder shall be sentenced to imprisonment for
- 10526 an indeterminate term of not less than 15 years and which may be for life.

- 10527 (b) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder,  
 10528 or alternatively, attempted murder, as described in this section are proved beyond a  
 10529 reasonable doubt, and also finds that the existence of special mitigation is established  
 10530 by a preponderance of the evidence and in accordance with Section 76-5-205.5, the  
 10531 court shall enter a judgment of conviction as follows:
- 10532 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a  
 10533 judgment of conviction for manslaughter; or
- 10534 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall,  
 10535 notwithstanding Subsection 76-4-102(1)(b) or 76-4-102(1)(c)(i), enter a judgment  
 10536 of conviction for attempted manslaughter.
- 10537 (4)(a) It is an affirmative defense to a charge of murder or attempted murder that the  
 10538 defendant caused the death of another individual or attempted to cause the death of  
 10539 another individual under a reasonable belief that the circumstances provided a legal  
 10540 justification or excuse for the conduct although the conduct was not legally justifiable  
 10541 or excusable under the existing circumstances.
- 10542 (b) The reasonable belief of the actor under Subsection (4)(a) shall be determined from  
 10543 the viewpoint of a reasonable person under the then existing circumstances.
- 10544 (c) Notwithstanding Subsection (3)(a), if the trier of fact finds the elements of murder, or  
 10545 alternatively, attempted murder, as described in this section are proved beyond a  
 10546 reasonable doubt, and also finds the affirmative defense described in this Subsection  
 10547 (4) is not disproven beyond a reasonable doubt, the court shall enter a judgment of  
 10548 conviction as follows:
- 10549 (i) if the trier of fact finds the defendant guilty of murder, the court shall enter a  
 10550 judgment of conviction for manslaughter; or
- 10551 (ii) if the trier of fact finds the defendant guilty of attempted murder, the court shall  
 10552 enter a judgment of conviction for attempted manslaughter.
- 10553 (5)(a) Any predicate offense that constitutes a separate offense does not merge with the  
 10554 crime of murder.
- 10555 (b) An actor who is convicted of murder, based on a predicate offense that constitutes a  
 10556 separate offense, may also be convicted of, and punished for, the separate offense.
- 10557 Section 157. Section **76-5-302** is amended to read:
- 10558 **76-5-302 (Effective 05/07/25). Aggravated kidnapping.**
- 10559 (1)(a) As used in this section, "in the course of committing unlawful detention or  
 10560 kidnapping" means in the course of committing, attempting to commit, or in the

- 10561 immediate flight after the attempt or commission of a violation of:
- 10562 (i) Section 76-5-301, kidnapping; or
- 10563 (ii) Section 76-5-304, unlawful detention.
- 10564 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10565 (2) An actor commits aggravated kidnapping if the actor, in the course of committing
- 10566 unlawful detention or kidnapping:
- 10567 (a) uses or threatens to use a dangerous weapon; or
- 10568 (b) acts with the intent to:
- 10569 (i) hold the victim for ransom or reward, as a shield or hostage, or to compel a third
- 10570 person to engage in particular conduct or to forbear from engaging in particular
- 10571 conduct;
- 10572 (ii) facilitate the commission, attempted commission, or flight after commission or
- 10573 attempted commission of a felony;
- 10574 (iii) hinder or delay the discovery of or reporting of a felony;
- 10575 (iv) inflict bodily injury on or to terrorize the victim or another individual;
- 10576 (v) interfere with the performance of any governmental or political function; or
- 10577 (vi) commit a sexual offense as described in Title 76, Chapter 5, Part 4, Sexual
- 10578 Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.
- 10579 (3)(a) A violation of Subsection (2) in the course of committing unlawful detention is a
- 10580 third degree felony.
- 10581 (b) A violation of Subsection (2) in the course of committing kidnapping is a first degree
- 10582 felony.
- 10583 (4) An actor convicted of a violation of Subsection (3)(b) shall be sentenced to
- 10584 imprisonment of:
- 10585 (a) except as provided in Subsection (4)(b), (4)(c), or (5), not less than 15 years and
- 10586 which may be for life;
- 10587 (b) except as provided in Subsection (4)(c) or (5), life without parole, if the trier of fact
- 10588 finds that during the course of the commission of the aggravated kidnapping the
- 10589 defendant caused serious bodily injury to the victim or another individual; or
- 10590 (c) life without parole, if the trier of fact finds that at the time of the commission of the
- 10591 aggravated kidnapping, the defendant was previously convicted of a grievous sexual
- 10592 offense.
- 10593 (5) If, when imposing a sentence under Subsection (4)(a) or (b), a court finds that a lesser
- 10594 term than the term described in Subsection (4)(a) or (b) is in the interests of justice and



- 10595 states the reasons for this finding on the record, the court may impose a term of  
 10596 imprisonment of not less than:
- 10597 (a) for purposes of Subsection (4)(b), 15 years and which may be for life; or  
 10598 (b) for purposes of Subsection (4)(a) or (b):
- 10599 (i) 10 years and which may be for life; or  
 10600 (ii) six years and which may be for life.
- 10601 (6) The provisions of Subsection (5) do not apply when a defendant is sentenced under  
 10602 Subsection (4)(c).
- 10603 (7) Subsections (4)(b) and (c) do not apply if the actor was younger than 18 years old at the  
 10604 time of the offense.

- 10605 (8) Imprisonment under Subsection (4) is mandatory in accordance with Section 76-3-406.  
 10606 Section 158. Section **76-5-415** is amended to read:

10607 **76-5-415 (Effective 05/07/25). Educator's license subject to action for violation**  
 10608 **of this part.**

10609 Commission of any offense under this Title 76, Chapter 5, Part 4, Sexual Offenses,  
 10610 not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, by an educator as defined in  
 10611 Section 53E-6-102, is grounds under Section 53E-6-604 for disciplinary action against the  
 10612 educator, including revocation of the educator's license.

10613 Section 159. Section **76-5-417**, which is renumbered from Section 76-4-401 is renumbered  
 10614 and amended to read:

10615 ~~[76-4-401]~~**76-5-417 (Effective 05/07/25). Enticing a minor to engage in sexual activity.**

10616 (1)(a) As used in this section:

- 10617 (i) "Minor" means an individual who is under 18 years old.  
 10618 (ii) "Electronic communication" means the same as that term is defined in Section [  
 10619 ~~76-9-201~~] 76-12-201.  
 10620 (iii) "Electronic communication device" means the same as that term is defined in  
 10621 Section [~~76-9-201~~] 76-12-201.

10622 (b) Terms defined in Section 76-1-101.5 apply to this section.

10623 (2) An actor commits [~~enticement of~~] enticing a minor to engage in sexual activity if the  
 10624 actor knowingly:

- 10625 (a) uses an electronic communication or an electronic communication device to:  
 10626 (i) solicit, seduce, lure, or entice a minor, or to attempt to solicit, seduce, lure, or  
 10627 entice a minor, or another person that the actor believes to be a minor, to engage  
 10628 in sexual activity that is a violation of state criminal law; or

- 10629 (ii)(A) initiate contact with a minor or a person the actor believes to be a minor;  
 10630 and  
 10631 (B) subsequent to the action described in Subsection (2)(a)(ii)(A), by any  
 10632 electronic or written means, solicits, seduces, lures, or entices, or attempts to  
 10633 solicit, seduce, lure, or entice the minor or a person the actor believes to be the  
 10634 minor to engage in sexual activity that is a violation of state criminal law; or  
 10635 (b) develops a relationship of trust with the minor or the minor's parent or guardian with  
 10636 the intent to solicit, seduce, lure, or entice, or attempt to solicit, seduce, lure, or entice  
 10637 the minor to engage in sexual activity that is a violation of state criminal law.
- 10638 [~~(3) It is not a defense to the crime of enticing a minor under Subsection (2), or an attempt~~  
 10639 ~~to commit this offense, that a law enforcement officer or an undercover operative who is~~  
 10640 ~~employed by a law enforcement agency was involved in the detection or investigation of~~  
 10641 ~~the offense.]~~
- 10642 [(4)] (3) [~~Enticement of a minor under~~] A violation of Subsection (2) is punishable as  
 10643 follows:
- 10644 (a) enticement to engage in sexual activity that would be a first degree felony for the  
 10645 actor is a:
- 10646 (i) second degree felony upon the first conviction for violation of this Subsection [  
 10647 ~~(4)(a)] (3)(a); and~~
- 10648 (ii) first degree felony punishable by imprisonment for an indeterminate term of not  
 10649 fewer than three years and which may be for life, upon a second or any subsequent  
 10650 conviction for a violation of this Subsection [~~(4)(a)] (3)(a);~~
- 10651 (b) enticement to engage in sexual activity that would be a second degree felony for the  
 10652 actor is a third degree felony;
- 10653 (c) enticement to engage in sexual activity that would be a third degree felony for the  
 10654 actor is a class A misdemeanor;
- 10655 (d) enticement to engage in sexual activity that would be a class A misdemeanor for the  
 10656 actor is a class B misdemeanor; and
- 10657 (e) enticement to engage in sexual activity that would be a class B misdemeanor for the  
 10658 actor is a class C misdemeanor.
- 10659 (4) It is not a defense to a violation, or attempted violation, of Subsection (2) that a law  
 10660 enforcement officer or an undercover operative who is employed by a law enforcement  
 10661 agency was involved in the detection or investigation of the offense.
- 10662 (5)(a) When an actor who commits a felony violation of this section has [~~been-~~]

10663 previously been convicted of an offense [~~under~~] described in Subsection (5)(b), the  
10664 court may not in any way shorten the prison sentence, and the court may not:

10665 (i) grant probation;

10666 (ii) suspend the execution or imposition of the sentence;

10667 (iii) enter a judgment for a lower category of offense; or

10668 (iv) order hospitalization.

10669 (b) The sections referred to in Subsection (5)(a) are:

10670 [~~(i) Section 76-4-401, enticing a minor;~~]

10671 [~~(ii)~~] (i) [~~Section 76-5-301.1,~~] child kidnapping as described in Section 76-5-301.1;

10672 (ii) human trafficking of a child as described in Section 76-5-308.5

10673 (iii) [~~Section 76-5-402,~~] rape as described in Section 76-5-402;

10674 (iv) [~~Section 76-5-402.1,~~] rape of a child as described in Section 76-5-402.1;

10675 (v) [~~Section 76-5-402.2,~~] object rape as described in Section 76-5-402.2;

10676 (vi) [~~Section 76-5-402.3,~~] object rape of a child as described in Section 76-5-402.3;

10677 (vii) [~~Section 76-5-403,~~] forcible sodomy as described in Section 76-5-403;

10678 (viii) [~~Section 76-5-403.1,~~] sodomy on a child as described in Section 76-5-403.1;

10679 (ix) [~~Section 76-5-404,~~] forcible sexual abuse as described in Section 76-5-404;

10680 (x) [~~Section 76-5-404.1,~~] sexual abuse of a child as described in Section 76-5-404.1;

10681 (xi) [~~and Section 76-5-404.3,~~] aggravated sexual abuse of a child as described in  
10682 Section 76-5-404.3;

10683 [~~(xi)~~] (xii) [~~Section 76-5-405,~~] aggravated sexual assault as described in Section  
10684 76-5-405;

10685 [~~(xii) Section 76-5-308.5, human trafficking of a child;~~]

10686 (xiii) enticing a minor to engage in sexual activity as described in Section 76-5-417;

10687 [~~(xiii)~~] (xiv) any offense in any other state or federal jurisdiction that constitutes or  
10688 would constitute a crime in Subsections (5)(b)(i) through [~~(xii)~~] (xiii); or

10689 [~~(xiv)~~] (xv) the attempt, solicitation, or conspiracy to commit any of the offenses in  
10690 Subsections (5)(b)(i) through [~~(xiii)~~] (xiv).

10691 Section 160. Section **76-5-418**, which is renumbered from Section 76-9-702.1 is renumbered  
10692 and amended to read:

10693 **[76-9-702.1] 76-5-418 (Effective 05/07/25). Sexual battery.**

10694 (1) Terms defined in Section 76-1-101.5 apply to this section.

10695 (2) An actor [~~is guilty of~~] commits sexual battery if [~~the actor~~], under circumstances not  
10696 amounting to an offense [~~under~~] described in Subsection [~~(2);~~] (4), the actor:

10697 (a) intentionally touches, whether or not through clothing[-] ;  
 10698 (i) the anus, buttocks, or any part of the genitals of another individual[-] ;  
 10699 (ii) or the breast of a female individual[-] ; and  
 10700 (iii) the actor's conduct is under circumstances that the actor knows or should know  
 10701 will likely cause affront or alarm to the individual touched.

10702 [~~2~~] (3) A violation of Subsection (2) is a class A misdemeanor.

10703 (4) [~~Offenses~~] The offenses referred to in Subsection [~~1~~] (2) are:

10704 (a) rape under Section 76-5-402;  
 10705 (b) rape of a child under Section 76-5-402.1;  
 10706 (c) object rape under Section 76-5-402.2;  
 10707 (d) object rape of a child under Section 76-5-402.3;  
 10708 (e) forcible sodomy under Subsection 76-5-403(2);  
 10709 (f) sodomy on a child under Section 76-5-403.1;  
 10710 (g) forcible sexual abuse under Section 76-5-404;  
 10711 (h) sexual abuse of a child under Section 76-5-404.1;  
 10712 (i) aggravated sexual abuse of a child under Section 76-5-404.3;  
 10713 (j) aggravated sexual assault under Section 76-5-405; and  
 10714 (k) an attempt to commit an offense under this Subsection (2).

10715 [~~3~~] Sexual battery is a class A misdemeanor.

10716 [~~4~~] (5)(a) For purposes of Subsection 77-41-102(19) only, a plea of guilty or nolo  
 10717 contendere to a charge under this section that is held in abeyance under Title 77,  
 10718 Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.

10719 (b) This Subsection [~~4~~] (5) also applies if the charge under this section has been  
 10720 subsequently reduced or dismissed in accordance with the plea in abeyance  
 10721 agreement.

10722 Section 161. Section **76-5-419**, which is renumbered from Section 76-9-702 is renumbered  
 10723 and amended to read:

10724 **[76-9-702]76-5-419 (Effective 05/07/25). Lewdness.**

10725 (1)(a) As used in this section:

10726 (i) "Common area of a privacy space" means any area of a privacy space other than:  
 10727 (A) a toilet stall with a closed door;  
 10728 (B) immediately in front of a urinal during use; or  
 10729 (C) a shower stall with a closed door or other closed covering.  
 10730 (ii) "Privacy space" means the same as that term is defined in Section 76-12-309.

- 10731 (iii) "Sex-designated" means the same as that term is defined in Section 76-12-309.
- 10732 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10733 [~~(1) A person is guilty of~~]
- 10734 (2) Under circumstances not amounting to an offense listed in Subsection (4), an actor
- 10735 commits lewdness if~~[the person under circumstances not amounting to rape, object rape,~~
- 10736 ~~forcible sodomy, forcible sexual abuse, aggravated sexual assault, sexual abuse of a~~
- 10737 ~~minor, unlawful sexual conduct with a 16- or 17-year-old, custodial sexual relations~~
- 10738 ~~under Section 76-5-412, custodial sexual misconduct under Section 76-5-412.2,~~
- 10739 ~~eustodial sexual relations with youth receiving state services under Section 76-5-413,~~
- 10740 ~~eustodial sexual misconduct with youth receiving state services under Section 76-5-413.2,~~
- 10741 ~~or an attempt to commit any of these offenses, performs any of the following acts in a~~
- 10742 ~~public place or under circumstances which the person should know will likely cause~~
- 10743 ~~affront or alarm to, on, or in the presence of another individual who is 14 years old or~~
- 10744 ~~older]:~~
- 10745 (a) the actor performs:
- 10746 (i) an act of sexual intercourse or sodomy;
- 10747 [~~(b) exposes his or her~~]
- 10748 (ii) an act exposing the actor's:
- 10749 (A) genitals[;];
- 10750 (B) [the-]female breast below the top of the areola[;] if the actor is female;
- 10751 (C) [the-]buttocks, [the-]anus, or [the-]pubic area;
- 10752 [~~(e)~~] (iii) masturbates; or
- 10753 [~~(d)~~] (iv) any other act of lewdness[;]; and
- 10754 (b) an action described in Subsection (2)(a) is undertaken:
- 10755 (i) in a public place; or
- 10756 (ii) under circumstances which the actor should know will likely cause affront or
- 10757 alarm to, on, or in the presence of another individual who is 14 years old or older.
- 10758 [~~(2)~~] (3)(a) [A person convicted the first or second time of a-] Except as provided in
- 10759 Subsection (3)(b), a violation of Subsection [~~(1)~~] (2) is [guilty of-]a class B
- 10760 misdemeanor[,-except under Subsection (2)(b)].
- 10761 (b) [A person convicted of a-] A violation of Subsection [~~(1)~~] (2) is [guilty of-]a third
- 10762 degree felony if at the time of the violation:
- 10763 (i) the [person] actor is a sex offender as defined in Section 77-27-21.7;
- 10764 (ii) the [person] actor has [been-]previously been convicted two or more times of [

- 10765 ~~violating~~ a violation of Subsection ~~[(1);~~ (2);
- 10766 (iii) the ~~[person]~~ actor has previously been convicted of:
- 10767 (A) ~~[-]~~a violation of Subsection ~~[(1)]~~ (2); and
- 10768 (B) ~~[has also previously been convicted of]~~a violation of Section ~~[76-9-702.5]~~
- 10769 ~~76-5-420;~~
- 10770 (iv) the ~~[person commits the offense of lewdness while]~~ actor also ~~[committing]~~
- 10771 ~~commits~~ the offense of:
- 10772 (A) criminal trespass ~~[in a]~~ resulting from unlawfully entering a sex-designated
- 10773 changing room ~~[under]~~ as described in Subsection 76-6-206(2)(d);
- 10774 (B) lewdness involving a child ~~[under]~~ as described in Section ~~[76-9-702.5]~~
- 10775 ~~76-5-420;~~
- 10776 (C) voyeurism ~~[under]~~ as described in Section ~~[76-9-702.7]~~ 76-12-306;
- 10777 (D) recorded or photographed voyeurism as described in Section 76-12-307;
- 10778 (E) distribution of images obtained through voyeurism as described in Section
- 10779 ~~76-12-308;~~ or
- 10780 ~~[(D)]~~ (F) loitering in a privacy space ~~[under]~~ as described in Section ~~[76-9-702.8]~~
- 10781 ~~76-12-309;~~ or
- 10782 (v) the ~~[person commits the offense of lewdness]~~ actor is in a sex-designated privacy
- 10783 space,~~[as defined in Section 76-9-702.8,]~~ that is not designated for individuals of
- 10784 the actor's sex.
- 10785 [(e)(i) For purposes of this Subsection (2) and Subsection 77-41-102(19), a plea of
- 10786 guilty or nolo contendere to a charge under this section that is held in abeyance under
- 10787 Title 77, Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.]
- 10788 [(ii) This Subsection (2)(c) also applies if the charge under this Subsection (2) has been
- 10789 subsequently reduced or dismissed in accordance with the plea in abeyance
- 10790 agreement.]
- 10791 (4) The offenses referred to in Subsection (2) are:
- 10792 (a) unlawful sexual conduct with a 16 or 17 year old as described in Section 76-5-401.2;
- 10793 (b) rape as described in Section 76-5-402;
- 10794 (c) object rape as described in Section 76-5-402.2;
- 10795 (d) forcible sodomy as described in Section 76-5-403;
- 10796 (e) forcible sexual abuse as described in Section 76-5-404;
- 10797 (f) sexual abuse of a child as described in Section 76-5-404.1;
- 10798 (g) aggravated sexual assault as described in Section 76-5-405;

- 10799 (h) custodial sexual relations as described in Section 76-5-412;
- 10800 (i) custodial sexual misconduct as described in Section 76-5-412.2;
- 10801 (j) custodial sexual relations with youth receiving state services as described in Section
- 10802 76-5-413;
- 10803 (k) custodial sexual misconduct with youth receiving state services as described in
- 10804 Section 76-5-413.2; or
- 10805 (l) an attempt to commit an offense described in Subsection (4)(a) through (k).
- 10806 (5)(a) For purposes of Subsection (3) and Subsection 77-41-102(19), a plea of guilty or
- 10807 nolo contendere to a charge under this section that is held in abeyance under Title 77,
- 10808 Chapter 2a, Pleas in Abeyance, is the equivalent of a conviction.
- 10809 (b) Subsection (5)(a) also applies if the charge under Subsection (3) has been
- 10810 subsequently reduced or dismissed in accordance with the plea in abeyance
- 10811 agreement.
- 10812 [~~(3)~~] (6)[~~(a)~~] ~~As used in this Subsection (3):~~
- 10813 [~~(i)~~] ~~"Common area of a privacy space" means any area of a privacy space other than:~~
- 10814 [~~(A)~~] ~~a toilet stall with a closed door;~~
- 10815 [~~(B)~~] ~~immediately in front of a urinal during use; or~~
- 10816 [~~(C)~~] ~~a shower stall with a closed door or other closed covering.]~~
- 10817 [~~(ii)~~] ~~"Privacy space" means the same as that term is defined in Section 76-9-702.8.]~~
- 10818 [~~(b)~~] (a) The common area of a privacy space constitutes a public place or circumstance
- 10819 described in Subsection [~~(1)~~] (2) where an act or an attempted act described in
- 10820 Subsection [~~(1)~~] (2) constitutes lewdness.
- 10821 [~~(c)~~] (b) Within the common area of a dressing room, fitting room, locker room,
- 10822 changing facility, or any other space designated for multiple individuals to dress or
- 10823 undress within the same space, exposing, displaying, or otherwise uncovering
- 10824 genitalia that does not correspond with the sex designation of the changing room
- 10825 constitutes an act or an attempted act described in Subsection [~~(1)~~] (2) that constitutes
- 10826 lewdness.
- 10827 [~~(4)~~] (7) A woman's breast feeding, including breast feeding in any location where the
- 10828 woman otherwise may rightfully be, does not under any circumstance constitute a lewd
- 10829 act, irrespective of whether or not the breast is covered during or incidental to feeding.
- 10830 Section 162. Section **76-5-420**, which is renumbered from Section 76-9-702.5 is renumbered
- 10831 and amended to read:
- 10832 **[~~76-9-702.5~~]76-5-420 (Effective 05/07/25). Lewdness involving a child.**

- 10833 (1)(a) As used in this section:
- 10834        ~~[(a)]~~ (i) ~~["In the presence of" includes within visual contact through an electronic~~  
10835            ~~device.]~~ "Child" means an individual younger than 14 years old.
- 10836        ~~[(b)]~~ (ii) "Common area of a privacy space" means the same as that term is defined in  
10837            Section ~~[76-9-702]~~ 76-5-419.
- 10838        (iii) "In the presence of" includes within visual contact through an electronic device.
- 10839        ~~[(c)]~~ (iv) "Privacy space" means the same as that term is defined in Section [  
10840            ~~76-9-702.8]~~ 76-12-309.
- 10841        (v) "Sex-designated" means the same as that term is defined in Section 76-12-309.
- 10842        (b) Terms defined in Section 76-1-101.5 apply to this section.
- 10843 (2) ~~[A person is guilty of lewdness involving a child if the person under circumstances not~~  
10844        ~~amounting to rape of a child, object rape of a child, sodomy upon a child, sexual abuse~~  
10845        ~~of a child, aggravated sexual abuse of a child, or an attempt to commit any of those~~  
10846        ~~offenses,]~~ Under circumstances not amounting to an offense listed in Subsection (4), an  
10847        ~~actor commits lewdness involving a child if the actor intentionally or knowingly:~~
- 10848        (a) does any of the following in the presence of a child~~[who is under 14 years of age]:~~
- 10849            (i) performs an act of sexual intercourse or sodomy;
- 10850            (ii) exposes ~~[his or her]~~ the actor's genitals, the female breast below the top of the  
10851                areola, the buttocks, the anus, or the pubic area:
- 10852                (A) in a public place; or
- 10853                (B) in a private place under circumstances the ~~[person]~~ actor should know will  
10854                likely cause affront or alarm or with the intent to arouse or gratify the sexual  
10855                desire of the actor or the child;
- 10856            (iii) masturbates; or
- 10857            (iv) performs any other act of lewdness; or
- 10858        (b) under circumstances not amounting to sexual exploitation of a ~~[child]~~ minor under  
10859        Section 76-5b-201 or aggravated sexual exploitation of a ~~[child]~~ minor under Section  
10860        76-5b-201.1, causes a child~~[under the age of 14 years]~~ to expose ~~[his or her]~~ the  
10861        ~~child's~~ child's genitals, anus, or breast, if female, to the actor, with the intent to arouse or  
10862        gratify the sexual desire of the actor or the child.
- 10863 (3)(a) ~~[Lewdness involving a child is a class A misdemeanor, except under Subsection~~  
10864        ~~(3)(b)]~~ Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class  
10865        A misdemeanor.
- 10866        (b) ~~[Lewdness involving a child]~~ A violation of Subsection (2) is a third degree felony if



- 10867 at the time of the violation:
- 10868 (i) the ~~[person]~~ actor is a sex offender as defined in Section 77-27-21.7;
- 10869 (ii) the ~~[person]~~ actor has previously been convicted of a violation of ~~[this section]~~
- 10870 Subsection (2);
- 10871 (iii) ~~[the person commits the offense of lewdness involving a child while also~~
- 10872 ~~committing]~~ the actor commits the offense of:
- 10873 (A) lewdness as described in Section 76-5-419;
- 10874 (B) criminal trespass [in a] resulting from unlawfully entering a sex-designated
- 10875 changing room [under] as described in Subsection 76-6-206(2)(d);
- 10876 ~~[(B) lewdness under Section 76-9-702;]~~
- 10877 (C) voyeurism [under Section 76-9-702.7] as described in Section 76-12-306;
- 10878 (D) [or] recorded or photographed voyeurism as described in Section 76-12-307;
- 10879 (E) distribution of images obtained through voyeurism as described in Section
- 10880 76-12-308; or
- 10881 ~~[(D)]~~ (F) loitering in a privacy space [under Section 76-9-702.8] as described in
- 10882 Section 76-12-309; or
- 10883 (iv) ~~[the person commits the offense of lewdness involving a child in a~~
- 10884 ~~sex-designated privacy space, as defined in Section 76-9-702.8, that is not~~
- 10885 ~~designated for individuals of the actor's sex]~~ the actor is in a sex-designated
- 10886 privacy space, that is not designated for individuals of the actor's sex.
- 10887 (4) The offenses referred to in Subsection (2) are:
- 10888 (a) rape of a child as described in Section 76-5-402.1;
- 10889 (b) object rape of a child as described in Section 76-5-402.3;
- 10890 (c) sodomy on a child as described in Section 76-5-403.1;
- 10891 (d) sexual abuse of a child as described in Section 76-5-404.1;
- 10892 (e) aggravated sexual abuse of a child as described in Section 76-5-404.3; or
- 10893 (f) an attempt to commit an offense described in Subsections (4)(a) through (e).
- 10894 ~~[(4)]~~ (5)(a) The common area of a privacy space constitutes a public place or
- 10895 circumstance described in Subsection (2) where an act or an attempted act described
- 10896 in Subsection (2) constitutes [lewdness involving a child] a violation of Subsection (2).
- 10897 (b) Within the common area of a government entity's dressing room, fitting room, locker
- 10898 room, changing facility, or any other space designated for multiple individuals to
- 10899 dress or undress within the same space, exposing, displaying, or otherwise
- 10900 uncovering genitalia that does not correspond with the sex designation of the

10901 changing room constitutes an act or an attempted act described in Subsection (2) that  
 10902 constitutes lewdness involving a child.

10903 Section 163. Section **76-5-801** is enacted to read:

10904

**Part 8. Offenses Committed Against the Deceased**

10905 **76-5-801 (Effective 05/07/25). Definitions.**

10906 As used in this part, "ancient human remains" means the same as that term is  
 10907 defined in Section 9-8a-302.

10908 Section 164. Section **76-5-802**, which is renumbered from Section 76-9-704 is renumbered  
 10909 and amended to read:

10910 ~~[76-9-704]~~**76-5-802 (Effective 05/07/25). Abuse or desecration of a dead human body.**

10911 (1) ~~[For purposes of this section, "dead human body" includes any part of a human body in~~  
 10912 ~~any stage of decomposition, including ancient human remains as defined in Section~~  
 10913 ~~9-8a-302.]~~

10914 (a) As used in this section, "sexual penetration" means the penetration, however slight,  
 10915 of the genital or anal opening by any object, substance, instrument, or device,  
 10916 including a part of the human body, or penetration involving the genitals of the actor  
 10917 and the mouth of a dead human body.

10918 (b) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.

10919 (2) ~~[A person is guilty of]~~ An actor commits abuse or desecration of a dead human body if  
 10920 the ~~[person]~~ actor intentionally and unlawfully:

10921 ~~[(a) fails to report the finding of a dead human body to a local law enforcement agency;]~~

10922 ~~[(b)]~~ (a) disturbs, moves, removes, conceals, or destroys a dead human body or any part  
 10923 of [it] the dead human body;

10924 ~~[(e)]~~ (b) disinters a buried or otherwise interred dead human body, without authority of a  
 10925 court order;

10926 ~~[(d)]~~ (c) dismembers a dead human body to any extent, or damages or detaches any part  
 10927 or portion of a dead human body; or

10928 ~~[(e)]~~ (d)~~[(i)]~~ commits or attempts to commit upon any dead human body any act of  
 10929 sexual penetration, regardless of the sex of the actor and of the dead human body[;  
 10930 and] .

10931 ~~[(ii) as used in Subsection (2)(e)(i), "sexual penetration" means penetration, however~~  
 10932 ~~slight, of the genital or anal opening by any object, substance, instrument, or~~  
 10933 ~~device, including a part of the human body, or penetration involving the genitals~~

- 10934 ~~of the actor and the mouth of the dead human body.]~~
- 10935 (3) A violation of Subsection (2) is a third degree felony.
- 10936 [~~(3)~~] (4) [A person] An actor does not violate this section if when [~~that person~~] the actor
- 10937 directs or carries out procedures regarding a dead human body, [~~that person~~] the actor
- 10938 complies with:
- 10939 (a) Title 9, Chapter 8a, Part 3, Antiquities;
- 10940 (b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
- 10941 (c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
- 10942 (d) Title 53B, Chapter 17, Part 3, Use of Dead Bodies for Medical Purposes;
- 10943 (e) Title 58, Chapter 9, Funeral Services Licensing Act; or
- 10944 (f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice
- 10945 medicine.
- 10946 [~~(4)(a) Failure to report the finding of a dead human body as required under Subsection~~
- 10947 ~~(2)(a) is a class B misdemeanor.]~~
- 10948 [~~(b) Abuse or desecration of a dead human body as described in Subsections (2)(b) through~~
- 10949 ~~(e) is a third degree felony.]~~
- 10950 (5) For purposes of this section, a dead human body includes any part of a human body in
- 10951 any stage of decomposition, including ancient human remains.
- 10952 Section 165. Section **76-5-803** is enacted to read:
- 10953 **76-5-803 (Effective 05/07/25). Failure to report the finding of a dead human**
- 10954 **body.**
- 10955 (1) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
- 10956 (2) An actor commits failure to report the finding of a dead human body if the actor:
- 10957 (a) finds a dead human body; and
- 10958 (b) intentionally fails to report the finding of the dead human body to a local law
- 10959 enforcement agency.
- 10960 (3) A violation of Subsection (2) is a class B misdemeanor.
- 10961 (4) An actor does not violate this section if when the actor directs or carries out procedures
- 10962 regarding a dead human body, the actor complies with:
- 10963 (a) Title 9, Chapter 8a, Part 3, Antiquities;
- 10964 (b) Title 26B, Chapter 8, Part 2, Utah Medical Examiner;
- 10965 (c) Title 26B, Chapter 8, Part 3, Revised Uniform Anatomical Gift Act;
- 10966 (d) Title 53B, Chapter 17, Part 3, Use of Dead Bodies for Medical Purposes;
- 10967 (e) Title 58, Chapter 9, Funeral Services Licensing Act; or

10968 (f) Title 58, Chapter 67, Utah Medical Practice Act, which concerns licensing to practice  
 10969 medicine.

10970 (5) For purposes of this section, a dead human body includes any part of a human body in  
 10971 any stage of decomposition, including ancient human remains.

10972 Section 166. Section **76-5b-201** is amended to read:

10973 **76-5b-201 (Effective 05/07/25). Sexual exploitation of a minor -- Offenses.**

10974 (1) Terms defined in Section 76-1-101.5 apply to this section.

10975 (2) An actor commits sexual exploitation of a minor when the actor knowingly possesses or  
 10976 intentionally views child sexual abuse material.

10977 (3)(a) A violation of Subsection (2) is a second degree felony.

10978 (b) It is a separate offense under this section:

10979 (i) for each minor depicted in the child sexual abuse material; and

10980 (ii) for each time the same minor is depicted in different child sexual abuse material.

10981 (4) For a charge of violating this section, it is an affirmative defense that:

10982 (a) the defendant:

10983 (i) did not solicit the child sexual abuse material from the minor depicted in the child  
 10984 sexual abuse material;

10985 (ii) is not more than two years older than the minor depicted in the child sexual abuse  
 10986 material; and

10987 (iii) upon request of a law enforcement agent or the minor depicted in the child  
 10988 sexual abuse material, removes from an electronic device or destroys the child  
 10989 sexual abuse material and all copies of the child sexual abuse material in the  
 10990 defendant's possession; and

10991 (b) the child sexual abuse material does not depict an offense under Chapter 5, Part 4,  
 10992 Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.

10993 (5) In proving a violation of this section in relation to an identifiable minor, proof of the  
 10994 actual identity of the identifiable minor is not required.

10995 (6) The following are not criminally or civilly liable under this section when acting in good  
 10996 faith compliance with Section 77-4-201:

10997 (a) an entity or an employee, director, officer, or agent of an entity when acting within  
 10998 the scope of employment, for the good faith performance of:

10999 (i) reporting or data preservation duties required under federal or state law; or

11000 (ii) implementing a policy of attempting to prevent the presence of child sexual abuse  
 11001 material on tangible or intangible property, or of detecting and reporting the

- 11002 presence of child sexual abuse material on the property;
- 11003 (b) a law enforcement officer acting within the scope of a criminal investigation;
- 11004 (c) an employee of a court who may be required to view child sexual abuse material
- 11005 during the course of and within the scope of the employee's employment;
- 11006 (d) a juror who may be required to view child sexual abuse material during the course of
- 11007 the individual's service as a juror;
- 11008 (e) an attorney or employee of an attorney who is required to view child sexual abuse
- 11009 material during the course of a judicial process and while acting within the scope of
- 11010 employment;
- 11011 (f) an employee of the Department of Health and Human Services who is required to
- 11012 view child sexual abuse material within the scope of the employee's employment; or
- 11013 (g) an attorney who is required to view child sexual abuse material within the scope of
- 11014 the attorney's responsibility to represent the Department of Health and Human
- 11015 Services, including the divisions and offices within the Department of Health and
- 11016 Human Services.

11017 Section 167. Section **76-5b-203** is amended to read:

11018 **76-5b-203 (Effective 05/07/25). Distribution of an intimate image -- Penalty.**

11019 (1)(a) As used in this section:

- 11020 (i) "Intimate image" means any visual depiction, photograph, film, video, recording,
- 11021 picture, or computer or computer-generated image, picture, or video, whether
- 11022 made or produced by electronic, mechanical, or other means, that depicts:
- 11023 (A) exposed human male or female genitals or pubic area, with less than an
- 11024 opaque covering;
- 11025 (B) a female breast with less than an opaque covering, or any portion of the
- 11026 female breast below the top of the areola; or
- 11027 (C) the individual engaged in any sexually explicit conduct.
- 11028 (ii) "Sexually explicit conduct" means actual or simulated:
- 11029 (A) sexual intercourse, including genital-genital, oral-genital, anal-genital, or
- 11030 oral-anal, whether between individuals of the same or opposite sex;
- 11031 (B) masturbation;
- 11032 (C) bestiality;
- 11033 (D) sadistic or masochistic activities;
- 11034 (E) exhibition of the genitals, pubic region, buttocks, or female breast of any
- 11035 individual;

- 11036 (F) visual depiction of nudity or partial nudity;
- 11037 (G) fondling or touching of the genitals, pubic region, buttocks, or female breast;
- 11038 or
- 11039 (H) explicit representation of the defecation or urination functions.
- 11040 (iii) "Simulated sexually explicit conduct" means a feigned or pretended act of
- 11041 sexually explicit conduct that duplicates, within the perception of an average
- 11042 person, the appearance of an actual act of sexually explicit conduct.
- 11043 (iv) "Single criminal episode" means the same as that term is defined in Section
- 11044 76-1-401.
- 11045 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 11046 (2)(a) An actor commits the offense of distribution of an intimate image if:
- 11047 (i) the actor knowingly or intentionally distributes to a third party, or knowingly
- 11048 duplicates or copies an intimate image of an individual who is 18 years old or
- 11049 older and knows or should know that the distribution, duplication or copying
- 11050 would cause a reasonable person to suffer emotional distress or harm;
- 11051 (ii) the actor has not received consent from the individual depicted in the image to
- 11052 distribute the intimate image;
- 11053 (iii) the intimate image was created by or provided to the actor under circumstances
- 11054 in which the individual depicted in the image has a reasonable expectation of
- 11055 privacy; and
- 11056 (iv) except as provided in Subsection (2)(b), actual emotional distress or harm is
- 11057 caused to the individual depicted in the image as a result of the distribution.
- 11058 (b) Subsection (2)(a)(iv) is not an element of the offense described in Subsection (2)(a)
- 11059 if:
- 11060 (i) the individual depicted in the intimate image was the victim of a crime;
- 11061 (ii) the intimate image was provided to law enforcement as part of an investigation or
- 11062 prosecution of a crime committed against the victim;
- 11063 (iii) the intimate image was distributed without a legitimate law enforcement or
- 11064 investigative purpose by an individual who had access to the intimate image due
- 11065 to the individual's association with the investigation or prosecution described in
- 11066 Subsection (2)(b)(ii); and
- 11067 (iv) the victim is incapacitated or deceased.
- 11068 (3)(a) A violation of Subsection (2) is a class A misdemeanor.
- 11069 (b) Notwithstanding Subsection (3)(a), a violation of Subsection (2) is a third degree

- 11070 felony on a second or subsequent conviction for an offense under this section that  
11071 does not arise from a single criminal episode.
- 11072 (4) This section does not apply to:
- 11073 (a) except as provided in Section 76-5b-203.5:
- 11074 (i) lawful practices of law enforcement agencies;
- 11075 (ii) prosecutorial agency functions;
- 11076 (iii) the reporting of a criminal offense;
- 11077 (iv) court proceedings or any other judicial proceeding; or
- 11078 (v) lawful and generally accepted medical practices and procedures;
- 11079 (b) an intimate image if the individual portrayed in the image voluntarily allows public  
11080 exposure of the image;
- 11081 (c) an intimate image that is portrayed in a lawful commercial setting; or
- 11082 (d) an intimate image that is related to a matter of public concern or interest.
- 11083 (5)(a) This section does not apply to an Internet service provider or interactive computer  
11084 service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic  
11085 communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications  
11086 service, information service, or mobile service as defined in 47 U.S.C. Sec. 153,  
11087 including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable  
11088 operator as defined in 47 U.S.C. Sec. 522, if:
- 11089 (i) the distribution of an intimate image by the Internet service provider occurs only  
11090 incidentally through the provider's function of:
- 11091 (A) transmitting or routing data from one person to another person; or
- 11092 (B) providing a connection between one person and another person;
- 11093 (ii) the provider does not intentionally aid or abet in the distribution of the intimate  
11094 image; and
- 11095 (iii) the provider does not knowingly receive from or through a person who  
11096 distributes the intimate image a fee greater than the fee generally charged by the  
11097 provider, as a specific condition for permitting the person to distribute the intimate  
11098 image.
- 11099 (b) This section does not apply to a hosting company, as defined in Section [76-10-1230]  
11100 76-5c-401, if:
- 11101 (i) the distribution of an intimate image by the hosting company occurs only  
11102 incidentally through the hosting company's function of providing data storage  
11103 space or data caching to a person;

- 11104 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution  
 11105 of the intimate image; and  
 11106 (iii) the hosting company does not knowingly receive from or through a person who  
 11107 distributes the intimate image a fee greater than the fee generally charged by the  
 11108 provider, as a specific condition for permitting the person to distribute, store, or  
 11109 cache the intimate image.

11110 (c) A service provider, as defined in Section [~~76-10-1230~~] 76-5c-401, is not negligent  
 11111 under this section if it complies with Section [~~76-10-1231~~] 76-5c-402.

11112 Section 168. Section **76-5b-205** is amended to read:

11113 **76-5b-205 (Effective 05/07/25). Unlawful distribution of a counterfeit intimate**  
 11114 **image -- Penalty.**

11115 (1)(a) As used in this section:

- 11116 (i) "Child" means an individual under 18 years old.  
 11117 (ii) "Counterfeit intimate image" means any visual depiction, photograph, film, video,  
 11118 recording, picture, or computer or computer-generated image , picture, or video,  
 11119 whether made or produced by electronic, mechanical, or other means, that has  
 11120 been edited, manipulated, generated, or altered to depict the likeness of an  
 11121 identifiable individual and purports to, or is made to appear to, depict that  
 11122 individual's:  
 11123 (A) exposed human male or female genitals or pubic area, with less than an  
 11124 opaque covering;  
 11125 (B) a female breast with less than an opaque covering, or any portion of the  
 11126 female breast below the top of the areola; or  
 11127 (C) the individual engaged in any sexually explicit conduct or simulated sexually  
 11128 explicit conduct.  
 11129 (iii) "Sexually explicit conduct" means the same as that term is defined in Section  
 11130 76-5b-203.  
 11131 (iv) "Simulated sexually explicit conduct" means the same as that term is defined in  
 11132 Section 76-5b-203.  
 11133 (v) "Single criminal episode" means the same as that term is defined in Section  
 11134 76-1-401.

11135 (b) Terms defined in Section 76-1-101.5 apply to this section.

11136 (2)(a) An actor commits the offense of unlawful distribution of a counterfeit intimate  
 11137 image if the actor knowingly or intentionally distributes a counterfeit intimate image



- 11138 that the actor knows or should reasonably know would cause a reasonable person to  
11139 suffer emotional or physical distress or harm, if:
- 11140 (i) the actor has not received consent from the depicted individual to distribute the  
11141 counterfeit intimate image; and
  - 11142 (ii) the counterfeit intimate image was created or provided by the actor without the  
11143 knowledge and consent of the depicted individual.
- 11144 (b) An actor who is 18 years old or older commits aggravated unlawful distribution of a  
11145 counterfeit intimate image if, in committing the offense described in Subsection (2)(a),  
11146 the individual depicted in the counterfeit intimate image is a child.
- 11147 (3)(a)(i) A violation of Subsection (2)(a) that is knowing or intentional is a class A  
11148 misdemeanor.
- 11149 (ii) Notwithstanding Subsection (3)(a)(i), a violation of Subsection (2)(a) that is  
11150 knowing or intentional is a third degree felony on a second or subsequent  
11151 conviction for an offense under this section that does not arise from a single  
11152 criminal episode.
- 11153 (b)(i) A violation of Subsection (2)(b) that is knowing or intentional is a third degree  
11154 felony.
- 11155 (ii) Notwithstanding Subsection (3)(b)(i), a violation of Subsection (2)(b) that is  
11156 knowing or intentional is a second degree felony on a second or subsequent  
11157 conviction for an offense under this section that does not arise from a single  
11158 criminal episode.
- 11159 (c) This section does not apply to an actor who engages in conduct that constitutes a  
11160 violation of this section to the extent that the actor is chargeable, for the same  
11161 conduct, under Section 76-5b-201, sexual exploitation of a minor, or Section  
11162 76-5b-201.1, aggravated sexual exploitation of a minor.
- 11163 (4) This section does not apply to:
- 11164 (a)(i) lawful practices of law enforcement agencies;
  - 11165 (ii) prosecutorial agency functions;
  - 11166 (iii) the reporting of a criminal offense;
  - 11167 (iv) court proceedings or any other judicial proceeding; or
  - 11168 (v) lawful and generally accepted medical practices and procedures;
- 11169 (b) a counterfeit intimate image if the individual depicted in the image voluntarily  
11170 allows public exposure of the image;
- 11171 (c) a counterfeit intimate image that is portrayed in a lawful commercial setting; or

11172 (d) a counterfeit intimate image that is related to a matter of public concern or interest or  
11173 protected by the First Amendment to the United States Constitution or Article I,  
11174 Sections 1 and 15 of the Utah Constitution.

11175 (5)(a) This section does not apply to an Internet service provider or interactive computer  
11176 service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic  
11177 communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications  
11178 service, information service, or mobile service as defined in 47 U.S.C. Sec. 153,  
11179 including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable  
11180 operator as defined in 47 U.S.C. Sec. 522, if:

11181 (i) the distribution of a counterfeit intimate image by the Internet service provider  
11182 occurs only incidentally through the provider's function of:

11183 (A) transmitting or routing data from one person to another person; or

11184 (B) providing a connection between one person and another person;

11185 (ii) the provider does not intentionally aid or abet in the distribution of the counterfeit  
11186 intimate image; and

11187 (iii) the provider does not knowingly receive from or through a person who  
11188 distributes the counterfeit intimate image a fee greater than the fee generally  
11189 charged by the provider, as a specific condition for permitting the person to  
11190 distribute the counterfeit intimate image.

11191 (b) This section does not apply to a hosting company, as defined in Section [~~76-10-1230~~]  
11192 76-5c-401, if:

11193 (i) the distribution of a counterfeit intimate image by the hosting company occurs  
11194 only incidentally through the hosting company's function of providing data storage  
11195 space or data caching to a person;

11196 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution  
11197 of the counterfeit intimate image;

11198 (iii) the hosting company does not knowingly receive from or through a person who  
11199 distributes the counterfeit intimate image a fee greater than the fee generally  
11200 charged by the provider, as a specific condition for permitting the person to  
11201 distribute, store, or cache the counterfeit intimate image; and

11202 (iv) the hosting company immediately removes the counterfeit intimate image upon  
11203 notice from a law enforcement agency, prosecutorial agency, or the individual  
11204 purportedly depicted in the counterfeit intimate image.

11205 (c) A service provider, as defined in Section [~~76-10-1230~~] 76-5c-401, is not negligent

11206 under this section if it complies with Section ~~[76-10-1231]~~ 76-5c-402.

11207 Section 169. Section **76-5b-206**, which is renumbered from Section 76-10-1204.5 is renumbered

11208 and amended to read:

11209 ~~[76-10-1204.5]~~ **76-5b-206 (Effective 05/07/25). Failure to report child sexual abuse material**

11210 **by a computer technician.**

11211 ~~[(1) As used in this section:]~~

11212 ~~[(a) "Child sexual abuse material" means the same as that term is defined in Section~~

11213 ~~76-5b-103.]~~

11214 ~~[(b) "Computer technician" or "technician" means an individual who in the course and~~

11215 ~~scope of the individual's employment for compensation installs, maintains,~~

11216 ~~troubleshoots, upgrades, or repairs computer hardware, software, personal computer~~

11217 ~~networks, or peripheral equipment.]~~

11218 ~~[(c) "Image" means an image of child sexual abuse material or an image that a computer~~

11219 ~~technician reasonably believes is child sexual abuse material.]~~

11220 ~~[(2)(a) A computer technician who in the course of employment for compensation views~~

11221 ~~an image on a computer or other electronic device that is or appears to be child sexual~~

11222 ~~abuse material shall immediately report the finding of the image to:]~~

11223 ~~[(i) a state or local law enforcement agency, or the Cyber Tip Line at the National Center~~

11224 ~~for Missing and Exploited Children; or]~~

11225 ~~[(ii) an employee designated by the employer of the computer technician in accordance~~

11226 ~~with Subsection (3).]~~

11227 ~~[(b) A computer technician who willfully does not report an image as required under~~

11228 ~~Subsection (2)(a) is guilty of a class B misdemeanor.]~~

11229 ~~[(c) The identity of the computer technician who reports an image shall be confidential,~~

11230 ~~except as necessary for the criminal investigation and the judicial process.]~~

11231 ~~[(d)(i) If the computer technician makes or does not make a report under this section in~~

11232 ~~good faith, the technician is immune from any criminal or civil liability related to~~

11233 ~~reporting or not reporting the image.]~~

11234 ~~[(ii) In this Subsection (2)(d), good faith may be presumed from an employee's or~~

11235 ~~employer's previous course of conduct when the employee or employer has made~~

11236 ~~appropriate reports.]~~

11237 ~~[(e) It is a defense to prosecution under this section that the computer technician did not~~

11238 ~~report the image because the technician reasonably believed the image did not depict a~~

11239 ~~person younger than 18 years old.]~~

- 11240 (1)(a) As used in this section, "computer technician" means an individual who in the  
11241 course and scope of the individual's employment for compensation installs,  
11242 maintains, troubleshoots, upgrades, or repairs computer hardware, software, personal  
11243 computer networks, or peripheral equipment.  
11244 (b) Terms defined in Sections 76-1-101.5 and 76-5-801 apply to this section.
- 11245 (2) An actor commits failure to report child sexual abuse material by a computer technician  
11246 if:  
11247 (a) the actor is a computer technician;  
11248 (b) in the actor's course of employment for compensation the actor views an image on a  
11249 computer or other electronic device that:  
11250 (i) is child sexual abuse material;  
11251 (ii) appears to be child sexual abuse material; or  
11252 (iii) the actor reasonably believes is child sexual abuse material; and  
11253 (c) the actor willfully fails to immediately report the finding of the image to:  
11254 (i) a state or local law enforcement agency;  
11255 (ii) the Cyber Tip Line at the National Center for Missing and Exploited Children; or  
11256 (iii) an employee designated by the employer of the computer technician in  
11257 accordance with Subsection (7).
- 11258 (3) A violation of Subsection (2) a class B misdemeanor.
- 11259 (4) The identity of the computer technician who reports an image that is or appears to be  
11260 child sexual abuse material shall be confidential, except as necessary for the criminal  
11261 investigation and the judicial process.
- 11262 (5)(a) If a computer technician makes or does not make a report under this section and  
11263 is acting in good faith, the technician is immune from any criminal or civil liability  
11264 related to reporting or not reporting the image.  
11265 (b) Good faith described in Subsection (5)(a) may be presumed from a computer  
11266 technician's previous course of conduct when the computer technician has made  
11267 appropriate reports.
- 11268 (6) It is a defense to prosecution under this section that the computer technician did not  
11269 report the image because the computer technician reasonably believed the image did not  
11270 depict an individual younger than 18 years old.
- 11271 [~~(3)~~] (7)(a) An employer of a computer technician may implement a procedure that  
11272 requires:  
11273 (i) the computer technician report an image as is required under Subsection [~~(2)~~(a)] (2)

11274 to an employee designated by the employer to receive the report of the image; and  
 11275 (ii) the designated employee to immediately forward the report provided by the  
 11276 computer technician to an agency [~~under Subsection (2)(a)(i)] described in  
 11277 Subsection (2)(c)(i).~~

11278 (b) Compliance by the computer technician and the designated employee with the  
 11279 reporting process under Subsection [~~(3)(a)] (7)(a) is compliance with the reporting  
 11280 requirement of [~~this section]~~ Subsection (2)(c) and establishes immunity under  
 11281 Subsection [~~(2)(d)] (5)(a).~~~~

11282 [~~(4)] (8) This section does not apply to an Internet service provider or interactive computer  
 11283 service, as defined in 47 U.S.C. Sec. 230(f)(2), a provider of an electronic  
 11284 communications service as defined in 18 U.S.C. Sec. 2510, a telecommunications  
 11285 service, information service, or mobile service as defined in 47 U.S.C. Sec. 153,  
 11286 including a commercial mobile service as defined in 47 U.S.C. Sec. 332(d), or a cable  
 11287 operator as defined in 47 U.S.C. Sec. 522, if the provider reports the image in  
 11288 compliance with 18 U.S.C. 2258A or a successor federal statute that requires reporting  
 11289 by a provider of an image of child sexual abuse material.~~

11290 Section 170. Section **76-5c-101**, which is renumbered from Section 76-10-1201 is renumbered  
 11291 and amended to read:

11292 **CHAPTER 5c. PORNOGRAPHIC AND HARMFUL MATERIALS AND PERFORMANCES**

11294 **Part 1. General Provisions**

11295 **[76-10-1201]76-5c-101 (Effective 05/07/25). Definitions.**

11296 [~~For the purpose of]~~ As used in this [part] chapter:

11297 (1) "Blinder rack" means an opaque cover that covers the lower 2/3 of a material so that the  
 11298 lower 2/3 of the material is concealed from view.

11299 (2) "Constructive awareness" means that:

11300 (a) a reasonable inspection or observation by an individual under the circumstances  
 11301 would have disclosed the nature of the subject matter; and

11302 (b) a failure to inspect or observe by the individual is either for the purpose of avoiding  
 11303 the disclosure or the individual is criminally negligent.

11304 [~~(2)] (3) "Contemporary community standards" means those current standards in the  
 11305 vicinage where an offense alleged under this part has occurred, is occurring, or will  
 11306 occur.~~

11307 (4) "Criminally negligent" means the same as that term is defined in Section 76-2-103.

- 11308 ~~[(3)]~~ (5) "Distribute" means to transfer possession of ~~[materials whether]~~ a material with or  
11309 without consideration.
- 11310 ~~[(4)]~~ (6) "Exhibit" means to show.
- 11311 ~~[(5)]~~ (7)(a) "Harmful to minors" means that quality of any description or representation,  
11312 in whatsoever form, of nudity, sexual conduct, sexual excitement, or sadomasochistic  
11313 abuse when it:
- 11314 (i) taken as a whole, appeals to the prurient interest in sex of minors;  
11315 (ii) is patently offensive to prevailing standards in the adult community as a whole  
11316 with respect to what is suitable material for minors; and  
11317 (iii) taken as a whole, does not have serious value for minors.
- 11318 (b) Serious value includes only serious literary, artistic, political, or scientific value for  
11319 minors.
- 11320 ~~[(6)]~~ (8)~~[(a)]~~ "Knowingly," regarding material or a performance, means an awareness,  
11321 whether actual awareness or constructive awareness, of the character of the material  
11322 or performance.
- 11323 ~~[(b) As used in this Subsection (6), a person has constructive knowledge if a reasonable~~  
11324 ~~inspection or observation under the circumstances would have disclosed the nature of~~  
11325 ~~the subject matter and if a failure to inspect or observe is either for the purpose of~~  
11326 ~~avoiding the disclosure or is criminally negligent as described in Section 76-2-103.]~~
- 11327 ~~[(7)]~~ (9)(a) "Material" means anything printed or written or any picture, drawing,  
11328 photograph, motion picture, or pictorial representation, or any statue or other figure,  
11329 or any recording or transcription, or any mechanical, chemical, or electrical  
11330 reproduction, or anything which is or may be used as a means of communication.
- 11331 (b) "Material" includes undeveloped photographs, molds, printing plates, and other  
11332 latent representational objects.
- 11333 ~~[(8)]~~ (10) "Minor" means ~~[any person less]~~ an individual younger than 18 years ~~[of age]~~ old.
- 11334 ~~[(9)]~~ (11) "Negligently" means simple negligence, the failure to exercise that degree of care  
11335 that a reasonable and prudent person would exercise under like or similar circumstances.
- 11336 ~~[(10)]~~ (12) "Nudity" means:
- 11337 (a) the showing of the human male or female genitals, pubic area, or buttocks, with less  
11338 than an opaque covering;
- 11339 (b) the showing of a female breast with less than an opaque covering, or any portion of  
11340 the female breast below the top of the areola; or
- 11341 (c) the depiction of covered male genitals in a discernibly turgid state.

11342 [(11)] (13) "Performance" means any physical human bodily activity, whether engaged in  
 11343 alone or with other [persons] individuals, including singing, speaking, dancing, acting,  
 11344 simulating, or pantomiming.

11345 (14) "Pornographic" means:

11346 (a) the average individual, applying contemporary community standards, finds that,  
 11347 taken as a whole, the material or performance appeals to prurient interest in sex;

11348 (b) the material or performance is patently offensive in the description or depiction of  
 11349 nudity, sexual conduct, sexual excitement, sadomasochistic abuse, or excretion; and

11350 (c) taken as a whole the material or performance does not have serious literary, artistic,  
 11351 political or scientific value.

11352 [(12)] (15) "Public place" includes a place to which admission is gained by payment of a  
 11353 membership or admission fee, however designated, notwithstanding its being designated  
 11354 a private club or by words of like import.

11355 [(13)] (16) "Sadomasochistic abuse" means:

11356 (a) flagellation or torture by or upon a person who is nude or clad in undergarments, a  
 11357 mask, or in a revealing or bizarre costume; or

11358 (b) the condition of being fettered, bound, or otherwise physically restrained on the part  
 11359 of [a person] an individual clothed as described in Subsection [(13)(a).] (14)(a).

11360 [(14)] (17) "Sexual conduct" means acts of masturbation, sexual intercourse, or any  
 11361 touching of [a person's] an individual's clothed or unclothed genitals, pubic area,  
 11362 buttocks, or, if the [person] individual is a female, breast, whether alone or between  
 11363 members of the same or opposite sex or between humans and animals in an act of  
 11364 apparent or actual sexual stimulation or gratification.

11365 [(15)] (18) "Sexual excitement" means a condition of human male or female genitals when  
 11366 in a state of sexual stimulation or arousal, or the sensual experiences of humans  
 11367 engaging in or witnessing sexual conduct or nudity.

11368 Section 171. Section **76-5c-102**, which is renumbered from Section 76-10-1203 is renumbered  
 11369 and amended to read:

11370 **[76-10-1203]76-5c-102 (Effective 05/07/25). Evidence related to a material's or**  
 11371 **performance's literary, artistic, political, or scientific value.**

11372 [(1) Any material or performance is pornographic if:]

11373 [(a) ~~The average person, applying contemporary community standards, finds that, taken as~~  
 11374 ~~a whole, it appeals to prurient interest in sex;~~]

11375 [(b) ~~It is patently offensive in the description or depiction of nudity, sexual conduct, sexual~~

11376 excitement, sadomasochistic abuse, or excretion; and]  
 11377 [(e) Taken as a whole it does not have serious literary, artistic, political or scientific value.]

11378 [(2)] (1) In [~~prosecutions~~] a prosecution under this [~~part~~] chapter, where circumstances of  
 11379 production, presentation, sale, dissemination, distribution, exhibition, or publicity  
 11380 indicate that the matter is being commercially exploited by the [~~defendant~~] actor for the  
 11381 sake of [its] the matter's prurient appeal, this evidence is probative with respect to the  
 11382 nature of the matter and can justify the conclusion that, in the context in which [it] the  
 11383 matter is used, the matter has no serious literary, artistic, political, or scientific value.

11384 [(3)] (2) [~~Neither the prosecution nor the defense shall be~~] In a prosecution under this chapter  
 11385 neither the prosecution or the defense is required to introduce expert witness testimony  
 11386 to testify as to whether [the] a material or performance is or is not harmful to adults or  
 11387 minors or is or is not pornographic, or as to any element of the definition of  
 11388 pornographic, including contemporary community standards.

11389 Section 172. Section **76-5c-103**, which is renumbered from Section 76-10-1210 is renumbered  
 11390 and amended to read:

11391 **[76-10-1210] 76-5c-103 (Effective 05/07/25). Relation to other state and local laws.**

11392 (1)[(a) It is not the intent of this part to prescribe or limit the regulation of  
 11393 pornographic materials or materials harmful to minors, and counties, cities, and other  
 11394 political subdivisions are specifically given the right to further regulate the materials.]

11395 [(b)] (a) A county, city, or other political subdivision has the right to regulate pornographic  
materials or materials harmful to minors as this chapter does not proscribe or limit the  
regulation of pornographic materials or materials harmful to minors by a county, city, or other  
political subdivision.

11396 (b) Without limitation, a political subdivision may further regulate pornographic  
 11397 materials or materials harmful to minors by ordinances relating to:

11398 (i) zoning;

11399 (ii) licensing;

11400 (iii) public nuisances;

11401 (iv) a specific type of business such as adult bookstores or drive-in movies; or

11402 (v) use of blinder racks.

11403 (2) [~~It is not the intent of this part to~~] This chapter does not preclude the application of other  
 11404 laws of this state to pornographic materials or materials harmful to minors[~~. Specifically~~]  
 11405 and, without limitation, this [~~part~~] chapter is not in derogation of [Sections 76-10-803]  
 11406 Subsection 76-9-1301(2) and [76-10-806] Section 76-9-1306.



- 11407 (3)(a) The commission of a crime under this ~~[part shall be considered to offend]~~ chapter  
 11408 offends public decency under ~~[Section 76-10-803]~~ Subsection 76-9-1301(2).
- 11409 (b) It is the intent of this ~~[part]~~ chapter to give the broadest meaning permissible under  
 11410 the ~~[federal and state constitutions]~~ United States Constitution and the Utah  
 11411 Constitution to the words "offends public decency" in ~~[Section 76-10-803]~~ Subsection  
 11412 76-9-1301(2).
- 11413 Section 173. Section **76-5c-104**, which is renumbered from Section 76-10-1209 is renumbered  
 11414 and amended to read:
- 11415 **~~[76-10-1209]~~76-5c-104 (Effective 05/07/25). Injunctive relief -- Jurisdiction -- Consent to be**  
 11416 **sued.**
- 11417 (1)(a) ~~[The district courts of this state shall have]~~ Subject to Subsections (1)(b), (c), (d),  
 11418 and (e), a district court has full power, authority, and jurisdiction, upon application by  
 11419 any county attorney or city attorney within ~~[their]~~ the county attorney's or city  
 11420 attorney's respective jurisdictions or the attorney general, to issue any and all proper  
 11421 restraining orders, preliminary and permanent injunctions, and any other writs and  
 11422 processes appropriate to carry out and enforce the provisions of this ~~[part]~~ chapter.
- 11423 (b) No restraining order or injunction, however, shall issue except upon notice to the  
 11424 person sought to be enjoined.
- 11425 (c) ~~[That]~~ The person [shall be] sought to be enjoined is entitled to a trial of the issues  
 11426 commencing within three days after ~~[filing of an]~~ the day on which the answer to the  
 11427 complaint is filed and a decision ~~[shall be rendered by the court]~~ by the court is  
 11428 required to be rendered within two days after the conclusion of the trial.
- 11429 (d) If a final order or judgment of injunction is entered against the person sought to be  
 11430 enjoined, this final order or judgment shall contain a provision directing the person to  
 11431 surrender to the sheriff of the county in which the action was brought any  
 11432 pornographic material in the person's possession which is subject to the injunction~~;~~  
 11433 and the] .
- 11434 (e) The sheriff receiving the material described in Subsection (1)(d) shall be directed to  
 11435 seize and destroy [this] the material.
- 11436 (2) Any person not qualified to do business in the state who sends or brings any  
 11437 pornographic material into the state with the intent to distribute or exhibit ~~[it]~~ the  
 11438 pornographic material to others in this state consents that the person may be sued in any  
 11439 proceedings commenced under this section.
- 11440 Section 174. Section **76-5c-105**, which is renumbered from Section 76-10-1207 is renumbered

11441 and amended to read:

11442 ~~[76-10-1207]~~ **76-5c-105 (Effective 05/07/25). Lease void if property used for conduct**  
 11443 **prohibited by chapter.**

11444 (1) If a tenant or occupant of real property uses ~~[this]~~ the real property for an activity for  
 11445 which ~~[he or his]~~ the tenant or occupant or tenant's or occupant's employee is convicted  
 11446 under any provision of this ~~[part]~~ chapter, the conviction makes void the lease or other  
 11447 title under which ~~[he]~~ the tenant or occupant holds at the option of the fee owner or any  
 11448 intermediate lessor~~;~~ .

11449 ~~(2) [and 10]~~ Subject to Subsection (3), ten days after the day on which the fee owner or ~~[any]~~  
 11450 intermediate lessor gives notice in writing to the tenant or occupant that ~~[he]~~ the fee  
 11451 owner or intermediate lessor is exercising the option to void the lease or other title as  
 11452 described in Subsection (1), the right of possession to the property reverts ~~[in]~~ to the [  
 11453 person] fee owner or intermediate lessor exercising the option.

11454 ~~(3) [This]~~ The fee owner's or intermediate lessor's option described in Subsection (2) does  
 11455 not arise until all avenues of direct appeal from the conviction have been exhausted or  
 11456 abandoned by the tenant or occupant, or ~~[his]~~ the tenant's or occupant's employee.

11457 ~~[(2) It shall be unlawful for a fee owner or intermediate lessor of real property to~~  
 11458 ~~knowingly allow this property to be used for the purpose of distributing or exhibiting~~  
 11459 ~~pornographic materials, or for pornographic performances, by a tenant or occupant if the~~  
 11460 ~~tenant or occupant, or his employee, has been convicted under any provision of this part~~  
 11461 ~~of an offense occurring on the same property and all avenues of direct appeal from the~~  
 11462 ~~conviction have been exhausted or abandoned.]~~

11463 ~~[(a) "Allow" under this subsection (2) means a failure to exercise the option arising under~~  
 11464 ~~subsection (1) within 10 days after the fee owner or lessor receives notice in writing~~  
 11465 ~~from the county attorney of the county where the property is situated, or if situated in a~~  
 11466 ~~city of the first or second class, from the city attorney of that city, that the property is~~  
 11467 ~~being used for a purpose prohibited by this subsection (2).]~~

11468 ~~[(b) A willful violation of this subsection (2) is a class A misdemeanor and any fine~~  
 11469 ~~assessed, if not paid within 30 days after judgment, shall become a lien upon the~~  
 11470 ~~property.]~~

11471 ~~[(3) Any tenant or occupant who receives a notice in writing that the fee owner or~~  
 11472 ~~intermediate lessor is exercising the option provided by subsection (1) and who does not~~  
 11473 ~~quit the premises within 10 days after the giving of that notice is guilty of a class A~~  
 11474 ~~misdemeanor.]~~

11475 Section 175. Section **76-5c-106**, which is renumbered from Section 76-10-1213 is renumbered  
11476 and amended to read:

11477 ~~[76-10-1213]~~**76-5c-106 (Effective 05/07/25). Corporate defendants -- Summons -- Subpoena**  
11478 **duces tecum.**

11479 (1)(a) The attendance in court [øf] by a corporation for purposes of commencing or  
11480 prosecuting a criminal action against [it] the corporation under this [part] chapter may  
11481 be accomplished by the issuance and service of a summons~~[-A summons shall be]~~  
11482 issued by a magistrate if [he] the magistrate finds probable cause that material in the  
11483 possession of the corporation ~~[against which the summons is sought]~~is pornographic  
11484 or harmful to minors, which finding shall be upon affidavit describing with  
11485 specificity the material alleged to be pornographic or harmful to minors or by another  
11486 manner or means the magistrate finds necessary.

11487 (b) Where practical, the material alleged to be pornographic or harmful to minors shall  
11488 be attached to the affidavit [sø-as] described in Subsection (1)(a) to [afford] provide  
11489 the magistrate with the opportunity to examine [this] the material.

11490 (c) The summons must be served upon the corporation by delivery of [it] the summons to  
11491 an officer, director, managing or general agent, or cashier, or assistant cashier of the  
11492 corporation.

11493 (2) The production of material alleged to be pornographic or harmful to minors in any  
11494 proceedings under this [part] chapter against a corporation may be compelled by the  
11495 issuance and service of a subpoena duces tecum.

11496 (3) This section does not prohibit or limit the use of a subpoena duces tecum in proceedings  
11497 against ~~[natural persons]~~ individuals under this [part] chapter.

11498 Section 176. Section **76-5c-107**, which is renumbered from Section 76-10-1212 is renumbered  
11499 and amended to read:

11500 ~~[76-10-1212]~~**76-5c-107 (Effective 05/07/25). Search and seizure -- Affidavit -- Issuance of**  
11501 **warrant -- Hearing upon claim that material seized not pornographic or harmful to**  
11502 **minors -- Procedures cumulative.**

11503 (1)(a) An affidavit for a search warrant shall be filed with [the] a magistrate describing  
11504 with specificity the material sought to be seized.

11505 (b) Where practical, the material alleged to be pornographic or harmful to minors shall  
11506 be attached to the affidavit for a search warrant described in Subsection (1)(a) to [  
11507 afford] provide the magistrate with the opportunity to examine [this] the material.

11508 (2)(a) Upon the filing of an affidavit for a search warrant under Subsection (1), the

- 11509 magistrate shall determine, by examination of the material sought to be seized if  
11510 attached, by examination of the affidavit describing the material, or by ~~[other]~~ another  
11511 manner or means that ~~[he]~~ the magistrate finds necessary, whether probable cause  
11512 exists to believe that the material is pornographic or harmful to minors and whether  
11513 probable cause exists for the immediate issuance of a search warrant.
- 11514 (b) Upon making ~~[this]~~ the determination~~[-he]~~ that probable cause exists under  
11515 Subsection (2)(a), the magistrate shall issue a search warrant ordering the seizure of  
11516 the material described in the affidavit for a search warrant according to the provisions  
11517 of the Utah Rules of Criminal Procedure.
- 11518 (3)(a) If a search warrant is issued under Subsection (2) and the material alleged to be  
11519 pornographic or harmful to minors is seized under the provisions of this section, any  
11520 person claiming to be in possession of this material or claiming ownership of ~~[it]~~ the  
11521 material at the time of ~~[its]~~ the material's seizure may file a notice in writing with the  
11522 magistrate within 10 days after the ~~[date of the seizure, alleging]~~ day on which the  
11523 material was seized, to assert that the material is not pornographic or harmful to  
11524 minors.
- 11525 (b) The magistrate shall set a hearing within seven days after the filing of ~~[this notice]~~ the  
11526 notice described in Subsection (3)(a), or at another time ~~[to which]~~ with the consent of  
11527 the claimant~~[-might agree. At this hearing]~~ , at which evidence may be presented ~~[as to]~~  
11528 regarding whether there is probable cause to believe that the material seized is  
11529 pornographic or harmful to minors~~[-and at the conclusion of the hearing the~~  
11530 ~~magistrate shall make a further determination of whether probable cause exists to~~  
11531 ~~believe that the material is pornographic or harmful to minors]~~.
- 11532 (c)(i) ~~[A]~~ At the conclusion of the hearing described in Subsection (3)(b), the  
11533 magistrate shall make a further determination of whether probable cause exists to  
11534 believe that the material is pornographic or harmful to minors.
- 11535 (ii) ~~[decision as to whether there is probable cause to believe the seized material is~~  
11536 ~~pornographic or harmful to minors]~~ The magistrate's determination described in  
11537 Subsection (3)(c)(i) shall be rendered by the court within two days after ~~[the~~  
11538 ~~conclusion of the hearing]~~ the day on which the hearing described in Subsection  
11539 (3)(b) concludes.
- 11540 (d) If at the hearing described in Subsection (3)(b) the magistrate finds that no probable  
11541 cause exists to believe that the material is pornographic or harmful to minors,~~[-then]~~  
11542 the material shall be returned to the person~~[-or persons]~~ from whom it was seized.

11543 (e) If the material seized is a film, and the claimant demonstrates that no other copy of  
 11544 the film is available to ~~[him]~~ the claimant, the court shall allow the film to be copied  
 11545 at the claimant's expense pending the hearing described in Subsection (3)(b).

11546 (4) If a motion to suppress the evidence is granted on the grounds of an unlawful seizure,  
 11547 the property shall be restored unless it is subject to confiscation as contraband, in which  
 11548 case ~~[it]~~ the property may not be returned.

11549 (5)(a) Procedures under this section for the seizure of allegedly pornographic material  
 11550 or material harmful to minors are cumulative of all other lawful means of obtaining  
 11551 evidence as provided by the laws of this state.

11552 (b) This section does not prevent the obtaining of allegedly pornographic material or  
 11553 material harmful to minors by purchase, subpoena duces tecum, or under injunction  
 11554 proceedings as authorized by this act or by any other provision of law of the state.

11555 Section 177. Section **76-5c-108**, which is renumbered from Section 76-10-1215 is renumbered  
 11556 and amended to read:

11557 ~~[76-10-1215]~~ **76-5c-108 (Effective 05/07/25). Prosecution by county, district, or city**  
**attorney.**

11558 (1) ~~[Prosecution]~~ Subject to Subsection (2), a prosecution for a violation ~~[of any section~~  
 11559 ~~of]~~ of this ~~[part]~~ chapter, including for a felony violation, shall be brought by the county  
 11560 attorney or, if within a prosecution district, the district attorney of the county where the  
 11561 violation occurs.

11562 (2) If ~~[the]~~ a violation occurs ~~[, however,]~~ in a city of the first or second class, a prosecution  
 11563 may be brought by ~~[either]~~ the county attorney, district attorney, or city attorney,  
 11564 notwithstanding any provision of law limiting the powers of a city ~~[attorneys-]~~ attorney.

11565 (3) ~~[All fines imposed for [the] a violation of this [part] chapter shall be paid to the county~~  
 11566 ~~or city [of] where the prosecuting attorney[, as the case may be] is located.~~

11567 Section 178. Section **76-5c-109**, which is renumbered from Section 76-10-1208 is renumbered  
 11568 and amended to read:

11569 ~~[76-10-1208]~~ **76-5c-109 (Effective 05/07/25). Affirmative defenses.**

11570 (1) It is an affirmative defense to a prosecution under this ~~[part]~~ chapter that the distribution  
 11571 of pornographic material is restricted to institutions or persons having scientific,  
 11572 educational, governmental, or other similar justification for possessing pornographic  
 11573 material.

11574 (2) It is not a defense to a prosecution under this ~~[part]~~ chapter that the actor is a motion  
 11575 picture projectionist, usher, ticket-taker, bookstore employee, or otherwise is required to

11576 violate this ~~[part] chapter~~ incident to the ~~[person's] actor's~~ employment.

11577 ~~[(3) It is an affirmative defense to prosecution under Section 76-10-1206, 76-10-1227, or~~

11578 ~~76-10-1228 for displaying or exhibiting an outer portion of material, that the material is:]~~

11579 ~~[(a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that the~~

11580 ~~lower 2/3 of the material is concealed from view;]~~

11581 ~~[(b) placed behind a blinder rack; or]~~

11582 ~~[(c) displayed in an area from which a minor is physically excluded if the material cannot~~

11583 ~~be viewed by the minor from an area in which a minor is allowed.]~~

11584 Section 179. Section **76-5c-110**, which is renumbered from Section 76-10-1207.5 is renumbered

11585 and amended to read:

11586 ~~[76-10-1207.5]~~ **76-5c-110 (Effective 05/07/25). Exemptions to chapter.**

11587 (1) This ~~[part] chapter~~ does not apply to the Department of Corrections or any

11588 treatment program by or under contract with the ~~[department]~~ Department of Corrections

11589 when the use of ~~[sexually explicit-]material~~ that is pornographic is limited to the

11590 assessment or treatment of an offender as defined ~~[under]~~ in Section 64-13-1.

11591 (2) A woman breast feeding, including breast feeding in any location where the woman

11592 otherwise may rightfully be, does not under any circumstance constitute a violation of

11593 this chapter, irrespective of whether the woman's breast is covered during or incidental

11594 to feeding.

11595 Section 180. Section **76-5c-111**, which is renumbered from Section 76-10-1211 is renumbered

11596 and amended to read:

11597 ~~[76-10-1211]~~ **76-5c-111 (Effective 05/07/25). Severability clause.**

11598 ~~[If any clause, sentence, paragraph, or part of this part or its application to any~~

11599 ~~person or circumstance shall for any reason be adjudged by any court of competent jurisdiction~~

11600 ~~to be invalid, the judgment shall not affect, impair, or invalidate the remainder of this part or~~

11601 ~~its application to other persons or circumstances but shall be confined in its operation to the~~

11602 ~~clause, sentence, paragraph, persons, or circumstances, or part thereof directly involved in the~~

11603 ~~controversy in which the judgment shall have been rendered.]~~

11604 (1) If any provision, part, section, or subsection of this chapter or the application of any

11605 provision, part, section, or subsection to any person or circumstance is held invalid by a

11606 final decision of a court, the remainder of this chapter shall be given effect without the

11607 invalid provision, part, section, or subsection or application.

11608 (2) The provisions of this chapter are severable.

11609 Section 181. Section **76-5c-201** is enacted to read:

- 11610 **Part 2. General Offenses**
- 11611 **76-5c-201 (Effective 05/07/25). Definitions.**
- 11612 As used in this part:
- 11613 (1) "Hosting company" means the same as that term is defined in Section 76-5c-401.
- 11614 (2) "Internet service provider" means the same as that term is defined in Section 76-5c-401.
- 11615 Section 182. Section **76-5c-202**, which is renumbered from Section 76-10-1204 is renumbered
- 11616 and amended to read:
- 11617 **[76-10-1204]76-5c-202 (Effective 05/07/25). Distributing pornographic material.**
- 11618 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- 11619 ~~[(1)]~~ (2) ~~[A person is guilty of]~~ An actor commits distributing pornographic material ~~[when~~
- 11620 ~~the person]~~ if the actor knowingly:
- 11621 (a) sends or brings ~~[any-]~~ pornographic material into the state with intent to distribute or
- 11622 exhibit ~~[it]~~ the pornographic material to ~~[others]~~ another individual;
- 11623 (b) prepares, publishes, prints, or possesses ~~[any-]~~ pornographic material with intent to
- 11624 distribute or exhibit ~~[it]~~ the pornographic material to ~~[others]~~ another individual;
- 11625 (c) distributes or offers to distribute, or exhibits or offers to exhibit, ~~[any-]~~ pornographic
- 11626 material to ~~[others]~~ another individual;
- 11627 (d) writes, creates, or solicits the publication or advertising of pornographic material;
- 11628 (e) promotes the distribution or exhibition of material the ~~[person]~~ actor represents to be
- 11629 pornographic; or
- 11630 (f) presents or directs a pornographic performance in ~~[any]~~ a public place or ~~[any]~~ a place
- 11631 exposed to public view or participates in that portion of the performance which
- 11632 makes ~~[it]~~ the performance pornographic.
- 11633 ~~[(2) Each distributing of pornographic material as defined in Subsection (1) is a separate~~
- 11634 ~~offense.]~~
- 11635 ~~[(3) It is a separate offense under this section for:]~~
- 11636 ~~[(a) each day's exhibition of any pornographic motion picture film; and]~~
- 11637 ~~[(b) each day in which any pornographic publication is displayed or exhibited in a public~~
- 11638 ~~place with intent to distribute or exhibit it to others.]~~
- 11639 ~~[(4)]~~ (3)(a) ~~[An offense under this section committed by a person]~~ Except as provided in
- 11640 Subsection (3)(b) or (c), a violation of Subsection (2) is a third degree felony if the
- 11641 actor is 18 years old or older ~~[is a third degree felony punishable by]~~ and is subject to:
- 11642 (i) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article

- 11643 exhibited up to the maximum allowed by law; and
- 11644 (ii) incarceration, without suspension of sentence in any way, for a term of not less
- 11645 than 30 days.
- 11646 (b) ~~[An offense under this section committed by a person]~~ Except as provided in
- 11647 Subsection (3)(c), a violation of Subsection (2) is a class A misdemeanor if the actor
- 11648 is 16 or 17 years old~~[is a class A misdemeanor].~~
- 11649 (c) ~~[An offense under this section committed by a person]~~ A violation of Subsection (2)
- 11650 is a class B misdemeanor if the actor is younger than 16 years old~~[is a class B~~
- 11651 ~~misdemeanor].~~
- 11652 ~~[(d) Subsection (4)(a) supersedes Section 77-18-105.]~~
- 11653 ~~[(5) A person 18 years old or older who knowingly solicits, requests, commands,~~
- 11654 ~~encourages, or intentionally aids another person younger than 18 years old to engage in~~
- 11655 ~~conduct prohibited under Subsection (1), (2), or (3) is guilty of a third-degree felony and~~
- 11656 ~~is subject to the penalties under Subsection (4)(a).]~~
- 11657 (4) It is a separate offense under this section for:
- 11658 (a) each day's exhibition of a pornographic motion picture film;
- 11659 (b) each day in which a pornographic publication is displayed or exhibited in a public
- 11660 place with intent to distribute or exhibit the publication to another individual; or
- 11661 (c) each act of distributing of pornographic material described in Subsection (2).
- 11662 ~~[(6)]~~ (5)(a) This section does not apply to an Internet service provider~~[, as defined in~~
- 11663 ~~Section 76-10-1230,] if:~~
- 11664 (i) the distribution of pornographic material by the Internet service provider occurs
- 11665 only incidentally through the Internet service provider's function of:
- 11666 (A) transmitting or routing data from one person to another person; or
- 11667 (B) providing a connection between one person and another person;
- 11668 (ii) the Internet service provider does not intentionally aid or abet in the distribution
- 11669 of the pornographic material; and
- 11670 (iii) the Internet service provider does not knowingly receive funds from or through a
- 11671 person who distributes the pornographic material in exchange for permitting the
- 11672 person to distribute the pornographic material.
- 11673 (b) This section does not apply to a hosting company~~[, as defined in Section 76-10-1230,]~~
- 11674 if:
- 11675 (i) the distribution of pornographic material by the hosting company occurs only
- 11676 incidentally through the hosting company's function of providing data storage



- 11677 space or data caching to a person;
- 11678 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution
- 11679 of the pornographic material; and
- 11680 (iii) the hosting company does not knowingly receive funds from or through a person
- 11681 who distributes the pornographic material in exchange for permitting the person to
- 11682 distribute, store, or cache the pornographic material.

11683 (6) Subsection (3)(a) supersedes Section 77-18-105.

11684 Section 183. Section **76-5c-203** is enacted to read:

11685 **76-5c-203 (Effective 05/07/25). Aiding or abetting a minor in distributing**

11686 **pornographic material.**

11687 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

11688 (2) An actor commits aiding or abetting a minor in distributing pornographic material if the

11689 actor:

11690 (a) is 18 years old or older; and

11691 (b) knowingly solicits, requests, commands, encourages, or intentionally aids a minor in:

11692 (i) sending or bringing pornographic material into the state with intent to distribute or

11693 exhibit the pornographic material to another individual;

11694 (ii) preparing, publishing, printing, or possessing pornographic material with intent to

11695 distribute or exhibit the pornographic material to another individual;

11696 (iii) distributing or offering to distribute, or exhibiting or offering to exhibit,

11697 pornographic material to another individual;

11698 (iv) writing, creating, or soliciting the publication or advertising of pornographic

11699 material;

11700 (v) promoting the distribution or exhibition of material the minor represents to be

11701 pornographic; or

11702 (vi) presenting or directing a pornographic performance in a public place or a place

11703 exposed to public view or participates in that portion of the performance which

11704 makes the performance pornographic.

11705 (3) A violation of Subsection (2) is a third degree felony subject to:

11706 (a) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article

11707 exhibited up to the maximum allowed by law; and

11708 (b) incarceration, without suspension of sentence in any way, for a term of not less than

11709 30 days.

11710 (4)(a) Each act of distributing pornographic material described in Subsection (2) is a

11711 separate offense.

11712 (b) It is a separate offense under this section for:

11713 (i) each day's exhibition of any pornographic motion picture film; and

11714 (ii) each day in which any pornographic publication is displayed or exhibited in a  
 11715 public place with intent to distribute or exhibit the publication to another  
 11716 individual.

11717 (5)(a) This section does not apply to an Internet service provider if:

11718 (i) the distribution of pornographic material by the Internet service provider occurs  
 11719 only incidentally through the Internet service provider's function of:

11720 (A) transmitting or routing data from one person to another person; or

11721 (B) providing a connection between one person and another person;

11722 (ii) the Internet service provider does not intentionally aid or abet in the distribution  
 11723 of the pornographic material; and

11724 (iii) the Internet service provider does not knowingly receive funds from or through a  
 11725 person who distributes the pornographic material in exchange for permitting the  
 11726 person to distribute the pornographic material.

11727 (b) This section does not apply to a hosting company if:

11728 (i) the distribution of pornographic material by the hosting company occurs only  
 11729 incidentally through the hosting company's function of providing data storage  
 11730 space or data caching to a person;

11731 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution  
 11732 of the pornographic material; and

11733 (iii) the hosting company does not knowingly receive funds from or through a person  
 11734 who distributes the pornographic material in exchange for permitting the person to  
 11735 distribute, store, or cache the pornographic material.

11736 (6) Subsection (3) supersedes Section 77-18-105.

11737 Section 184. Section **76-5c-204**, which is renumbered from Section 76-10-1205 is renumbered  
 11738 and amended to read:

11739 **[76-10-1205] 76-5c-204 (Effective 05/07/25). Inducing acceptance of pornographic material.**

11740 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

11741 [(1)] (2) [A person is guilty of] An actor commits inducing acceptance of pornographic  
 11742 material [when he] if the actor knowingly:

11743 (a) requires or demands as a condition to a sale, allocation, consignment, or delivery for  
 11744 resale of any newspaper, magazine, periodical, book, publication, or other

11745 merchandise that the purchaser or consignee receive any pornographic material or  
 11746 material reasonably believed by the purchaser or consignee to be pornographic; or  
 11747 (b) denies, revokes, or threatens to deny or revoke a franchise, or to impose any penalty,  
 11748 financial or otherwise, because of the failure or refusal to accept pornographic  
 11749 material or material reasonably believed by the purchaser or consignee to be  
 11750 pornographic.

11751 ~~[(2)] (3)~~~~[(a) An offense under this section]~~ A violation of Subsection (2) is a third  
 11752 degree felony ~~[punishable by]~~ subject to:

11753 ~~[(i)] (a)~~ a minimum mandatory fine of not less than \$1,000 plus \$10 for each article  
 11754 exhibited up to the maximum allowed by law; and

11755 ~~[(ii)] (b)~~ incarceration, without suspension of sentence in any way, for a term of not less  
 11756 than 30 days.

11757 ~~[(b) This Subsection (2) supersedes Section 77-18-105.]~~

11758 ~~[(3)] (4)~~(a) This section does not apply to an Internet service provider~~[, as defined in~~  
 11759 ~~Section 76-10-1230,]~~ if:

11760 (i) the distribution of pornographic material by the Internet service provider occurs  
 11761 only incidentally through the Internet service provider's function of:

11762 (A) transmitting or routing data from one person to another person; or

11763 (B) providing a connection between one person and another person;

11764 (ii) the Internet service provider does not intentionally aid or abet in the distribution  
 11765 of the pornographic material; and

11766 (iii) the Internet service provider does not knowingly receive funds from or through a  
 11767 person who distributes the pornographic material in exchange for permitting the  
 11768 person to distribute the pornographic material.

11769 (b) This section does not apply to a hosting company~~[, as defined in Section 76-10-1230,]~~  
 11770 if:

11771 (i) the distribution of pornographic material by the hosting company occurs only  
 11772 incidentally through the hosting company's function of providing data storage  
 11773 space or data caching to a person;

11774 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution  
 11775 of the pornographic material; and

11776 (iii) the hosting company does not knowingly receive funds from or through a person  
 11777 who distributes the pornographic material in exchange for permitting the person to  
 11778 distribute, store, or cache the pornographic material.

11779 (5) Subsection (3) supersedes Section 77-18-105.

11780 Section 185. Section **76-5c-205**, which is renumbered from Section 76-10-1206 is renumbered  
11781 and amended to read:

11782 ~~[76-10-1206]~~ **76-5c-205 (Effective 05/07/25). Distributing material harmful to minors.**

11783 [(1) A person is guilty of dealing in material harmful to minors when, knowing or  
11784 believing that an individual is a minor, or having negligently failed to determine the  
11785 proper age of a minor, the person intentionally:]

11786 [(a) distributes or offers to distribute, or exhibits or offers to exhibit, to a minor or an  
11787 individual whom the person believes to be a minor, any material harmful to minors;]

11788 [(b) produces, performs, or directs any performance, before a minor or an individual whom  
11789 the person believes to be a minor, that is harmful to minors; or]

11790 [(c) participates in any performance, before a minor or an individual whom the person  
11791 believes to be a minor, that is harmful to minors.]

11792 [(2)(a) Except as provided in Subsection (2)(b), each separate offense under this section  
11793 committed by a person 18 years old or older is a third degree felony punishable by:]

11794 [(i) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article exhibited  
11795 up to the maximum allowed by law; and]

11796 [(ii) incarceration, without suspension of sentence, for a term of not less than 14 days.]

11797 [(b) Each separate offense under this section committed by a person 18 years old or older  
11798 against a minor 16 years old or older, but younger than 18 years old, is a class A  
11799 misdemeanor if the person is less than seven years older than the minor at the time of the  
11800 offense.]

11801 [(c) Each separate offense under this section committed by a person 16 or 17 years old is a  
11802 class A misdemeanor.]

11803 [(d) Each separate offense under this section committed by a person younger than 16 years  
11804 old is a class B misdemeanor.]

11805 [(e) Subsection (2)(a) supersedes Section 77-18-105.]

11806 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

11807 (2) An actor commits distributing material harmful to minors if the actor:

11808 (a)(i) intentionally distributes or offers to distribute, or exhibits or offers to exhibit,  
11809 material harmful to minors to an individual;

11810 (ii) intentionally produces, performs, or directs any performance, before an individual  
11811 that is harmful to minors; or

11812 (iii) intentionally participates in a performance before an individual that is harmful to

- 11813 minors; and
- 11814 (b)(i) knows or believes the individual described in Subsection (2)(a) is a minor; or
- 11815 (ii) negligently fails to determine if the individual described in Subsection (2)(a) is a
- 11816 minor and the individual is a minor.
- 11817 (3)(a) Except as provided in Subsection (3)(b), (c), (d), or (e), a violation of Subsection
- 11818 (2) is a second degree felony if the actor is 18 years old or older and has previously
- 11819 been convicted or adjudicated of a violation of Subsection (2) and is subject to:
- 11820 (i) a minimum mandatory fine of not less than \$5,000, plus \$10 for each article
- 11821 exhibited up to the maximum allowed by law; and
- 11822 (ii) incarceration, without suspension of sentence, for a term of not less than one year.
- 11823 (b) Except as provided in Subsection (3)(c), (d), or (e), a violation of Subsection (2) is a
- 11824 third degree felony if:
- 11825 (i) the actor is 18 years old or older and is subject to:
- 11826 (A) a minimum mandatory fine of not less than \$1,000, plus \$10 for each article
- 11827 exhibited up to the maximum allowed by law; and
- 11828 (B) incarceration, without suspension of sentence, for a term of not less than 14
- 11829 days; or
- 11830 (ii) the actor is younger than 18 years old and has previously been convicted of a
- 11831 violation of Subsection (2).
- 11832 (c) Except as provided in Subsection (3)(d) or (e), a violation of Subsection (2) is a class
- 11833 A misdemeanor if the actor is 18 years old or older and the minor described in
- 11834 Subsection (2) is 16 years old or older, but younger than 18 years old, and the actor is
- 11835 less than seven years older than the minor at the time of the offense.
- 11836 (d) Except as provided in Subsection (3)(e), a violation of Subsection (2) is a class A
- 11837 misdemeanor if the actor is 16 years old or 17 years old.
- 11838 (e) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than
- 11839 16 years old.
- 11840 ~~[(3)(a) Except for a defendant described in Subsection (2)(b), if a defendant 18~~
- 11841 ~~years old or older has been previously convicted or adjudicated by the juvenile~~
- 11842 ~~court under this section, each separate subsequent offense is a second degree~~
- 11843 ~~felony punishable by:]~~
- 11844 ~~[(i) a minimum mandatory fine of not less than \$5,000, plus \$10 for each article~~
- 11845 ~~exhibited up to the maximum allowed by law; and]~~
- 11846 ~~[(ii) incarceration, without suspension of sentence, for a term of not less than one~~

11847 year.]

11848 [(b) If a defendant described in Subsection (2)(b) or a defendant younger than 18  
11849 years old has been previously convicted or adjudicated by the juvenile court under  
11850 this section, each separate subsequent offense is a third degree felony.]

11851 [(e) Subsection (3)(a) supersedes Section 77-18-105.]

11852 [(d)(i)]

11853 (4)(a) This section does not apply to an Internet service provider[, as defined in Section  
11854 76-10-1230], a provider of an electronic communications service as defined in 18  
11855 U.S.C. Sec. 2510, a telecommunications service, information service, or mobile  
11856 service as defined in 47 U.S.C. Sec. 153, including a commercial mobile service as  
11857 defined in 47 U.S.C. Sec. 332(d), or a cable operator as defined in 47 U.S.C. Sec.  
11858 522, if:

11859 [(A)] (i) the distribution of pornographic material by the Internet service provider  
11860 occurs only incidentally through the provider's function of:

11861 [(H)] (A) transmitting or routing data from one person to another person; or

11862 [(H)] (B) providing a connection between one person and another person;

11863 [(B)] (ii) the provider does not intentionally aid or abet in the distribution of the  
11864 pornographic material; and

11865 [(E)] (iii) the provider does not knowingly receive from or through a person who  
11866 distributes the pornographic material a fee greater than the fee generally charged  
11867 by the provider, as a specific condition for permitting the person to distribute the  
11868 pornographic material.

11869 [(ii)] (b) This section does not apply to a hosting company[, as defined in Section  
11870 76-10-1230,] if:

11871 [(A)] (i) the distribution of pornographic material by the hosting company occurs only  
11872 incidentally through the hosting company's function of providing data storage  
11873 space or data caching to a person;

11874 [(B)] (ii) the hosting company does not intentionally engage, aid, or abet in the  
11875 distribution of the pornographic material; and

11876 [(E)] (iii) the hosting company does not knowingly receive from or through a person  
11877 who distributes the pornographic material a fee greater than the fee generally  
11878 charged by the provider, as a specific condition for permitting the person to  
11879 distribute, store, or cache the pornographic material.

11880 [(4) A service provider, as defined in Section 76-10-1230,]

- 11881 (5) An Internet service provider is not negligent under this section if the Internet service  
 11882 provider complies with Section [76-10-1231] 76-5c-402.
- 11883 [~~(5) A person 18 years old or older who knowingly solicits, requests, commands,~~  
 11884 ~~encourages, or intentionally aids another person younger than 18 years old to engage in~~  
 11885 ~~conduct in violation of Subsection (1) is guilty of a third degree felony and is subject to~~  
 11886 ~~the penalties under Subsection (2)(a).]~~
- 11887 (6) It is an affirmative defense to a prosecution for a violation of this section if the violation  
 11888 arises from displaying or exhibiting an outer portion of material that the material is:
- 11889 (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that  
 11890 the lower 2/3 of the material is concealed from view;
- 11891 (b) placed behind a blinder rack; or
- 11892 (c)(i) displayed in an area from which a minor is physically excluded; and  
 11893 (ii) the material cannot be viewed by the minor from an area where the minor is  
 11894 allowed.
- 11895 (7) Subsections (3)(a) and (3)(b)(i) supersede Section 77-18-105.  
 11896 Section 186. Section 76-5c-206 is enacted to read:
- 11897 **76-5c-206 (Effective 05/07/25). Aiding or abetting a minor in distributing**  
 11898 **material harmful to minors.**
- 11899 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.
- 11900 (2) An actor commits aiding or abetting a minor in distributing material harmful to minors  
 11901 if:
- 11902 (a) the actor is 18 years old or older; and
- 11903 (b) the actor knowingly solicits, requests, commands, encourages, or intentionally aids a  
 11904 minor to:
- 11905 (i) intentionally distribute or offer to distribute, or exhibit or offer to exhibit, material  
 11906 harmful to minors to an individual;
- 11907 (ii) intentionally produce, perform, or direct any performance, before an individual  
 11908 that is harmful to minors; or
- 11909 (iii) intentionally participate in any performance, before an individual that is harmful  
 11910 to minors; and
- 11911 (c)(i) the minor described in Subsection (2)(b) knows or believes the individual  
 11912 described in Subsections (2)(b)(i) through (iii) is a minor; or
- 11913 (ii) the minor described in Subsection (2)(b) negligently fails to determine if the  
 11914 individual described in Subsections (2)(b)(i) through (iii) is a minor and the

- 11915 individual is a minor.
- 11916 (3) A violation of Subsection (2) is a third degree felony subject to:
- 11917 (a) a minimum mandatory fine of not less than \$5,000, plus \$10 for each article
- 11918 exhibited up to the maximum allowed by law; and
- 11919 (b) incarceration, without suspension of sentence, for a term of not less than one year.
- 11920 (4)(a) This section does not apply to an Internet service provider, a provider of an
- 11921 electronic communications service as defined in 18 U.S.C. Sec. 2510, a
- 11922 telecommunications service, information service, or mobile service as defined in 47
- 11923 U.S.C. Sec. 153, including a commercial mobile service as defined in 47 U.S.C. Sec.
- 11924 332(d), or a cable operator as defined in 47 U.S.C. Sec. 522, if:
- 11925 (i) the distribution of pornographic material by the Internet service provider occurs
- 11926 only incidentally through the provider's function of:
- 11927 (A) transmitting or routing data from one person to another person; or
- 11928 (B) providing a connection between one person and another person;
- 11929 (ii) the provider does not intentionally aid or abet in the distribution of the
- 11930 pornographic material; and
- 11931 (iii) the provider does not knowingly receive from or through a person who
- 11932 distributes the pornographic material a fee greater than the fee generally charged
- 11933 by the provider, as a specific condition for permitting the person to distribute the
- 11934 pornographic material.
- 11935 (b) This section does not apply to a hosting company if:
- 11936 (i) the distribution of pornographic material by the hosting company occurs only
- 11937 incidentally through the hosting company's function of providing data storage
- 11938 space or data caching to a person;
- 11939 (ii) the hosting company does not intentionally engage, aid, or abet in the distribution
- 11940 of the pornographic material; and
- 11941 (iii) the hosting company does not knowingly receive from or through a person who
- 11942 distributes the pornographic material a fee greater than the fee generally charged
- 11943 by the provider, as a specific condition for permitting the person to distribute,
- 11944 store, or cache the pornographic material.
- 11945 (5) An Internet service provider is not negligent under this section if the Internet service
- 11946 provider complies with Section 76-5c-402.
- 11947 (6) It is an affirmative defense to prosecution for a violation of this section if the violation
- 11948 arises from displaying or exhibiting an outer portion of material that the material is:



11949 (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that  
 11950 the lower 2/3 of the material is concealed from view;

11951 (b) placed behind a blinder rack; or

11952 (c)(i) displayed in an area from which a minor is physically excluded; and

11953 (ii) the material cannot be viewed by the minor from an area where the minor is  
 11954 allowed.

11955 (7) Subsection (3) supersedes Section 77-18-105.

11956 Section 187. Section **76-5c-207**, which is renumbered from Section 76-10-1228 is renumbered  
 11957 and amended to read:

11958 ~~[76-10-1228]~~ **76-5c-207 (Effective 05/07/25). Indecent public display in the presence of a**  
 11959 **minor.**

11960 (1)(a) As used in this section:

11961 (i) "Description or depiction of illicit sex or sexual immorality" means:

11962 (A) human genitals in a state of sexual stimulation or arousal;

11963 (B) acts of human masturbation, sexual intercourse, or sodomy;

11964 (C) fondling or other erotic touching of human genitals or pubic region; or

11965 (D) fondling or other erotic touching of the human buttock or female breast.

11966 (ii) "Serious value" means having serious literary, artistic, political, or scientific value  
 11967 for minors, taking into consideration the ages of all minors who could be exposed  
 11968 to the material.

11969 (iii) "Nude or partially denuded figure" means:

11970 (A) less than completely and opaquely covering human:

11971 (I) genitals;

11972 (II) pubic regions;

11973 (III) buttocks; or

11974 (IV) female breasts below a point immediately above the top of the areola; or

11975 (B) human male genitals in a discernibly turgid state, even if completely and  
 11976 opaquely covered.

11977 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this  
 11978 section.

11979 ~~[(1) Subject to the affirmative defense in Subsection 76-10-1208(3), a person is~~  
 11980 ~~guilty of a class A misdemeanor who]~~

11981 (2) An actor commits indecent public display in the presence of a minor if the actor  
 11982 willfully or knowingly:

- 11983 (a) engages in the business of selling, lending, giving away, showing, advertising for  
 11984 sale, or distributing to a minor or has in the ~~[person's]~~ actor's possession with intent to  
 11985 engage in that business or to otherwise offer for sale or commercial distribution to a  
 11986 minor any material with:
- 11987 (i) a description or depiction of illicit sex or sexual immorality; or  
 11988 (ii) a nude or partially denuded figure; or
- 11989 (b) publicly displays at ~~[newsstands]~~ a newsstand or ~~[any other]~~ another establishment  
 11990 frequented by minors, or where the minors are or may be invited as a part of the  
 11991 general public~~;~~ :
- 11992 (i)(A) ~~[any]~~ a motion picture~~[-or]~~ ;  
 11993 (B) ~~[any]~~ a live, taped, or recorded performance~~[-or]~~ ;  
 11994 (C) ~~[any]~~ a still picture or photograph~~;~~ ; or  
 11995 (D) ~~[any]~~ a book, pocket book, pamphlet, or magazine~~[-the cover or content of]~~  
 11996 ~~which:~~ ; and
- 11997 ~~[(+)]~~ (ii) the cover or content of the items described in Subsection (2)(b)(i):  
 11998 (A) exploits, is devoted to, or is principally made up of ~~[one or more descriptions]~~  
 11999 ~~or depictions]~~ a description or depiction of illicit sex or sexual immorality; or  
 12000 ~~[(+)]~~ (B) consists of ~~[one or more pictures]~~ a picture of nude or partially denuded  
 12001 figures.
- 12002 ~~[(2)]~~ (3)~~[(a)]~~ A violation of this section is ~~[punishable by]~~ a class A misdemeanor subject  
 12003 to:
- 12004 ~~[(+)]~~ (a) a minimum mandatory fine of not less than \$500; and  
 12005 ~~[(+)]~~ (b) incarceration, without suspension of sentence in any way, for a term of not less  
 12006 than 30 days.
- 12007 ~~[(b)]~~ This section supersedes Section 77-18-105.]
- 12008 (4) It is an affirmative defense to prosecution for a violation of this section if the violation  
 12009 arises from displaying or exhibiting an outer portion of material that the material is:
- 12010 (a) in a sealed opaque wrapper that covers at least the lower 2/3 of the material so that  
 12011 the lower 2/3 of the material is concealed from view;
- 12012 (b) placed behind a blinder rack; or
- 12013 (c)(i) displayed in an area from which a minor is physically excluded; and  
 12014 (ii) the material cannot be viewed by the minor from an area where the minor is  
 12015 allowed.
- 12016 (5) This section does not apply to any material which, when taken as a whole, has serious

12017 value for minors, however, a description or depiction of illicit sex or sexual immorality  
 12018 has no serious value for minors.

12019 (6) This section supersedes Section 77-18-105.

12020 Section 188. Section **76-5c-208**, which is renumbered from Section 76-10-1235 is renumbered  
 12021 and amended to read:

12022 **[76-10-1235] 76-5c-208 (Effective 05/07/25). Creating, viewing, or accessing pornographic**  
 12023 **or indecent material on school property.**

12024 (1)(a) As used in this section:

12025 (i) "Description or depiction of illicit sex or sexual immorality" means the same as  
 12026 that term is defined in Section 76-5c-207.

12027 (ii) "Nude or partially denuded figure" means the same as that term is defined in  
 12028 Section 76-5c-207.

12029 [(a)] (iii) "Pornographic or indecent material" means any material that:

12030 [(i)] (A) [defined as] is harmful to minors~~[in Section 76-10-1201];~~

12031 [(ii)] (B) [described as] is pornographic~~[in Section 76-10-1203; or] ;~~

12032 [(iii) described in Section 76-10-1227]

12033 (C) is a description of or depiction of illicit sex or sexual immorality; or

12034 (D) contains a nude or partially denuded figure.

12035 [(b)] (iv) "School property" means property, including land and improvements, that a  
 12036 school district or charter school owns, leases, or occupies.

12037 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this  
 12038 section.

12039 (2) ~~[Except as provided in Subsection (3), a person is guilty of]~~ Under circumstances not  
 12040 amounting to an offense listed in Subsection (4), an actor commits creating, viewing, or  
 12041 accessing pornographic or indecent material on school property ~~[when]~~ if the ~~[person]~~  
 12042 actor willfully or knowingly creates, views, or otherwise gains access to pornographic or  
 12043 indecent material while present on school property~~[-, under circumstances not amounting~~  
 12044 ~~to an attempted or actual violation of:] .~~

12045 ~~[(a) distributing pornographic material as specified in Section 76-10-1204;]~~

12046 ~~[(b) inducing acceptance of pornographic material as specified in Section 76-10-1205;]~~

12047 ~~[(c) dealing in material harmful to a minor as specified in Section 76-10-1206; or]~~

12048 ~~[(d) indecent public displays as specified in Section 76-10-1228.]~~

12049 ~~[(3) This section does not apply to school or law enforcement personnel when the access to~~  
 12050 ~~pornographic or indecent material on school property is limited to:]~~

- 12051 [(a) investigation of a violation of this section; or]  
 12052 [(b) enforcement of this section.]  
 12053 [(4) Each separate offense under this section is:]  
 12054 [(a) a class A misdemeanor if the person is 18 years of age or older; and]  
 12055 [(b) a class B misdemeanor if the person is under 18 years of age.]  
 12056 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
 12057 misdemeanor if the actor is 18 years old or older.  
 12058 (b) A violation of Subsection (2) is a class B misdemeanor if the actor is younger than  
 12059 18 years old.  
 12060 (4) The offenses referred to in Subsection (2) are:  
 12061 (a) distributing pornographic material as described in Section 76-5c-202;  
 12062 (b) aiding or abetting a minor in distributing pornographic material as described in  
 12063 Section 76-5c-203;  
 12064 (c) inducing acceptance of pornographic material as described in Section 76-5c-204;  
 12065 (d) distributing material harmful to minors as described in Section 76-5c-205;  
 12066 (e) aiding or abetting a minor in distributing material harmful to minors as described in  
 12067 Section 76-5c-206; or  
 12068 (f) indecent public display in the presence of a minor as described in Section 76-5c-207.  
 12069 (5) This section does not:  
 12070 (a) prohibit disciplinary action for actions that violate this section[-]; or  
 12071 (b) apply to school or law enforcement personnel when the school or law enforcement  
 12072 personnel views or otherwise gains access to pornographic or indecent material while  
 12073 on school property for the limited purpose of:  
 12074 (i) investigating a violation of this section; or  
 12075 (ii) enforcing this section.  
 12076 Section 189. Section **76-5c-209**, which is renumbered from Section 76-10-1236 is renumbered  
 12077 and amended to read:  
 12078 **[76-10-1236]76-5c-209 (Effective 05/07/25). Possession of a child sex doll.**  
 12079 (1)(a) As used in this section, "child sex doll" means a doll, mannequin, or robot:  
 12080 [(a)] (i) [an] that is anatomically correct[-doll, mannequin, or robot], with the features  
 12081 of, or with features that resemble those of, a minor; and  
 12082 [(b)] (ii) that is intended for use in sexual acts.  
 12083 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this  
 12084 section.

12085 (2) An actor commits ~~[the offense of]~~possession of a child sex doll if the actor knowingly  
12086 or intentionally possesses a child sex doll.

12087 (3) A violation of Subsection (2) is a class A misdemeanor, with a mandatory fine of not  
12088 less than \$2,500.

12089 Section 190. Section **76-5c-210**, which is renumbered from Section 76-10-1237 is renumbered  
12090 and amended to read:

12091 ~~[76-10-1237]~~**76-5c-210 (Effective 05/07/25). Distributing or purchasing a child sex doll.**

12092 (1)(a) As used in this section:

12093 ~~[(a)]~~ (i) "Child sex doll" means the same as that term is defined in Section ~~[76-10-1236]~~  
12094 76-5c-209.

12095 ~~[(b)]~~ (ii) "Distribute" means to sell, or with or without consideration, offer to sell,  
12096 advertise, provide, ship, deliver for shipment, offer to deliver for shipment, or  
12097 transfer.

12098 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this  
12099 section.

12100 (2) An actor commits ~~[the offense of]~~distributing or purchasing a child sex doll if the actor  
12101 knowingly, intentionally, or recklessly distributes, purchases, or offers to purchase a  
12102 child sex doll.

12103 (3) A violation of Subsection (2) is a third degree felony, with a mandatory fine of not less  
12104 than \$10,000.

12105 Section 191. Section **76-5c-211**, which is renumbered from Section 76-10-1238 is renumbered  
12106 and amended to read:

12107 ~~[76-10-1238]~~**76-5c-211 (Effective 05/07/25). Deactivation of a pornography device filter on**  
12108 **a**

**minor's device.**

12109 ~~[(1)(a) An adult individual, other than the parent or legal guardian of the minor in~~  
12110 ~~possession of a device, who intentionally disables the filter required under Section~~  
12111 ~~78B-6-2602 on a device in possession of a minor for the purpose of disseminating~~  
12112 ~~pornography to the minor, commits a class A misdemeanor.]~~

12113 ~~[(b) For each offense of Subsection (1)(a), the violator is subject to a fine in an amount not~~  
12114 ~~to exceed \$2,500.]~~

12115 ~~[(2) A person who has a prior conviction under this section, who commits a subsequent~~  
12116 ~~violation of Subsection (1)(a), is guilty of a third degree felony and shall, for each~~  
12117 ~~separate offense, be fined in an amount not to exceed \$5,000 and may be imprisoned for~~

- 12118 zero to five years.]
- 12119 (1)(a) As used in this section, "device" means the same as that term is defined in
- 12120 78B-6-2601.
- 12121 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this
- 12122 section.
- 12123 (2) An actor commits deactivation of a pornography device filter on a minor's device if the
- 12124 actor:
- 12125 (a) is 18 years old or older;
- 12126 (b) intentionally disables the filter required under Section 78B-6-2602 that is on a device
- 12127 in the possession of a minor;
- 12128 (c) disabled the filter for the purpose of disseminating pornography to the minor
- 12129 described in Subsection (3)(b); and
- 12130 (d) is not the parent or legal guardian of the minor described in Subsection (3)(b).
- 12131 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A
- 12132 misdemeanor subject to a fine of not more than \$2,500.
- 12133 (b) A violation of Subsection (2) is a third degree felony subject to a fine of not more
- 12134 than \$5,000 if the actor has previously been convicted of a violation of Subsection (2).
- 12135 Section 192. Section **76-5c-212** is enacted to read:
- 12136 **76-5c-212 (Effective 05/07/25). Fee owner or intermediate lessor allowing real**
- 12137 **property to be used for illicit pornographic purposes.**
- 12138 (1)(a) As used in this section, "allow" means a failure to exercise the option to void the
- 12139 lease or other title described in Section 76-5c-105 within 10 days after the day on
- 12140 which the fee owner or lessor receives notice in writing from the county attorney of
- 12141 the county where the property is situated, or if situated in a city of the first or second
- 12142 class, from the city attorney of that city, that the property is being used for a purpose
- 12143 prohibited under this chapter.
- 12144 (b) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this
- 12145 section.
- 12146 (2) An actor commits fee owner or intermediate lessor allowing real property to be used for
- 12147 pornographic purposes if the actor:
- 12148 (a) is a fee owner or intermediate lessor of real property;
- 12149 (b) knowingly allows the real property described in Subsection (2)(a) to be used by a
- 12150 tenant or occupant, or a tenant's or occupant's employee, for the purpose of
- 12151 distributing or exhibiting pornographic materials, or for pornographic performances;

12152           and  
 12153           (c) the tenant or occupant, or the tenant's or occupant's employee, has been convicted of  
 12154           a violation of this chapter for an offense that occurred on the property and all avenues  
 12155           of direct appeal from the conviction have been exhausted or abandoned.

12156           (3) A violation of Subsection (2) is a class A misdemeanor.

12157           (4) Any fine assessed for a conviction under this section becomes a lien upon the real  
 12158           property described in Subsection (2)(a), if the fine is not paid within 30 days after the  
 12159           day on which the judgment is entered.

12160           Section 193. Section **76-5c-213** is enacted to read:

12161           **76-5c-213 (Effective 05/07/25). Tenant or occupant failing to exit real property**  
 12162           **after using the property for pornographic purposes.**

12163           (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

12164           (2) An actor commits tenant or occupant failing to exit real property after using the property  
 12165           for pornographic purposes if the actor:

12166           (a) is a tenant or occupant of real property;

12167           (b) received notice in writing that the fee owner or intermediate lessor of the real  
 12168           property is exercising the option to void the lease or other title described in Section  
 12169           76-5c-105; and

12170           (c) does not permanently exit the premises within 10 days after the day on which the  
 12171           actor received the notice described in Subsection (2)(b).

12172           (3) A violation of Subsection (2) is a class A misdemeanor.

12173           Section 194. Section **76-5c-214**, which is renumbered from Section 76-10-1214 is renumbered  
 12174           and amended to read:

12175           **[76-10-1214]76-5c-214 (Effective 05/07/25). Conspiracy to commit a pornographic or**  
 12176           **harmful materials violation.**

12177           ~~[(1)(a) A conspiracy of two or more persons to commit any offense proscribed by this part~~  
 12178           ~~is a third degree felony punishable for each separate offense by a minimum mandatory~~  
 12179           ~~fine of not less than \$1,000 and by imprisonment, without suspension of sentence in any~~  
 12180           ~~way, for a term of not less than 60 days.]~~

12181           ~~[(b) This subsection supersedes Section 77-18-105.]~~

12182           ~~[(2)(a) If a defendant has already been convicted once under this section, each separate~~  
 12183           ~~further offense is a second degree felony punishable by a minimum mandatory fine of~~  
 12184           ~~not less than \$5,000 and by imprisonment, without suspension of sentence in any way,~~  
 12185           ~~for a term of not less than one year.]~~

12186 [(b) This subsection supersedes Section 77-18-105.]

12187 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-201 apply to this section.

12188 (2) An actor commits conspiracy to commit a pornographic or harmful materials violation if  
 12189 the actor conspires with two or more persons to commit a violation of this chapter.

12190 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third  
 12191 degree felony subject to:

12192 (i) a minimum mandatory fine of not less than \$1,000; and

12193 (ii) incarceration, without suspension of the sentence in any way, for a term of not  
 12194 less than 60 days.

12195 (b) A violation of Subsection (2) is a second degree felony if the actor has previously  
 12196 been convicted of a violation of Subsection (2) and is subject to:

12197 (i) a minimum mandatory fine of not less than \$5,000; and

12198 (ii) incarceration, without suspension of the sentence in any way, for a term of not  
 12199 less than one year.

12200 (4) Subsection (3) supersedes Section 77-18-105.

12201 Section 195. Section **76-5c-301**, which is renumbered from Section 76-10-1216 is renumbered  
 12202 and amended to read:

12203

### **Part 3. Distribution and Exhibition of Motion Picture Films**

12204 ~~[76-10-1216]~~ **76-5c-301 (Effective 05/07/25). Definitions.**

12205 As used in this [aet] part:

12206 (1) "Exhibit" means to show in a public place or in a place where the public is admitted,  
 12207 whether or not an admission fee is charged.

12208 (2)(a) "Distributor" means [any] a person from which a film is acquired by sale, lease,  
 12209 loan, or any other means, directly or indirectly, for the purpose of exhibiting [it] the  
 12210 film in this state or elsewhere.

12211 (b) [~~but shall~~] "Distributor" does not include [any] a person whose function with respect  
 12212 to [any] a film is limited to the transportation or storage [thereof] of the film.

12213 (3) "Film" means what is usually known as a motion picture film and [~~which~~] that is  
 12214 intended to be shown commercially for profit by devices of any kind whatsoever.

12215 (4) "Person" includes [~~a natural person~~] an individual, firm, association, partnership, or  
 12216 corporation.

12217 (5) "Public place" includes [any] a place [~~to which~~] that admission is gained by payment of a  
 12218 membership or admission fee, however designated, notwithstanding it is designated as a



12219 private club or by words of like import.

12220 Section 196. Section **76-5c-302**, which is renumbered from Section 76-10-1217 is renumbered  
12221 and amended to read:

12222 ~~[76-10-1217]~~ **76-5c-302 (Effective 05/07/25). Intent of part -- Exemptions from part.**

12223 (1) It is the intent of this [aet] part to prevent the commercial distribution and exhibition of  
12224 films in this state which are pornographic.[-]

12225 (2) ~~[There]~~ The Legislature finds that there is substantial evidence that elements of  
12226 organized crime have engaged to an increasing degree in the production and distribution  
12227 of [such] pornographic films and, therefore, it is the further intent of this [aet] part to  
12228 facilitate the criminal prosecution of distributors of pornographic films.

12229 ~~[(2)]~~ (3) It is not the intent of this [aet] part to:

12230 (a) [-]limit the regulation of films by counties, cities, towns, and other political  
12231 subdivisions [within] of the state, [and these] as these political subdivisions are  
12232 specifically given the right by this [aet] part to further regulate films[- Nor is it the  
12233 intent of this act to-] ; or

12234 (b) limit or abridge the power to otherwise prosecute violations of any other provisions  
12235 of law including[-, but not limited to,] those provisions of [~~Title 76, Chapter 10, Part~~  
12236 ~~12, Pornographic and Harmful Materials and Performances~~] this chapter.

12237 (4) This part does not apply to a film:

12238 (a) distributed to or exhibited by any accredited university, college, school, library, or  
12239 other educational institution, church, or museum, if there is scientific, religious, or  
12240 educational justification for the exhibition of the film; or

12241 (b) exhibited by the Department of Corrections or exhibited as part of any treatment  
12242 program operated by or under contract with the department if the exhibition of the  
12243 film is solely for the assessment or treatment of an offender as defined under Section  
12244 64-13-1.

12245 Section 197. Section **76-5c-303**, which is renumbered from Section 76-10-1219 is renumbered  
12246 and amended to read:

12247 ~~[76-10-1219]~~ **76-5c-303 (Effective 05/07/25). Qualification for distribution of films.**

12248 (1) A distributor [~~whieh~~] that is a corporation shall be qualified to distribute films within  
12249 this state if:

12250 (a) [~~it~~] the corporation is a domestic corporation in good standing or a foreign  
12251 corporation authorized to transact business in this state; and

12252 (b) [~~it~~] the corporation submits [~~itself~~] the corporation to the jurisdiction and laws of this

12253 state relating to being a distributor in this state.

12254 (2) A distributor which is not a corporation shall be qualified to distribute films within this  
12255 state if:

12256 (a) ~~[it]~~ the distributor has and continuously maintains a registered office in this state; and

12257 (b) ~~[it]~~ the distributor has a registered agent whose business address is at that registered

12258 office and which is either an individual residing and domiciled in this state, a

12259 domestic corporation in good standing, or a foreign corporation authorized to transact

12260 business in this state.

12261 (3) This section ~~[shall]~~ does not affect the right to serve ~~[any-]~~process, a notice, or a

12262 demand, required or permitted by law to be served upon a distributor, in any other

12263 manner provided by law.

12264 Section 198. Section **76-5c-304**, which is renumbered from Section 76-10-1220 is renumbered

12265 and amended to read:

12266 ~~[76-10-1220]~~**76-5c-304** (Effective 05/07/25). **Change of registered office or agent by film**

12267 **distributor -- Service of process, notice, or demand on registered agent.**

12268 (1) A distributor qualified to distribute films in this state may change ~~[its]~~ the

12269 distributor's registered office or registered agent in accordance with Title 16, Chapter 17,

12270 Model Registered Agents Act.

12271 (2) Any process, notice, or demand required or permitted by law to be served upon the

12272 distributor may be served upon the registered agent of that distributor.

12273 Section 199. Section **76-5c-305**, which is renumbered from Section 76-10-1222 is renumbered

12274 and amended to read:

12275 ~~[76-10-1222]~~**76-5c-305** (Effective 05/07/25). **Distribution of a pornographic film for**

12276 **exhibition.**

12277 ~~[(1) Any person who knowingly or by criminal negligence distributes for exhibition within~~

12278 ~~this state a film which is pornographic as that term is defined in the Utah criminal code~~

12279 ~~shall be guilty of a class A misdemeanor and shall, for each separate offense, be fined~~

12280 ~~not less than \$1,000 and imprisoned, without suspension of sentence in any way, for a~~

12281 ~~term of not less than 60 days.]~~

12282 ~~[(2) Any person convicted of a violation of this section who has been convicted before of a~~

12283 ~~violation of this section, shall be guilty of a felony of the third degree and shall, for each~~

12284 ~~separate offense, be fined not less than \$5,000 and imprisoned, without suspension of~~

12285 ~~sentence in any way, for a term of not less than six months.]~~

12286 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.

- 12287 (2) An actor commits distribution of a pornographic film for exhibition if the actor  
 12288 knowingly or with criminal negligence distributes a film for exhibition that is  
 12289 pornographic.
- 12290 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
 12291 misdemeanor subject to:
- 12292 (i) a fine not less than \$1,000; and  
 12293 (ii) incarceration, without suspension of sentence in any way, for a term of not less  
 12294 than 60 days.
- 12295 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been  
 12296 convicted of a violation of Subsection (2) and is subject to:
- 12297 (i) a fine not less than \$5,000; and  
 12298 (ii) incarceration, without suspension of sentence in any way, for a term of not less  
 12299 than six months.
- 12300 (4) It is an affirmative defense to a prosecution under this section that the distribution or  
 12301 exhibition of a film is exempt from the restrictions of this part described in Section  
 12302 76-5c-302.
- 12303 (5) It is not a defense to a prosecution under this section that the actor was a motion picture  
 12304 projectionist or was otherwise required by the actor's employment to commit the  
 12305 violation.
- 12306 [~~3~~] (6) Each copy of a pornographic film distributed for exhibition [~~within this state~~]in  
 12307 violation of this section [~~shall constitute~~] is a separate offense.
- 12308 Section 200. Section **76-5c-306**, which is renumbered from Section 76-10-1223 is renumbered  
 12309 and amended to read:
- 12310 **[~~76-10-1223~~]76-5c-306 (Effective 05/07/25). Distributing a film without being qualified.**
- 12311 [(1) ~~Any person who knowingly distributes any film for exhibition within this state without~~  
 12312 ~~being qualified to do so, or who knowingly exhibits a film in this state which has not~~  
 12313 ~~been acquired from a distributor qualified to distribute films in this state is guilty of a~~  
 12314 ~~class B misdemeanor and shall, for each separate offense, be fined not less than \$299~~  
 12315 ~~and imprisoned, without suspension of sentence in any way, for a term of not less than~~  
 12316 ~~30 days.]~~
- 12317 [(2) ~~Any person convicted of a violation of this section, who has been convicted before of~~  
 12318 ~~a violation of this section, shall be guilty of a class A misdemeanor and shall, for each~~  
 12319 ~~separate offense, be fined not less than \$1,000 and imprisoned, without suspension of~~  
 12320 ~~sentence in any way, for a term of not less than 60 days.]~~

- 12321 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- 12322 (2) An actor commits distributing a film without being qualified if the actor knowingly:
- 12323 (a) distributes a film for exhibition; and
- 12324 (b) is not qualified to distribute a film for exhibition.
- 12325 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 12326 misdemeanor subject to:
- 12327 (i) a fine not less than \$299; and
- 12328 (ii) incarceration, without suspension of sentence in any way, for a term of not less
- 12329 than 30 days.
- 12330 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously
- 12331 been convicted of a violation of Subsection (2) and is subject to:
- 12332 (i) a fine not less than \$1,000; and
- 12333 (ii) incarceration, without suspension of sentence in any way, for a term of not less
- 12334 than 60 days.
- 12335 (4) It is an affirmative defense to a prosecution under this section that the distribution of a
- 12336 film is exempt from the restrictions of this part described in Section 76-5c-302.
- 12337 (5) It is not a defense to a prosecution under this section that the actor was a motion picture
- 12338 projectionist or was otherwise required by the actor's employment to commit the
- 12339 violation.
- 12340 ~~(3)~~ (6) Each day's exhibition of ~~[such]~~a film, and each copy of a film distributed for
- 12341 exhibition ~~[within this state, shall constitute]~~ in violation of this section is a separate
- 12342 offense.

Section 201. Section **76-5c-307** is enacted to read:

**76-5c-307 (Effective 05/07/25). Improperly exhibiting a film.**

- 12345 (1) Terms defined in Sections 76-1-101.5, 76-5c-101, and 76-5c-301 apply to this section.
- 12346 (2) An actor commits improperly exhibiting a film if the actor knowingly:
- 12347 (a) exhibits a film; and
- 12348 (b) did not acquire the film from a distributor qualified to distribute a film.
- 12349 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 12350 misdemeanor subject to:
- 12351 (i) a fine not less than \$299; and
- 12352 (ii) incarceration, without suspension of sentence in any way, for a term of not less
- 12353 than 30 days.
- 12354 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously

- 12355 been convicted of a violation of Subsection (2) and is subject to:
- 12356 (i) a fine not less than \$1,000; and
- 12357 (ii) incarceration, without suspension of sentence in any way, for a term of not less
- 12358 than 60 days.
- 12359 (4) It is an affirmative defense to a prosecution under this section that the distribution or
- 12360 exhibition of a film is exempt from the restrictions of this part described in Section
- 12361 76-5c-302.
- 12362 (5) It is not a defense to a prosecution under this section that the actor was a motion picture
- 12363 projectionist or was otherwise required by the actor's employment to commit the
- 12364 violation.
- 12365 (6) Each day's exhibition of a film exhibited in violation of this section is a separate offense.
- 12366 Section 202. Section **76-5c-401**, which is renumbered from Section 76-10-1230 is renumbered
- 12367 and amended to read:

12368 **Part 4. Requirements and Penalties for Content and Internet Providers**

12369 **~~[76-10-1230]~~ **76-5c-401** (Effective 05/07/25). Definitions.**

12370 As used in [~~Sections 76-10-1231 and 76-10-1233~~] this part:

- 12371 (1) "Consumer" means an individual residing in this state who subscribes to a service
- 12372 provided by a service provider for personal or residential use.
- 12373 (2) "Content provider" means a person domiciled in Utah or that generates or hosts content
- 12374 in Utah, and that creates, collects, acquires, or organizes electronic data for electronic
- 12375 delivery to a consumer with the intent of making a profit.
- 12376 (3)(a) "Hosting company" means a person that provides services or facilities for storing
- 12377 or distributing content over the Internet without editorial or creative alteration of the
- 12378 content.
- 12379 (b) A hosting company may have policies concerning acceptable use without becoming
- 12380 a content provider under Subsection (2).
- 12381 (4) "Internet service provider" means a person engaged in the business of providing
- 12382 broadband Internet access service, with the intent of making a profit, to consumers in
- 12383 Utah.
- 12384 (5) "Properly rated" means content using a labeling system to label material harmful to
- 12385 minors provided by the content provider in a way that:
- 12386 (a) accurately appraises a consumer of the presence of material harmful to minors; and
- 12387 (b) allows the consumer the ability to control access to material harmful to minors based

12388 on the material's rating by use of reasonably priced commercially available software,  
 12389 including software in the public domain.

12390 (6) "Restrict" means to limit access to material harmful to minors by:

12391 (a) properly rating content; or

12392 (b) any other reasonable measures feasible under available technology.

12393 (7)(a) [~~Except as provided in Subsection (7)(b), "service provider"~~] "Service provider"

12394 means an Internet service provider.

12395 (b) "Service provider" does not include a person who does not terminate a service in this  
 12396 state, but merely transmits data through:

12397 (i) a wire;

12398 (ii) a cable; or

12399 (iii) an antenna.

12400 (c) "Service provider," notwithstanding Subsection (7)(b), includes a person who [~~meets~~

12401 ~~the requirements of Subsection (7)(a) and~~] leases or rents a wire or cable for the

12402 transmission of data.

12403 Section 203. Section **76-5c-402**, which is renumbered from Section 76-10-1231 is renumbered

12404 and amended to read:

12405 ~~[76-10-1231]~~ **76-5c-402 (Effective 05/07/25). Data service providers -- Internet content**

12406 **harmful to minors.**

12407 (1)(a) Upon request by a consumer, a service provider shall filter content to prevent the

12408 transmission of material harmful to minors to the consumer.

12409 (b) A service provider complies with Subsection (1)(a) if the service provider makes a

12410 good faith effort to apply a generally accepted and commercially reasonable method

12411 of filtering.

12412 (c) At the time of a consumer's subscription to a service provider's service, the service

12413 provider shall notify the consumer in a conspicuous manner that the consumer may

12414 request to have material harmful to minors blocked under Subsection (1)(a).

12415 (2) The Division of Consumer Protection within the Department of Commerce shall:

12416 (a) every other year request from each service provider information on how the service

12417 provider complies with Subsection (1)(a);

12418 (b) publish on the division's website a compilation of the information the division

12419 receives under Subsection (2)(a); and

12420 (c) update the compilation described in Subsection (2)(b) every other year.

12421 (3)(a) A service provider may comply with Subsection (1)(a) by providing in-network

- 12422 filtering to prevent the receipt of material harmful to minors, provided that the  
 12423 filtering does not affect or interfere with access to Internet content for consumers  
 12424 who do not request filtering under Subsection (1)(a).
- 12425 (b) A service provider may comply with Subsection (1)(a) by engaging a third party to  
 12426 provide or referring a consumer to a third party that provides a commercially  
 12427 reasonable method of filtering to block the receipt of material harmful to minors.
- 12428 (c) A service provider may charge a consumer a commercially reasonable fee for  
 12429 providing filtering under this Subsection (3).
- 12430 (4) If the attorney general determines that a service provider violates Subsection (1), the  
 12431 attorney general shall:
- 12432 (a) notify the service provider that the service provider is in violation of Subsection (1);  
 12433 and
- 12434 (b) notify the service provider that the service provider has 90 days to comply with the  
 12435 provision being violated or be subject to the civil penalties described in Subsection (5).
- 12436 (5)(a) A service provider that intentionally or knowingly violates Subsection (1)(a) is  
 12437 subject to a civil fine of \$2,500 for each separate violation of Subsection (1)(a), up to  
 12438 \$15,000 per day.
- 12439 (b) A service provider that intentionally or knowingly violates Subsection (1)(c) is  
 12440 subject to a civil fine up to \$10,000.
- 12441 (6) A proceeding to impose a civil fine under Subsection (5) may only be brought by the  
 12442 attorney general [~~in a court of competent jurisdiction~~].
- 12443 Section 204. Section **76-5c-403**, which is renumbered from Section 76-10-1233 is renumbered  
 12444 and amended to read:
- 12445 **~~[76-10-1233]~~76-5c-403 (Effective 05/07/25). Content providers -- Material harmful to**  
 12446 **minors.**
- 12447 (1) A content provider that is domiciled in Utah, or generates or hosts content in Utah, shall  
 12448 restrict access to material harmful to minors.
- 12449 (2) If the attorney general determines that a content provider violates Subsection (1), the  
 12450 attorney general shall:
- 12451 (a) notify the content provider that the content provider is in violation of Subsection (1);  
 12452 and
- 12453 (b) notify the content provider that the content provider has 30 days to comply with  
 12454 Subsection (1) or be subject to the civil penalties described in Subsection (3).
- 12455 (3)(a) If a content provider intentionally or knowingly violates this section more than 30

12456 days after receiving the notice provided under Subsection (2), the content provider is  
 12457 subject to a civil fine of \$2,500 for each separate violation of Subsection (1), up to  
 12458 \$10,000 per day.

12459 (b) A proceeding to impose the civil fine under this section may be brought only by the [  
 12460 state]attorney general[and shall be brought in a court of competent jurisdiction].

12461 (4) The Division of Consumer Protection shall make rules in accordance with Title 63G,  
 12462 Chapter 3, Utah Administrative Rulemaking Act, to establish acceptable rating methods  
 12463 to be implemented by a content provider under Subsection (1).

12464 Section 205. Section **76-5d-101**, which is renumbered from Section 76-10-1301 is renumbered  
 12465 and amended to read:

## 12466 CHAPTER 5d. PROSTITUTION

### 12467 Part 1. General Provisions

12468 **[76-10-1301]76-5d-101 (Effective 05/07/25). Definitions.**

12469 As used in this [part] chapter:

12470 (1) "Child" is an individual younger than 18 years old.

12471 (2) "HIV infection" means an indication of a Human Immunodeficiency Virus (HIV)  
 12472 infection determined by current medical standards and detected by any of the following:

12473 (a) presence of antibodies to HIV, verified by a positive confirmatory test, such as  
 12474 Western blot with an interpretation based on criteria currently recommended by the  
 12475 Association of State and Territorial Public Health Laboratory Directors or another  
 12476 confirmatory test approved by the Utah State Health Laboratory;

12477 (b) presence of HIV antigen;

12478 (c) isolation of HIV; or

12479 (d) demonstration of HIV proviral DNA.

12480 (3) "HIV positive individual" means an individual who has an HIV infection.

12481 (4) "Local law enforcement agency" means the agency responsible for investigation of the  
 12482 violations of Sections 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, and  
 12483 76-5d-210, the filing of charges which may lead to conviction, and the conducting of or  
 12484 obtaining the results of tests for HIV infection.

12485 [~~(2) "Place of prostitution" means a place or business where prostitution or promotion of~~  
 12486 ~~prostitution is arranged, regularly carried on, or attempted by one or more individuals~~  
 12487 ~~under the control, management, or supervision of another.]~~

12488 (5) "Positive" means an indication of the HIV infection.



- 12489 [(3) "Prostitute" or "prostituted individual" means an individual engaged in an activity  
 12490 described in Subsection 76-10-1302(1) or 76-10-1313(1)(a), (c), (d), or (f).]
- 12491 [(4)] (6) "Public place" means a place to which the public or any substantial group of the  
 12492 public has access.
- 12493 [(5)] (7) "Sexual activity" means, regardless of the gender of either participant:  
 12494 (a) an act of masturbation, sexual intercourse, or any sexual act involving the genitals of  
 12495 one individual and the mouth or anus of another individual; or  
 12496 (b) the touching of the genitals, female breast, or anus of one individual with any other  
 12497 body part of another individual with the intent to sexually arouse or gratify either  
 12498 individual.
- 12499 (8) "Test" means a test for HIV infection in accordance with standards recommended by the  
 12500 Department of Health and Human Services.
- 12501 Section 206. Section **76-5d-102**, which is renumbered from Section 76-10-1307 is renumbered  
 12502 and amended to read:  
 12503 **[76-10-1307]76-5d-102 (Effective 05/07/25). Local ordinance consistent with code**  
 12504 **provisions.**  
 12505 An ordinance adopted by a local authority governing prostitution or aiding  
 12506 prostitution ~~[shall]~~ that addresses the matters covered by this chapter is required to be  
 12507 consistent with the provisions of this [part] chapter which govern [those matters] prostitution or  
 12508 aiding prostitution.
- 12509 Section 207. Section **76-5d-103**, which is renumbered from Section 76-10-1311 is renumbered  
 12510 and amended to read:  
 12511 **[76-10-1311]76-5d-103 (Effective 05/07/25). Mandatory testing -- Retention of offender**  
 12512 **medical file -- Civil liability.**  
 12513 (1) ~~[A person]~~ An individual who has entered a plea of guilty, a plea of no contest, a plea of  
 12514 guilty with a mental condition, or been found guilty for violation of Section ~~[76-10-1302,~~  
 12515 ~~76-10-1303, or 76-10-1313 shall be.]~~ 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205,  
 12516 76-5d-209, or 76-5d-210 is required to submit to a mandatory test conducted before  
 12517 sentencing to determine if the [offender] individual is an HIV positive individual.~~[The~~  
 12518 ~~mandatory test shall be required and conducted prior to sentencing.]~~  
 12519 (2) If the mandatory test described in Subsection (1) has not been conducted ~~[prior to]~~ before  
 12520 sentencing, and the convicted [offender] actor is already confined in a county jail or state  
 12521 prison, [such person shall] the individual is required to be tested while in confinement.  
 12522 (3) ~~[The]~~ For an individual described in Subsection (1) who is confined in a county jail the

- 12522 local law enforcement agency shall cause the blood specimen of the offender [~~as defined~~  
12523 ~~in Subsection (1) confined in county jail~~] to be taken and tested.
- 12524 (4) [~~The~~] For an individual described in Subsection (1) who is confined in a state prison the  
12525 Department of Corrections shall cause the blood specimen of the offender [~~defined in~~  
12526 ~~Subsection (1) confined in any state prison~~] to be taken and tested.
- 12527 (5) The local law enforcement agency shall collect and retain in the [~~offender's~~] individual's  
12528 medical file the following data:
- 12529 (a) the HIV infection test results;
- 12530 (b) a copy of the written notice as provided in Section [~~76-10-1312~~] 76-5d-104;
- 12531 (c) photographic identification; and
- 12532 (d) fingerprint identification.
- 12533 (6) The local law enforcement agency shall classify the medical file as a private record  
12534 pursuant to Subsection 63G-2-302(1)(b) or a controlled record pursuant to Section  
12535 63G-2-304.
- 12536 (7)(a) [~~The person tested shall be~~] An individual required to be tested under this section  
12537 is responsible for the costs of testing, unless the [~~person~~] individual is indigent.
- 12538 (b) [~~The costs will then~~] If an individual is indigent the costs for the testing will be paid  
12539 by the local law enforcement agency or the Department of Corrections from the  
12540 General Fund.
- 12541 (8)(a) The laboratory performing testing shall report test results to only designated  
12542 officials in the Department of Corrections, the Department of Health and Human  
12543 Services, and the local law enforcement agency submitting the blood specimen.
- 12544 (b) Each department or agency shall designate those officials by written policy.
- 12545 (c) Designated officials may release information identifying an [~~offender~~] individual  
12546 under Section [~~76-10-1302, 76-10-1303, or 76-10-1313~~] 76-5d-202, 76-5d-203,  
12547 76-5d-204, 76-5d-205, 76-5d-209, or 76-5d-210 who has tested HIV positive as  
12548 provided under Subsection 63G-2-202(1) and for purposes of prosecution pursuant to  
12549 Section [~~76-10-1309~~] 76-5d-211.
- 12550 (9)(a) An employee of the local law enforcement agency, the Department of  
12551 Corrections, or the Department of Health and Human Services who discloses the HIV  
12552 test results under this section is not civilly liable except when disclosure constitutes  
12553 fraud or willful misconduct [~~as provided in~~] under Section 63G-7-202.
- 12554 (b) An employee of the local law enforcement agency, the Department of Corrections, or  
12555 the Department of Health and Human Services who discloses the HIV test results

12556 under this section is not civilly or criminally liable, except when disclosure  
12557 constitutes a knowing violation of Section 63G-2-801.

12558 (10) When ~~[the]~~ a medical file is released as provided in Section 63G-2-803, the local law  
12559 enforcement agency, the Department of Corrections, or the Department of Health and  
12560 Human Services or ~~[its officers or employees]~~ an officer or employee of the local law  
12561 enforcement agency, the Department of Corrections, or the Department of Health and  
12562 Human Services are not liable for damages for release of the medical file.

12563 Section 208. Section **76-5d-104**, which is renumbered from Section 76-10-1312 is renumbered  
12564 and amended to read:

12565 ~~[76-10-1312]~~ **76-5d-104 (Effective 05/07/25). Notice to a convicted individual of HIV positive**  
12566 **test results.**

12567 (1) ~~[A person]~~ An individual convicted under Section ~~[76-10-1302, 76-10-1303, or~~  
12568 ~~76-10-1313]~~ 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, or 76-5d-210 who  
12569 has tested positive for the HIV infection shall be notified of the test results in person by:

12570 (a) the local law enforcement agency;

12571 (b) the Department of Corrections, for offenders confined in ~~[any]~~ a state prison;

12572 (c) the ~~[state-]~~Department of Health and Human Services; or

12573 (d) an authorized representative of ~~[any of the agencies]~~ an agency listed in ~~[this~~  
12574 ~~Subsection (1)]~~ Subsections (1)(a) through (c).

12575 (2) The notice ~~[under]~~ described in Subsection (1) shall contain the signature of the HIV  
12576 positive ~~[person]~~ individual, indicating the ~~[person's]~~ individual's receipt of the notice, the  
12577 name and signature of the ~~[person]~~ individual providing the notice, and:

12578 (a) the date of the test;

12579 (b) the positive test results;

12580 (c) the name of the HIV positive individual; and

12581 (d) the following language:

12582 ~~["A person]~~ "An individual who has been convicted of prostitution under Section [  
12583 ~~76-10-1302]~~ 76-5d-202, patronizing a ~~[prostitute]~~ prostituted individual under Section [  
12584 ~~76-10-1303, or]~~ 76-5d-203, patronizing a child involved in prostitution under Section 76-5d-204,  
12585 entering or remaining in a place of prostitution under Section 76-5d-205, sexual solicitation  
12586 under Section ~~[76-10-1313]~~ 76-5d-209, or sexual solicitation of a child under Section 76-5d-210  
12587 after being tested and diagnosed as an HIV positive individual and either had actual  
12588 knowledge that the ~~[person]~~ individual is an HIV positive individual or the ~~[person]~~ individual  
12589 has previously been convicted of any of the criminal offenses listed above is guilty of a third

12590 degree felony under Section [~~76-10-1309~~] 76-5d-211."

12591 (3) Failure to provide [~~this notice~~] the notice described in Subsection (1), or to provide the  
12592 notice in the manner or form prescribed under this section, does not:

12593 (a) [~~create any civil liability~~]~~[-and does not]~~ ; or

12594 (b) [~~create a defense to any prosecution under this~~] part chapter.

12595 (4) Upon conviction under Section [~~76-10-1309~~] 76-5d-211, and as a condition of probation,  
12596 the [~~offender~~] actor shall receive treatment and counseling for HIV infection and drug  
12597 abuse as provided in Title 26B, Chapter 5, Health Care - Substance Use and Mental  
12598 Health.

12599 Section 209. Section **76-5d-105**, which is renumbered from Section 76-10-1314 is renumbered  
12600 and amended to read:

12601 **[~~76-10-1314~~]-76-5d-105 (Effective 05/07/25). Examination of testing procedures and results**  
12602 **in legal proceedings.**

12603 (1) Employees of [~~the~~] a laboratory who conduct laboratory analysis of blood samples for  
12604 presence of antibody to HIV provided pursuant to a request by a law enforcement  
12605 agency or the Department of Corrections under Section [~~76-10-1311~~] 76-5d-103, may be  
12606 examined in a legal proceeding of any kind or character as to:

12607 (a) the nature of the testing;

12608 (b) the validity of the testing;

12609 (c) the results of the test;

12610 (d) the HIV positivity or negativity of the [~~person~~] individual tested;

12611 (e) the evidentiary chain of custody; and

12612 (f) other factors relevant to the prosecution, subject to the court's ruling.

12613 (2) This section applies only to the criminal investigation and prosecution under Section [  
12614 ~~76-10-1309~~] 76-5d-211 which permits enhanced penalties upon a subsequent conviction  
12615 for:

12616 (a) prostitution[;] as described in Section [~~76-10-1302~~] 76-5d-202;

12617 (b) patronizing a [~~prostitute~~;] prostituted individual as described in Section [~~76-10-1303~~]  
12618 76-5d-203;~~[-or]~~

12619 (c) patronizing a child involved in prostitution as described in Section 76-5d-204;

12620 (d) entering or remaining in a place of prostitution as described in Section 76-5d-205;

12621 [~~(e)~~] (e) sexual solicitation[;] as described in Section [~~76-10-1313~~] 76-5d-209; or

12622 (f) sexual solicitation of a child as described in Section 76-5d-210.

12623 Section 210. Section **76-5d-106**, which is renumbered from Section 76-10-1315 is renumbered

12624 and amended to read:

12625 ~~[76-10-1315]~~ **76-5d-106** (Effective 05/07/25). **Safe harbor for children as victims in**  
 12626 **commercial sex or sexual solicitation.**

12627 (1) As used in this section:

12628 (a) "Child engaged in commercial sex" means a child who:

12629 (i) engages, offers, or agrees to engage in any sexual activity with another individual  
 12630 for a fee, or the functional equivalent of a fee;

12631 (ii) takes steps in arranging a meeting through any form of advertising, agreeing to  
 12632 meet, and meeting at an arranged place for the purpose of sexual activity in  
 12633 exchange for a fee or the functional equivalent of a fee; or

12634 (iii) loiters in or within view of any public place for the purpose of being hired to  
 12635 engage in sexual activity.

12636 (b) "Child engaged in sexual solicitation" means a child who offers or agrees to commit  
 12637 or engage in any sexual activity with another person for a fee, or the functional  
 12638 equivalent of a fee, under Subsection ~~[76-10-1313(1)(a)]~~ 76-5d-209(2)(a), (c), (d), or  
 12639 (f).

12640 (c) "Division" means the Division of Child and Family Services created in Section  
 12641 80-2-201.

12642 (d) "Juvenile receiving center" means the same as that term is defined in Section  
 12643 80-1-102.

12644 (2) Upon encountering a child engaged in commercial sex or a child engaged in sexual  
 12645 solicitation, a law enforcement officer shall:

12646 (a) conduct an investigation regarding possible human trafficking of the child pursuant  
 12647 to Sections 76-5-308, 76-5-308.1, and 76-5-308.5;

12648 (b) refer the child to the division;

12649 (c) bring the child to a juvenile receiving center, if available; and

12650 (d) contact the child's parent or guardian, if practicable.

12651 (3) When law enforcement refers a child to the division under Subsection (2)(b) the  
 12652 division shall provide services to the child under Title 80, Chapter 2, Child Welfare  
 12653 Services, and Title 80, Chapter 2a, Removal and Protective Custody of a Child.

12654 ~~[(4) A child may not be subjected to delinquency proceedings for prostitution under~~  
 12655 ~~Section 76-10-1302, or sexual solicitation under Section 76-10-1313.]~~

12656 Section 211. Section **76-5d-201** is enacted to read:

12657

## Part 2. General Offenses

12658        **76-5d-201 (Effective 05/07/25). Definitions.**

12659        As used in this part:

12660        (1) "Place of prostitution" means a place or business where prostitution or promotion of  
 12661            prostitution is arranged, regularly carried on, or attempted by one or more individuals  
 12662            under the control, management, or supervision of another individual.

12663        (2) "Prostituted individual" means an individual engaged in a prohibited activity described  
 12664            in Section 76-5d-202 or Subsection 76-5d-209(2)(b)(i), (iii), (iv), or (vi).

12665            Section 212. Section **76-5d-202**, which is renumbered from Section 76-10-1302 is renumbered  
 12666 and amended to read:

12667            **[76-10-1302]76-5d-202 (Effective 05/07/25). Prostitution.**

12668        (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12669        [~~(1)~~] (2) An actor[~~, except for a child under Section 76-10-1315, is guilty of~~] commits  
 12670            prostitution if the actor:

12671            (a) [-] is 18 years old or older; and

12672            (b) engages in sexual activity with another individual for a fee, or the functional  
 12673            equivalent of a fee.

12674        [~~(2)~~] (3)(a) Except as provided in Subsection [~~(2)~~](b) and Section 76-10-1309] (3)(b), a  
 12675            violation of Subsection [~~(1)~~] (2) is a class B misdemeanor.

12676            (b) [~~Except as provided in Section 76-10-1309, an actor who is convicted a second time,~~  
 12677            ~~and on all subsequent convictions, of a subsequent offense of prostitution under this~~  
 12678            ~~section or] A violation of Subsection (2) is a class A misdemeanor if the actor has~~  
 12679            previously been convicted of:

12680            (i) a violation of Subsection (2); or

12681            (ii) [-under]a local ordinance adopted [under] in accordance with Section [76-10-1307,  
 12682            is guilty of a class A misdemeanor] 76-5d-102 addressing the same or similar type  
 12683            of violation to the violation described in Subsection (2).

12684        [~~(3)~~] (4) A prosecutor may not prosecute an actor for a violation of Subsection [~~(1)~~] (2) if the  
 12685            actor engages in a violation of Subsection [~~(1)~~] (2) at or near the time the actor witnesses  
 12686            or is a victim of any of the following offenses, or an attempt to commit any of the  
 12687            following offenses, and the actor reports the offense or attempt to law enforcement in  
 12688            good faith:

12689            (a) assault[-] as described in Section 76-5-102;

- 12690 (b) aggravated assault[;] as described in Section 76-5-103;
- 12691 (c) mayhem[;] as described in Section 76-5-105;
- 12692 (d) aggravated murder, murder, manslaughter, negligent homicide, child abuse
- 12693 homicide, or homicide by assault [~~under~~] as described in Chapter 5, Part 2, Criminal
- 12694 Homicide;
- 12695 (e) kidnapping, child kidnapping, aggravated kidnapping, human trafficking or
- 12696 aggravated human trafficking, human smuggling or aggravated human smuggling, or
- 12697 human trafficking of a child [~~under~~] as described in Chapter 5, Part 3, Kidnapping,
- 12698 Trafficking, and Smuggling;
- 12699 (f) rape[;] as described in Section 76-5-402;
- 12700 (g) rape of a child[;] as described in Section 76-5-402.1;
- 12701 (h) object rape[;] as described in Section 76-5-402.2;
- 12702 (i) object rape of a child[;] as described in Section 76-5-402.3;
- 12703 (j) forcible sodomy[;] as described in Section 76-5-403;
- 12704 (k) sodomy on a child[;] as described in Section 76-5-403.1;
- 12705 (l) forcible sexual abuse[;] as described in Section 76-5-404;
- 12706 (m) sexual abuse of a child[;] as described in Section 76-5-404.1, or aggravated sexual
- 12707 abuse of a child, Section 76-5-404.3;
- 12708 (n) aggravated sexual assault[;] as described in Section 76-5-405;
- 12709 (o) sexual exploitation of a minor[;] as described in Section 76-5b-201;
- 12710 (p) aggravated sexual exploitation of a minor[;] as described in Section 76-5b-201.1;
- 12711 (q) sexual exploitation of a vulnerable adult[;] as described in Section 76-5b-202;
- 12712 (r) [~~aggravated burglary or~~]burglary of a dwelling [~~under Chapter 6, Part 2, Burglary~~
- 12713 ~~and Criminal Trespass]~~ as described in Subsection 76-6-202(3)(b);
- 12714 (s) aggravated burglary as described in Section 76-6-203;
- 12715 [~~(s)~~] (t) [~~aggravated robbery or~~]robbery [~~under Chapter 6, Part 3, Robbery]~~ as described
- 12716 in Section 76-6-301;
- 12717 (u) aggravated robbery as described in Section 76-6-302; or
- 12718 [~~(t)~~] (v) theft by extortion [~~under~~] as described in Section 76-6-406 under the
- 12719 circumstances described in Subsection 76-6-406(1)(a)(i) or (ii).
- 12720 (5) A violation under this section that is a class A misdemeanor may be prosecuted by an
- 12721 attorney of a city or a town as well as by prosecutors authorized in the code to prosecute
- 12722 a violation under this section.
- 12723 Section 213. Section **76-5d-203**, which is renumbered from Section 76-10-1303 is renumbered

12724 and amended to read:

12725 **[76-10-1303]76-5d-203 (Effective 05/07/25). Patronizing a prostituted individual.**

12726 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12727 ~~[(1)]~~ (2) An actor ~~[is guilty of]~~ commits patronizing a [prostitute if the actor] prostituted  
12728 individual if:

12729 (a) the actor pays[~~or~~], offers to pay, or agrees to pay a ~~[prostituted individual]~~ prostituted  
12730 individual, or an individual the actor believes to be a [prostituted individual]  
12731 prostituted individual, a fee, or the functional equivalent of a fee[~~;~~]; and

12732 (b) the payment, offer of payment, or agreement for payment described in Subsection  
12733 (2)(a) is for the purpose of engaging in an act of sexual activity[~~;~~].

12734 ~~[(b) enters or remains in a place of prostitution for the purpose of engaging in sexual~~  
12735 ~~activity.]~~

12736 ~~[(2) Patronizing a prostitute is a class A misdemeanor, except as provided in Subsection~~  
12737 ~~(3), (4), or (5) or Section 76-10-1309.]~~

12738 ~~[(3) A violation of this section that is preceded by a conviction under this section or a~~  
12739 ~~conviction under a local ordinance adopted under Section 76-10-1307 is a class A~~  
12740 ~~misdemeanor.]~~

12741 ~~[(4) A third violation of this section or a local ordinance adopted under Section 76-10-1307~~  
12742 ~~is a third-degree felony.]~~

12743 ~~[(5)(a) Except as provided in Subsection (5)(d), if the patronizing of a prostitute under~~  
12744 ~~Subsection (1)(a) involves a child as the other individual, a violation of Subsection~~  
12745 ~~(1)(a) is a second-degree felony.]~~

12746 ~~[(b) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under~~  
12747 ~~Subsection (5)(a) that the actor mistakenly believed the individual to be 18 years old or~~  
12748 ~~older at the time of the offense or was unaware of the individual's true age.]~~

12749 ~~[(c) An actor's belief that the individual was under 18 years old at the time of the offense,~~  
12750 ~~even if the individual was 18 years old or older, is a violation of Subsection (5)(a).]~~

12751 ~~[(d) If the act committed under Subsection (5)(a) amounts to an offense that is subject to a~~  
12752 ~~greater penalty under another provision of state law than is provided under Subsection~~  
12753 ~~(5)(a), this Subsection (5) does not prohibit prosecution and sentencing for the more~~  
12754 ~~serious offense.]~~

12755 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
12756 misdemeanor.

12757 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been



- 12758 convicted two or more times of:
- 12759 (i) a violation of Subsection (2); or
- 12760 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the
- 12761 same or similar type of violation to the violation described in Subsection (2).
- 12762 [(6)] (4) Upon a conviction for a violation of this section, the court shall order:
- 12763 (a) the maximum fine amount and may not waive or suspend the fine; and
- 12764 (b) the [defendant] actor to pay for and complete a court-approved educational program
- 12765 about the negative effects on an individual involved with prostitution or human
- 12766 trafficking.
- 12767 Section 214. Section **76-5d-204** is enacted to read:
- 12768 **76-5d-204 (Effective 05/07/25). Patronizing a child involved in prostitution.**
- 12769 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.
- 12770 (2) An actor commits patronizing a child involved in prostitution if:
- 12771 (a) the actor pays, offers to pay, or agrees to pay a prostituted individual, or an
- 12772 individual the actor believes to be a prostituted individual, a fee, or the functional
- 12773 equivalent of a fee;
- 12774 (b) the payment, offer of payment, or agreement for payment described in Subsection
- 12775 (2)(a) is for the purpose of engaging in an act of sexual activity; and
- 12776 (c) the prostituted individual, or the individual the actor believes to be a prostituted
- 12777 individual, described in Subsection (2)(a) is:
- 12778 (i) a child; or
- 12779 (ii) believed by the actor to be a child.
- 12780 (3) A violation of Subsection (2) is a second degree felony.
- 12781 (4) In accordance with Section 76-2-304.5, it is not a defense to a prosecution under this
- 12782 section that the actor mistakenly believed the individual described in Subsection (2) to
- 12783 be 18 years old or older at the time of the offense or was unaware of the individual's true
- 12784 age.
- 12785 (5) If the act committed under Subsection (2) amounts to an offense that is subject to a
- 12786 greater penalty under another provision of law this section does not prohibit prosecution
- 12787 and sentencing for the more serious offense.
- 12788 (6) Upon a conviction for a violation of this section, the court shall order:
- 12789 (a) the maximum fine amount and may not waive or suspend the fine; and
- 12790 (b) the actor to pay for and complete a court-approved educational program about the
- 12791 negative effects on an individual involved with prostitution or human trafficking.

12792 Section 215. Section **76-5d-205** is enacted to read:

12793 **76-5d-205 (Effective 05/07/25). Entering or remaining in a place of prostitution.**

12794 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12795 (2) An actor commits entering or remaining in a place of prostitution if the actor enters or  
 12796 remains in a place of prostitution for the purpose of engaging in sexual activity.

12797 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
 12798 misdemeanor.

12799 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been  
 12800 convicted two or more times of:

12801 (i) a violation of Subsection (2); or

12802 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the  
 12803 same or similar type of violation to the violation described in Subsection (2).

12804 (4) Upon a conviction for a violation of this section, the court shall order:

12805 (a) the maximum fine amount and may not waive or suspend the fine; and

12806 (b) the actor to pay for and complete a court-approved educational program about the  
 12807 negative effects on an individual involved with prostitution or human trafficking.

12808 Section 216. Section **76-5d-206**, which is renumbered from Section 76-10-1304 is renumbered  
 12809 and amended to read:

12810 **[76-10-1304] 76-5d-206 (Effective 05/07/25). Aiding prostitution.**

12811 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12812 [(1)] (2) An [individual is guilty of] actor commits aiding prostitution if the [individual] actor:

12813 (a)(i) solicits an individual to patronize a [prostitute] prostituted individual, or to  
 12814 patronize an individual the actor believes to be a [prostitute] prostituted individual;

12815 (ii) procures or attempts to procure a [prostitute] prostituted individual, or an  
 12816 individual the actor believes to be a [prostitute] prostituted individual, for a patron;

12817 (iii) leases, operates, or otherwise permits a place controlled by the actor, alone or in  
 12818 association with another individual, to be used for prostitution or the promotion of  
 12819 prostitution; or

12820 (iv) provides [any] a service or commits [any] an act that enables another individual to  
 12821 commit a violation of [~~this Subsection (1)(a)] this Subsection (2) or facilitates  
 12822 another individual's ability to commit [any] a violation of [~~this Subsection (1)(a)]  
 12823 this Subsection (2); or~~~~

12824 (b) solicits, receives, or agrees to receive [any] a benefit for committing any of the acts  
 12825 prohibited by Subsection [~~(1)(a)] (2)(a).~~

12826 ~~[(2) Aiding prostitution is a class A misdemeanor, except as provided in Subsection (3).]~~

12827 ~~[(3) An individual who is convicted a second time, and on all subsequent convictions,~~

12828 ~~under this section or under a local ordinance adopted in compliance with Section~~

12829 ~~76-10-1307 is guilty of a third degree felony.]~~

12830 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
12831 misdemeanor.

12832 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been  
12833 convicted of:

12834 (i) a violation of Subsection (2); or

12835 (ii) a local ordinance adopted in accordance with Section 76-5d-102 addressing the  
12836 same or similar type of violation to the violation described in Subsection (2).

12837 (4) Upon a conviction for a violation of this section, the court shall order the maximum fine  
12838 amount and may not waive or suspend the fine.

12839 (5) A violation under this section that is a class A misdemeanor may be prosecuted by an  
12840 attorney of a city or a town as well as by prosecutors authorized in the code to prosecute  
12841 a violation under this section.

12842 Section 217. Section **76-5d-207**, which is renumbered from Section 76-10-1305 is renumbered  
12843 and amended to read:

12844 **[76-10-1305]76-5d-207 (Effective 05/07/25). Exploitation of prostitution.**

12845 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12846 ~~[(1)]~~ (2) An [individual is guilty of exploiting-] actor commits exploitation of prostitution if  
12847 the [individual] actor:

12848 (a) procures an individual for a place of prostitution;

12849 (b) encourages, induces, or otherwise purposely causes another individual to become or  
12850 remain a [prostitute] prostituted individual;

12851 (c) transports an individual into or within this state with [a] the purpose to promote [that]  
12852 the individual's [engaging] engagement in prostitution;

12853 (d) [-or procuring or paying for] procures or pays for an individual's transportation with [  
12854 that] the purpose of promoting the individual's engagement in prostitution;

12855 ~~[(d)]~~ (e) not being a child or legal dependent of a [prostitute] prostituted individual, shares  
12856 the proceeds of prostitution with a [prostitute] prostituted individual, or an individual  
12857 the actor believes to be a [prostitute] prostituted individual, pursuant to [their] the  
12858 actor's and the prostituted individual's understanding that the actor is to share [therein]  
12859 in the proceeds of the prostitution; or

12860 ~~[(e)]~~ (f) owns, controls, manages, supervises, or otherwise keeps, alone or in association  
 12861 with another individual, a place of prostitution or a business where prostitution  
 12862 occurs or is arranged, encouraged, supported, or promoted.

12863 ~~[(2)]~~ (3) ~~[Exploiting prostitution is a felony of the]~~ A violation of Subsection (2) is a third  
 12864 degree felony.

12865 ~~[(3)]~~ (4) Upon a conviction for a violation of this section, the court shall order the maximum  
 12866 fine amount and may not waive or suspend the fine.

12867 Section 218. Section **76-5d-208**, which is renumbered from Section 76-10-1306 is renumbered  
 12868 and amended to read:

12869 ~~[76-10-1306]~~ **76-5d-208 (Effective 05/07/25). Aggravated exploitation of prostitution.**

12870 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12871 ~~[(1)]~~ (2) ~~[A person is guilty of-]~~ An actor commits aggravated exploitation of prostitution if:

12872 (a) in committing an act of ~~[exploiting]~~ exploitation of prostitution~~[, as defined in]~~ as  
 12873 described in Section ~~[76-10-1305]~~ 76-5d-207, the ~~[person]~~ actor uses any force, threat,  
 12874 or fear against any ~~[person]~~ individual;

12875 (b) the ~~[person]~~ individual whom the actor procured, transported, or persuaded, or with  
 12876 whom the ~~[person]~~ actor shares the proceeds of prostitution, is a child or is the spouse  
 12877 of the actor; or

12878 (c) in the course of committing an act of exploitation of prostitution~~[, a violation of~~  
 12879 Section 76-10-1305] as described in Section 76-5d-207, the ~~[person]~~ actor commits  
 12880 human trafficking or human smuggling~~[, a]~~ in violation of Section 76-5-308,  
 12881 76-5-308.1, 76-5-308.3, or 76-5-308.5.

12882 ~~[(2)]~~ (3)(a) ~~[Aggravated exploitation of prostitution-]~~ Except as provided in Subsection  
 12883 (3)(b), a violation of Subsection (2) is a second degree felony~~[, except under~~  
 12884 Subsection (3)].

12885 ~~[(3)]~~ (b) ~~[Aggravated exploitation of prostitution involving a child-]~~ A violation of  
 12886 Subsection (2) is a first degree felony if the violation involves a child.

12887 (4) Upon a conviction for a violation of this section, the court shall order the maximum fine  
 12888 amount and may not waive or suspend the fine.

12889 Section 219. Section **76-5d-209**, which is renumbered from Section 76-10-1313 is renumbered  
 12890 and amended to read:

12891 ~~[76-10-1313]~~ **76-5d-209 (Effective 05/07/25). Sexual solicitation.**

12892 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12893 ~~[(1)]~~ (2) An ~~[individual except for a child under Section 76-10-1315 is guilty of]~~ actor

12894 commits sexual solicitation if the [~~individual~~] actor:

12895 (a) is 18 years old or older; and

12896 [~~(a)~~] (b)(i) offers or agrees to commit any sexual activity with another individual for

12897 a fee, or the functional equivalent of a fee;

12898 [~~(b)~~] (ii) pays~~[-or]~~, offers to pay, or agrees to pay a fee, or the functional equivalent of

12899 a fee, to another individual to commit any sexual activity;

12900 [~~(c)~~] (iii)(A) takes steps to arrange a meeting with another individual through any

12901 form of advertising or agreement to meet~~[-and]~~;

12902 (B) [-]meets the individual at an arranged place; and

12903 (C) [-] arranged and met the individual for the purpose of being hired to engage in

12904 sexual activity in exchange for a fee, or the functional equivalent of a fee;

12905 [~~(d)~~] (iv) loiters in, or within view of, a public place for the purpose of being hired to

12906 engage in sexual activity in exchange for a fee, or the functional equivalent of a

12907 fee;

12908 [~~(e)~~] (v) with intent to pay another individual to commit any sexual activity for a fee,

12909 or the functional equivalent of a fee, requests or directs the [~~other-~~]individual to

12910 engage in any of the following acts:

12911 [~~(i)~~] (A) exposure of an individual's genitals, the buttocks, the anus, the pubic area,

12912 or the female breast below the top of the areola;

12913 [~~(ii)~~] (B) masturbation;

12914 [~~(iii)~~] (C) touching of an individual's genitals, the buttocks, the anus, the pubic

12915 area, or the female breast; or

12916 [~~(iv)~~] (D) any act of lewdness; or

12917 [~~(f)~~] (vi) with intent to engage in sexual activity for a fee, or the functional equivalent

12918 of a fee, engages in, or offers or agrees to engage in, an act described in [

12919 ~~Subsection (1)(e)(i)] Subsections (2)(b)(v)(A) through [(iv)] (D).~~

12920 [(2) An intent to engage in sexual activity for a fee may be inferred from an individual's

12921 engaging in, offering or agreeing to engage in, or requesting or directing another to

12922 engage in any of the acts described in Subsection (1) (e) or (f) under the totality of the

12923 existing circumstances.]

12924 (3)(a) [Except as provided in Section 76-10-1309 and Subsections (4) and (5), a] A

12925 violation of Subsection [~~(1)(a)~~] (2)(a), (c), (d), or (f) or under a local ordinance

12926 adopted in compliance with Section [~~76-10-1307~~] 76-5d-102 is:

12927 [(a)] (i) a class B misdemeanor on a first or second violation; [~~and~~] or

12928            ~~[(b)]~~ (ii) a class A misdemeanor on a third or subsequent violation.

12929            ~~[(4)]~~ (b) ~~[Except as provided in Section 76-10-1309 and Subsections (5) and (8), a]~~ A

12930            violation of Subsection ~~[(1)(b)]~~ (2)(b) or (e) or a local ordinance adopted under

12931            Section ~~[76-10-1307]~~ 76-5d-102 is:

12932            ~~[(a)]~~ (i) a class A misdemeanor on the first or second violation; ~~[and]~~ or

12933            ~~[(b)]~~ (ii) a third degree felony on a third or subsequent violation.

12934            ~~[(5) If an individual commits an act of sexual solicitation in violation of Subsection (1) and~~

12935            ~~the individual solicited is a child, the offense is a second degree felony if the solicitation~~

12936            ~~does not amount to a violation of:]~~

12937            ~~[(a) Section 76-5-308, 76-5-308.1, or 76-5-308.5, human trafficking or Section 76-5-308.3,~~

12938            ~~human smuggling; or]~~

12939            ~~[(b) Section 76-5-310, aggravated human trafficking or Section 76-5-310.1, aggravated~~

12940            ~~human smuggling.]~~

12941            (4) An intent to engage in sexual activity for a fee may be inferred from an actor engaging

12942            in, offering or agreeing to engage in, or requesting or directing another to engage in any

12943            of the acts described in Subsection (2)(e) or (f) under the totality of the existing

12944            circumstances.

12945            ~~[(6)]~~ (5)(a) Upon encountering a child engaged in commercial sex or a child engaged in

12946            sexual solicitation, a law enforcement officer shall follow the procedure described in

12947            Subsection ~~[76-10-1315(2)]~~ 76-5d-106(2).

12948            (b) A child engaged in commercial sex or a child engaged in sexual solicitation shall be

12949            referred to the Division of Child and Family Services for services and may not be

12950            subjected to delinquency proceedings.

12951            ~~[(7)]~~ (6) A prosecutor may not prosecute an ~~[individual]~~ actor for a violation of Subsection [

12952            ~~(1)]~~ (2) if the ~~[individual]~~ actor engages in a violation of Subsection ~~[(1)]~~ (2) at or near the

12953            time the ~~[individual]~~ actor witnesses or is a victim of any of the offenses, or an attempt to

12954            commit any of the offenses, described in Subsection ~~[76-10-1302(3)]~~ 76-5d-202(4), and

12955            the individual reports the offense or attempt to law enforcement in good faith.

12956            ~~[(8)]~~ (7)(a) As part of a sentence imposed under Subsection ~~[(3)]~~ (3)(a), the court may

12957            lower, waive, or suspend a fine if the ~~[defendant]~~ actor completes a court-approved

12958            program that provides information or services intended to help an individual no

12959            longer engage in prostitution.

12960            (b) As part of a sentence imposed under Subsection ~~[(4)]~~ (3)(b), the court shall order the [

12961            ~~defendant]~~ actor to pay for and complete a court-approved educational program about

12962 the negative effects on an individual involved with prostitution or human trafficking.

12963 Section 220. Section **76-5d-210** is enacted to read:

12964 **76-5d-210 (Effective 05/07/25). Sexual solicitation of a child.**

12965 (1) Terms defined in Sections 76-1-101.5, 76-5d-101, and 76-5d-201 apply to this section.

12966 (2) Under circumstances not amounting to an offense described in Subsection (4), an actor  
12967 commits sexual solicitation of a child if the actor:

12968 (a) is 18 years old or older; and

12969 (b)(i) offers or agrees to commit any sexual activity with a child for a fee, or the  
12970 functional equivalent of a fee;

12971 (ii) pays, offers to pay, or agrees to pay a fee, or the functional equivalent of a fee, to  
12972 a child to commit any sexual activity;

12973 (iii)(A) takes steps to arrange a meeting with a child through any form of  
12974 advertising or agreement to meet;

12975 (B) meets the child at an arranged place; and

12976 (C) arranged and met the child for the purpose of being hired to engage in sexual  
12977 activity in exchange for a fee, or the functional equivalent of a fee;

12978 (iv) loiters in, or within view of, a public place for the purpose of being hired to  
12979 engage in sexual activity with a child in exchange for a fee, or the functional  
12980 equivalent of a fee;

12981 (v) with intent to pay a child to commit any sexual activity for a fee, or the functional  
12982 equivalent of a fee, requests or directs the child to engage in any of the following  
12983 acts:

12984 (A) exposure of the child's genitals, the buttocks, the anus, the pubic area, or the  
12985 female breast below the top of the areola;

12986 (B) masturbation;

12987 (C) touching of the child's genitals, the buttocks, the anus, the pubic area, or the  
12988 female breast; or

12989 (D) any act of lewdness; or

12990 (vi) with intent to engage in sexual activity with a child for a fee, or the functional

12991 equivalent of a fee, engages in, or offers or agrees to engage in, an act described in  
12992 Subsections (2)(b)(v)(A) through (D).

12993 (3) A violation of Subsection (2) is a second degree felony.

12994 (4) The offenses referred to in Subsection (2) are:

12995 (a) human trafficking for labor as described in Section 76-5-308;

- 12996 (b) human trafficking for sexual exploitation as described in Section 76-5-308.1;  
 12997 (c) human smuggling as described in Section 76-5-308.3;  
 12998 (d) human trafficking of a child as described in Section 76-5-308.5;  
 12999 (e) aggravated human trafficking as described in Section 76-5-310; and  
 13000 (f) aggravated human smuggling as described in Section 76-5-310.1.
- 13001 (5)(a) Upon encountering a child engaged in commercial sex or a child engaged in  
 13002 sexual solicitation, a law enforcement officer shall follow the procedure described in  
 13003 Subsection 76-5d-106(2).
- 13004 (b) A child engaged in commercial sex or a child engaged in sexual solicitation shall be  
 13005 referred to the Division of Child and Family Services for services and may not be  
 13006 subjected to delinquency proceedings.
- 13007 (6) A prosecutor may not prosecute an actor for a violation of Subsection (2) if the actor  
 13008 engages in a violation of Subsection (2) at or near the time the actor witnesses or is a  
 13009 victim of any of the offenses, or an attempt to commit any of the offenses, described in  
 13010 Subsection 76-5d-202(4), and the individual reports the offense or attempt to law  
 13011 enforcement in good faith.
- 13012 (7) This section does not apply to a child under Section 76-5d-106.
- 13013 Section 221. Section **76-5d-211**, which is renumbered from Section 76-10-1309 is renumbered  
 13014 and amended to read:
- 13015 ~~[76-10-1309]~~ **76-5d-211 (Effective 05/07/25). Enhanced penalties for HIV positive actor.**
- 13016 [A person] An actor who is convicted of prostitution [under] as described in  
 13017 Section [76-10-1302] 76-5d-202, patronizing a [prostitute under] a prostituted individual as  
 13018 described in Section [76-10-1303] 76-5d-203, patronizing a child involved in prostitution as  
 13019 described in Section 76-5d-204, entering or remaining in a place of prostitution as described in  
 13020 Section 76-5d-205, or sexual solicitation [under] as described in Section [76-10-1313]  
 13021 76-5d-209 or 76-5d-210 is guilty of a third degree felony if at the time of the offense the [  
 13022 person] actor is an HIV positive individual, and the [person] actor:
- 13023 (1) has actual knowledge [of the fact] that the actor is an HIV positive individual; or  
 13024 (2) has previously been convicted under Section [76-10-1302, 76-10-1303, or 76-10-1313]  
 13025 76-5d-202, 76-5d-203, 76-5d-204, 76-5d-205, 76-5d-209, or 76-5d-210.
- 13026 Section 222. Section **76-6-105** is amended to read:
- 13027 **76-6-105 (Effective 05/07/25). Causing a catastrophe -- Penalties.**
- 13028 (1) Terms defined in Sections 76-1-101.5 and 76-6-101 apply to this section.
- 13029 (2) An actor commits causing a catastrophe if the actor causes widespread injury or damage



- 13030 to persons or property by:
- 13031 (a) use of a weapon of mass destruction as defined in Section [~~76-10-401~~] 76-15-301; or
- 13032 (b) explosion, fire, flood, avalanche, collapse of a building, or other harmful or
- 13033 destructive force or substance that is not a weapon of mass destruction.
- 13034 (3) A violation of Subsection (2) is:
- 13035 (a) a first degree felony if the actor causes the catastrophe knowingly and by the use of a
- 13036 weapon of mass destruction;
- 13037 (b) a second degree felony if the actor causes the catastrophe knowingly and by a means
- 13038 other than a weapon of mass destruction; and
- 13039 (c) a class A misdemeanor if the actor causes the catastrophe recklessly.
- 13040 (4) In addition to any other penalty authorized by law, a court shall order an actor convicted
- 13041 of any violation of this section to reimburse any federal, state, or local unit of
- 13042 government, or any private business, organization, individual, or entity for all expenses
- 13043 incurred in responding to the violation, unless the court states on the record the reasons
- 13044 why the reimbursement would be inappropriate.
- 13045 Section 223. Section **76-6-206** is amended to read:
- 13046 **76-6-206 (Effective 05/07/25). Criminal trespass.**
- 13047 (1)(a) As used in this section:
- 13048 (i) "Enter" means intrusion of the entire body or the entire unmanned aircraft.
- 13049 (ii) "Graffiti" means the same as that term is defined in Section 76-6-101.
- 13050 (iii) "Remain unlawfully," as that term relates to an unmanned aircraft, means
- 13051 remaining on or over private property when:
- 13052 (A) the private property or any portion of the private property is not open to the
- 13053 public; and
- 13054 (B) the person operating the unmanned aircraft is not otherwise authorized to fly
- 13055 the unmanned aircraft over the private property or any portion of the private
- 13056 property.
- 13057 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.
- 13058 (2) An actor commits criminal trespass if, under circumstances not amounting to burglary
- 13059 as defined in Section 76-6-202, 76-6-203, or 76-6-204 or a violation of Section [
- 13060 ~~76-10-2402~~] 76-9-113 regarding commercial obstruction or Section 76-9-114 regarding
- 13061 aggravated commercial obstruction:
- 13062 (a) the actor enters or remains unlawfully on or causes an unmanned aircraft to enter and
- 13063 remain unlawfully over property and:

- 13064 (i) intends to cause annoyance or injury to any person or damage to any property,  
 13065 including the use of graffiti;
- 13066 (ii) intends to commit any crime, other than theft or a felony; or  
 13067 (iii) is reckless as to whether the actor's or unmanned aircraft's presence will cause  
 13068 fear for the safety of another;
- 13069 (b) knowing the actor's or unmanned aircraft's entry or presence is unlawful, the actor  
 13070 enters or remains on or causes an unmanned aircraft to enter or remain unlawfully  
 13071 over property to which notice against entering is given by:
- 13072 (i) personal communication to the actor by the owner or someone with apparent  
 13073 authority to act for the owner;
- 13074 (ii) fencing or other enclosure obviously designed to exclude intruders; or  
 13075 (iii) posting of signs reasonably likely to come to the attention of intruders;
- 13076 (c) the actor enters a condominium unit in violation of Section 57-8-7(8); or  
 13077 (d) the actor enters a sex-designated changing room in violation of Subsection  
 13078 63G-31-302(3).
- 13079 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2)(a) , (b), or  
 13080 (d) is a class B misdemeanor.
- 13081 (b) The following is a class A misdemeanor:
- 13082 (i) if a violation of Subsection (2)(a) or (b) is committed in a dwelling;  
 13083 (ii) if a violation of Subsection (2)(d) is committed while also committing the offense  
 13084 of:
- 13085 (A) lewdness under Section ~~[76-9-702]~~ 76-5-419;
- 13086 (B) lewdness involving a child under Section ~~[76-9-702.5]~~ 76-5-420;
- 13087 (C) voyeurism under Section ~~[76-9-702.7]~~ 76-12-306;
- 13088 (D) recorded or photographed voyeurism under Section 76-12-307;
- 13089 (E) distribution of images obtained through voyeurism under Section 76-12-308;
- 13090 or
- 13091 ~~[(D)]~~ (F) loitering in a privacy space under Section [76-9-702.8] 76-12-309; or
- 13092 (iii) if a violation of Subsection (2)(d) is committed in a sex-designated privacy  
 13093 space, as defined in Section ~~[76-9-702.8]~~ 76-12-309, that is not designated for  
 13094 individuals of the actor's sex.
- 13095 (c) A violation of Subsection (2)(c) is an infraction.
- 13096 (4) It is a defense to prosecution under this section that:
- 13097 (a) the property was at the time open to the public; and

13098 (b) the defendant complied with all lawful conditions imposed on access to or remaining  
13099 on the property.

13100 (5) In addition to an order for restitution under Section 77-38b-205, an actor who commits a  
13101 violation of Subsection (2) may also be liable for:

13102 (a) statutory damages in the amount of three times the value of damages resulting from  
13103 the violation of Subsection (2) or \$500, whichever is greater; and

13104 (b) reasonable attorney fees not to exceed \$250, and court costs.

13105 (6) Civil damages under Subsection (5) may be collected in a separate action by the  
13106 property owner or the owner's assignee.

13107 Section 224. Section **76-6-207**, which is renumbered from Section 76-10-2002 is renumbered  
13108 and amended to read:

13109 **[76-10-2002]76-6-207 (Effective 05/07/25). Burglary of a research facility -- Penalties.**

13110 (1)(a) As used in this section:

13111 (i) "Building," in addition to its commonly-accepted meaning, means any watercraft,  
13112 aircraft, trailer, sleeping car, or other structure or vehicle adapted for overnight  
13113 accommodations of individuals or for carrying on business and includes:

13114 (A) each separately secured or occupied portion of the building or vehicle; and

13115 (B) each structure appurtenant or connected to the building or vehicle.

13116 (ii) "Enter" means:

13117 (A) an intrusion of any part of the body; or

13118 (B) the intrusion of any physical object, sound wave, light ray, electronic signal,  
13119 or other means of intrusion under the control of the actor.

13120 (iii) "Research" means studious and serious inquiry, examination, investigation, or  
13121 experimentation aimed at the discovery, examination, or accumulation of facts,  
13122 data, devices, theories, technologies, or applications done for any public,  
13123 governmental, proprietary, or teaching purpose.

13124 (iv) "Research facility" means a building, or separately secured yard, pad, pond,  
13125 laboratory, pasture, pen, or corral which is not open to the public, the major use of  
13126 which is to conduct research, to house research subjects, to store supplies,  
13127 equipment, samples, specimens, records, data, prototypes, or other property used  
13128 in or generated from research.

13129 (b) Terms defined in Sections 76-1-101.5 and 76-6-201 apply to this section.

13130 [(+)] (2) [A person is guilty of-] An actor commits burglary of a research facility if [he] the  
13131 actor enters or remains unlawfully in a research facility with the intent to:

- 13132 (a) obtain unauthorized control over any property, sample, specimen, record, data, test  
 13133 result, or proprietary information in the facility;
- 13134 (b) alter or eradicate any sample, specimen, record, data, test result, or proprietary  
 13135 information in the facility;
- 13136 (c) damage, deface, or destroy any property in the facility;
- 13137 (d) release from confinement or remove any animal or biological vector in the facility  
 13138 regardless of whether or not that animal or vector is dangerous;
- 13139 (e) commit an assault on ~~[any person]~~ an individual;
- 13140 (f) commit any other felony; or
- 13141 (g) interfere with the personnel or operations of a research facility through ~~[any]~~conduct  
 13142 that does not constitute an assault.

13143 ~~[(2) A person who violates Subsection (1)(g) is guilty of a class A misdemeanor. A person  
 13144 who violates any other provision in this section is guilty of a felony of the second degree.]~~

13145 (3)(a) A violation of Subsection (2)(g) is a class A misdemeanor.

13146 (b) A violation of Subsection (2)(a), (b), (c), (d), (e), or (f) is a second degree felony.

13147 Section 225. Section **76-6-414** is amended to read:

13148 **76-6-414 (Effective 05/07/25). Theft resulting in economic interruption.**

13149 (1)(a) As used in this section:

- 13150 (i) "Business" means the same as that term is defined in Section 76-6-113.
- 13151 (ii) "Governmental entity" means the same as that term is defined in Section 76-6-113.
- 13152 (iii) "Economic interruption" means the same as that term is defined in Section  
 13153 76-6-113.

13154 (b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.

13155 (2) An actor commits theft resulting in economic interruption if:

- 13156 (a) the actor intentionally, knowingly, recklessly, or negligently obtains or exercises  
 13157 unauthorized control over a business's or governmental entity's property with the  
 13158 intent to deprive the business or governmental entity of the property; and
- 13159 (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the  
 13160 business or governmental entity.

13161 ~~[(3) A violation of Subsection (2) is a class A misdemeanor.]~~

13162 (3)(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a  
 13163 class A misdemeanor.

13164 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third  
 13165 degree felony if the actor has two prior convictions for a violation of Subsection (2)

13166 within five years before the day on which the actor committed the most recent  
 13167 violation of Subsection (2).  
 13168 (c) A violation of Subsection (2) is a second degree felony if the actor has at least three  
 13169 prior convictions for a violation of Subsection (2) within five years before the day on  
 13170 which the actor committed the most recent violation of Subsection (2).

13171 (4) It is not a defense under this section that the actor did not know that the victim is a  
 13172 business or governmental entity.

13173 [~~(5) If the trier of facts finds that the actor committed a violation of Subsection (2), the~~  
 13174 ~~actor is guilty of:]~~

13175 [~~(a) a third degree felony if the actor has two prior convictions for a violation of~~  
 13176 ~~Subsection (2) within five years before the day on which the actor committed the most~~  
 13177 ~~recent violation of Subsection (2); and]~~

13178 [~~(b) a second degree felony if the actor has at least three prior convictions for a violation of~~  
 13179 ~~Subsection (2) within five years before the day on which the actor committed the most~~  
 13180 ~~recent violation of Subsection (2).]~~

13181 [~~(6) (5) A prior conviction used for a penalty enhancement under Subsection [(5)] (3)(b) or~~  
 13182 ~~(c) is a conviction that is from a separate criminal episode than:~~

13183 (a) the most recent violation of Subsection (2); and

13184 (b) any other prior conviction that is used to enhance the penalty for the most recent  
 13185 violation of Subsection (2).

13186 [~~(7) (6) The prosecuting attorney, or the grand jury if an indictment is returned, shall~~  
 13187 ~~include notice in the information or indictment that the offense is subject to an~~  
 13188 ~~enhancement under Subsection [(5)] (3)(b) or (c).~~

13189 Section 226. Section **76-6-525**, which is renumbered from Section 76-10-1801 is renumbered  
 13190 and amended to read:

13191 **[76-10-1801] 76-6-525 (Effective 05/07/25). Communications fraud.**

13192 (1)(a) As used in this section, "sensitive personal identifying information" means  
 13193 information regarding an individual's:

13194 (i) social security number;

13195 (ii) driver license number or other government-issued identification number;

13196 (iii) financial account number or credit or debit card number;

13197 (iv) password or personal identification number or other identification required to  
 13198 gain access to a financial account or a secure website;

13199 (v) automated or electronic signature;

- 13200           (vi) unique biometric data; or
- 13201           (vii) any other information that can be used to gain access to an individual's financial
- 13202                   accounts or to obtain goods or services.
- 13203           (b) Terms defined in Section 76-1-101.5 apply to this section.
- 13204           (2) ~~[Any person who]~~ An actor commits communications fraud if the actor has devised any
- 13205                   scheme or artifice to defraud another or to obtain from another money, property, or
- 13206                   anything of value by means of false or fraudulent pretenses, representations, promises,
- 13207                   or material omissions, and who communicates directly or indirectly with any person by
- 13208                   any means for the purpose of executing or concealing the scheme or artifice.
- 13209           (3) ~~[is guilty of]~~ A violation of Subsection (2) is:
- 13210                   (a) a class B misdemeanor when the value of the property, money, or thing obtained or
- 13211                   sought to be obtained is less than \$500;
- 13212                   (b) a class A misdemeanor when the value of the property, money, or thing obtained or
- 13213                   sought to be obtained is or exceeds \$500 but is less than \$1,500;
- 13214                   (c) a third degree felony when the value of the property, money, or thing obtained or
- 13215                   sought to be obtained is or exceeds \$1,500 but is less than \$5,000;
- 13216                   (d) a second degree felony when the value of the property, money, or thing obtained or
- 13217                   sought to be obtained is or exceeds \$5,000; and
- 13218                   (e) a second degree felony when the object or purpose of the scheme or artifice to
- 13219                   defraud is the obtaining of sensitive personal identifying information, regardless of
- 13220                   the value.
- 13221           ~~[(2)]~~ (4) The determination of the degree of [any] an offense under Subsection ~~[(1) shall be]~~
- 13222                   (2) is measured by the total value of all property, money, or things obtained or sought to
- 13223                   be obtained by the scheme or artifice described in Subsection ~~[(1)]~~ (2) except as provided
- 13224                   in Subsection ~~[(1)(e)]~~ (3)(e).
- 13225           ~~[(3)]~~ (5)(a) Reliance on the part of any person is not a necessary element of the offense
- 13226                   described in Subsection ~~[(1)]~~ (2).
- 13227           ~~[(4)]~~ (b) An intent on the part of the ~~[perpetrator]~~ actor of any offense described in
- 13228                   Subsection ~~[(1)]~~ (2) to permanently deprive any person of property, money, or thing
- 13229                   of value is not a necessary element of the offense.
- 13230           ~~[(5)]~~ (c) Each separate communication made for the purpose of executing or concealing a
- 13231                   scheme or artifice described in Subsection ~~[(1)]~~ (2) is a separate act and offense of
- 13232                   communication fraud.
- 13233           (6)(a) To communicate as described in Subsection ~~[(1)]~~ (2) means to:

- 13234 (i) bestow, convey, make known, recount, or impart;
- 13235 (ii) give by way of information;
- 13236 (iii) talk over; or
- 13237 (iv) transmit information.
- 13238 (b) Means of communication include use of the mail, telephone, telegraph, radio,
- 13239 television, newspaper, computer, and spoken and written communication.
- 13240 (7) ~~[A person]~~ An actor may not be convicted under this section unless the pretenses,
- 13241 representations, promises, or material omissions made or omitted were made or omitted
- 13242 intentionally, knowingly, or with a reckless disregard for the truth.
- 13243 ~~[(8) As used in this section, "sensitive personal identifying information" means~~
- 13244 ~~information regarding an individual's:]~~
- 13245 ~~[(a) Social Security number;]~~
- 13246 ~~[(b) driver's license number or other government issued identification number;]~~
- 13247 ~~[(c) financial account number or credit or debit card number;]~~
- 13248 ~~[(d) password or personal identification number or other identification required to gain~~
- 13249 ~~access to a financial account or a secure website;]~~
- 13250 ~~[(e) automated or electronic signature;]~~
- 13251 ~~[(f) unique biometric data; or]~~
- 13252 ~~[(g) any other information that can be used to gain access to an individual's financial~~
- 13253 ~~accounts or to obtain goods or services.]~~
- 13254 Section 227. Section **76-6-703.3** is amended to read:
- 13255 **76-6-703.3 (Effective 05/07/25). Unlawful use of technology to defraud.**
- 13256 (1)(a) As used in this section, "sensitive personal identifying information" means the
- 13257 same as that term is defined in Section ~~[76-10-1801]~~ 76-6-525.
- 13258 (b) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
- 13259 (2) An actor commits unlawful use of technology to defraud if the actor uses or knowingly
- 13260 allows another person to use a computer, computer network, computer property, or
- 13261 computer system, program, or software to devise or execute any artifice or scheme to
- 13262 defraud or to obtain money, property, a service, or other thing of value by a false
- 13263 pretense, promise, or representation.
- 13264 (3) A violation of Subsection (2) is:
- 13265 (a) a class B misdemeanor if the value of the money, property, service, or thing obtained
- 13266 or sought to be obtained is less than \$500;
- 13267 (b) a class A misdemeanor if the value of the money, property, service, or thing obtained

- 13268 or sought to be obtained is or exceeds \$500 but is less than \$1,500;
- 13269 (c) a third degree felony if the value of the money, property, service, or thing obtained or  
13270 sought to be obtained is or exceeds \$1,500 but is less than \$5,000; or
- 13271 (d) a second degree felony if:
- 13272 (i) the value of the money, property, service, or thing obtained or sought to be  
13273 obtained is or exceeds \$5,000; or
- 13274 (ii) the object or purpose of the artifice or scheme to defraud is the obtaining of  
13275 sensitive personal identifying information, regardless of the value.
- 13276 (4)(a) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing  
13277 in this section may be construed to impose liability or culpability on, an interactive  
13278 computer service for content provided by another person.
- 13279 (b) This section does not affect, limit, or apply to any activity or conduct that is  
13280 protected by the constitution or laws of this state, or by the constitution or laws of the  
13281 United States.
- 13282 (5)(a) An interactive computer service is not guilty of violating this section if a person  
13283 violates this section using the interactive computer service and the interactive  
13284 computer service did not knowingly assist the person to commit the violation.
- 13285 (b) A service provider is not guilty of violating this section for:
- 13286 (i) action taken in relation to a customer of the service provider, for a legitimate  
13287 business purpose, to install software on, monitor, or interact with the customer's  
13288 Internet or other network connection, service, or computer for network or  
13289 computer security purposes, authentication, diagnostics, technical support,  
13290 maintenance, repair, network management, updates of computer software or  
13291 system firmware, or remote system management; or
- 13292 (ii) action taken, including scanning and removing computer software, to detect or  
13293 prevent the following:
- 13294 (A) unauthorized or fraudulent use of a network, service, or computer software;  
13295 (B) illegal activity; or  
13296 (C) infringement of intellectual property rights.
- 13297 Section 228. Section **76-6-703.7** is amended to read:
- 13298 **76-6-703.7 (Effective 05/07/25). Unlawful computer access.**
- 13299 (1) Terms defined in Sections 76-1-101.5 and 76-6-702 apply to this section.
- 13300 (2) An actor commits unlawful computer access if:
- 13301 (a) the actor intentionally or knowingly, and without authorization, gains or attempts to



- 13302 gain access to a computer, computer network, computer property, or computer  
13303 system; and
- 13304 (b) the circumstances of the violation of Subsection (2)(a) do not constitute an offense  
13305 under Section 76-6-703, ~~[76-6-703.1,]~~76-6-703.3, ~~[or]~~76-6-703.5, or 76-12-205.
- 13306 (3) A violation of Subsection (2) is a class B misdemeanor.
- 13307 (4)(a) Notwithstanding Subsection (2), a retailer that uses an electronic product  
13308 identification or tracking system, or other technology, to identify, track, or price  
13309 goods is not guilty of a violation of this section if the equipment designed to read the  
13310 electronic product identification or tracking system data and used by the retailer to  
13311 identify, track, or price goods is located within the retailer's location.
- 13312 (b) It is an affirmative defense to a violation under this section that the actor obtained  
13313 access or attempted to obtain access:
- 13314 (i) in response to, and for the purpose of protecting against or investigating, a prior  
13315 attempted or successful breach of security of computer technology whose security  
13316 the actor is authorized or entitled to protect, and the access attempted or obtained  
13317 was no greater than reasonably necessary for that purpose; or
- 13318 (ii) pursuant to a search warrant or a lawful exception to the requirement to obtain a  
13319 search warrant.
- 13320 (c) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and nothing in  
13321 this section may be construed to impose liability or culpability on, an interactive  
13322 computer service for content provided by another person.
- 13323 (d) This section does not affect, limit, or apply to any activity or conduct that is  
13324 protected by the constitution or laws of this state, or by the constitution or laws of the  
13325 United States.
- 13326 (5)(a) An interactive computer service is not guilty of violating this section if an actor  
13327 violates this section using the interactive computer service and the interactive  
13328 computer service did not knowingly assist the actor to commit the violation.
- 13329 (b) A service provider is not guilty of violating this section for:
- 13330 (i) action taken in relation to a customer of the service provider, for a legitimate  
13331 business purpose, to install software on, monitor, or interact with the customer's  
13332 Internet or other network connection, service, or computer for network or  
13333 computer security purposes, authentication, diagnostics, technical support,  
13334 maintenance, repair, network management, updates of computer software or  
13335 system firmware, or remote system management; or

- 13336 (ii) action taken, including scanning and removing computer software, to detect or  
 13337 prevent the following:  
 13338 (A) unauthorized or fraudulent use of a network, service, or computer software;  
 13339 (B) illegal activity; or  
 13340 (C) infringement of intellectual property rights.

13341 Section 229. Section **76-6-705** is amended to read:

13342 **76-6-705 (Effective 05/07/25). Reporting violations.**

- 13343 (1) Each person who has reason to believe that a provision of Section 76-6-703, ~~[76-6-703.1,~~  
 13344 ~~]76-6-703.3, 76-6-703.5, [or]76-6-703.7, or 76-12-205~~ is being or has been violated  
 13345 shall report the suspected violation to:  
 13346 (a) the attorney general, or county attorney, or, if within a prosecution district, the  
 13347 district attorney of the county or prosecution district in which part or all of the  
 13348 violation occurred; or  
 13349 (b) a state or local law enforcement agency.

- 13350 (2) Subsection (1) does not apply to the extent that the person is prohibited from reporting  
 13351 by a statutory or common law privilege.

13352 Section 230. Section **76-6-1202** is amended to read:

13353 **76-6-1202 (Effective 05/07/25). Definitions.**

13354 As used in this part:

- 13355 (1) "Mortgage lending process" means the process through which a person seeks or obtains  
 13356 a mortgage loan, including solicitation, application, or origination, negotiation of terms,  
 13357 third-party provider services, underwriting, signing and closing, and funding of the loan.  
 13358 (2) "Mortgage loan":  
 13359 (a) means a loan or agreement made to extend credit to a person when the loan is  
 13360 secured by a deed, security deed, mortgage, security interest, deed of trust, or other  
 13361 document representing a security interest or lien upon any interest in one-to-four  
 13362 family residential property; and  
 13363 (b) includes the renewal or refinancing of any loan.  
 13364 (3) "Pattern of unlawful activity" ~~[has the same definition as]~~ means the same as that term is  
 13365 defined in Section [76-10-1602] 76-17-401.  
 13366 (4) "Sensitive personal identifying information" includes:  
 13367 (a) the following information regarding an individual's:  
 13368 (i) Social Security number;  
 13369 (ii) driver license number or other government issued identification number;

- 13370 (iii) financial account number or credit or debit card number;
- 13371 (iv) password or personal identification number or other identification required to
- 13372 gain access to a financial account or a secure website;
- 13373 (v) automated or electronic signature; and
- 13374 (vi) unique biometric data; and
- 13375 (b) any other information that can be used to gain access to an individual's financial
- 13376 accounts or to obtain goods or services.
- 13377 (5) "Value" means the value of the property, money, or thing obtained or sought to be
- 13378 obtained.
- 13379 Section 231. Section **76-7-101** is amended to read:
- 13380 **76-7-101 (Effective 05/07/25). Bigamy.**
- 13381 (1) An individual is guilty of bigamy if:
- 13382 (a) the individual purports to marry another individual; and
- 13383 (b) knows or reasonably should know that one or both of the individuals described in
- 13384 Subsection (1)(a) are legally married to another individual.
- 13385 (2) An individual who violates Subsection (1) is guilty of an infraction.
- 13386 (3) An individual is guilty of a third degree felony if the individual induces bigamy:
- 13387 (a) under fraudulent or false pretenses; or
- 13388 (b) by threat or coercion.
- 13389 (4) An individual is guilty of a second degree felony if the individual:
- 13390 (a) cohabitates with another individual with whom the individual is engaged in bigamy
- 13391 as described in Subsection (1); and
- 13392 (b) in furtherance of the conduct described in Subsection (4)(a), commits a felony
- 13393 offense, or for Subsection (4)(b)(xiii), a misdemeanor offense, in violation of one or
- 13394 more of the following:
- 13395 (i) Section 76-5-109, child abuse;
- 13396 (ii) Section 76-5-109.2, aggravated child abuse;
- 13397 (iii) Section 76-5-109.3, child abandonment;
- 13398 (iv) Section 76-5-111, abuse of a vulnerable adult;
- 13399 (v) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- 13400 (vi) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
- 13401 (vii) Section 76-5-111.4, financial exploitation of a vulnerable adult;
- 13402 (viii) Chapter 5, Part 2, Criminal Homicide;
- 13403 (ix) Section 76-5-208, child abuse homicide;

- 13404 (x) Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;  
 13405 (xi) Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-419, or  
 13406 76-5-420;  
 13407 (xii) Section 76-7-201, criminal nonsupport;  
 13408 [~~(xiii)~~ ~~Section 76-9-702.1, sexual battery;~~]  
 13409 [~~(xiv)~~] (xiii) Title 77, Chapter 36, Cohabitant Abuse Procedures Act; or  
 13410 [~~(xv)~~] (xiv) Title 78B, Chapter 7, Part 8, Criminal Protective Orders.

13411 (5) It is a defense to prosecution under Subsection (2) that:

- 13412 (a) the individual ceased the practice of bigamy as described in Subsection (1) under  
 13413 reasonable fear of coercion or bodily harm;  
 13414 (b) the individual entered the practice of bigamy, as described in Subsection (1), as a  
 13415 minor and ceased the practice of bigamy at any time after the individual entered the  
 13416 practice of bigamy; or  
 13417 (c) law enforcement discovers that the individual practices bigamy, as described in  
 13418 Subsection (1), as a result of the individual's efforts to protect the safety and welfare  
 13419 of another individual.

13420 Section 232. Section **76-8-107** is amended to read:

13421 **76-8-107 (Effective 05/07/25). Alteration of proposed legislative bill or**  
 13422 **resolution.**

- 13423 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.  
 13425 (2) An actor commits alteration of proposed legislative bill or resolution if the actor  
 13426 fraudulently alters the draft of a bill or resolution that has been presented to either of the  
 13427 houses composing the Legislature to be passed or adopted, with intent to procure the  
 13428 proposed legislative bill or resolution being passed or adopted by either house, or  
 13429 certified by the presiding officer of either house in language different from that intended  
 13430 by either house.

13431 (3) A violation of Subsection (2) is a third degree felony.

13432 Section 233. Section **76-8-311.1** is amended to read:

13433 **76-8-311.1 (Effective 05/07/25). Establishment of secure areas -- Items**  
 13434 **prohibited -- References to penalty provisions.**

13435 (1)(a) As used in this section:

- 13436 (i) "Correctional facility" means the same as that term is defined in Section  
 13437 76-8-311.3.  
 13438 (ii) "Dangerous weapon" means the same as that term is defined in Section [

- 13439                    ~~76-10-501~~ 76-11-101.
- 13440                    (iii) "Explosive" means the same as the term "explosive, chemical, or incendiary  
13441                    device" defined in Section ~~[76-10-306]~~ 76-15-210.
- 13442                    (iv) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~  
13443                    76-11-101.
- 13444                    (v) "Law enforcement facility" means a facility that is owned, leased, or operated by  
13445                    a law enforcement agency.
- 13446                    (vi) "Mental health facility" means the same as that term is defined in Section  
13447                    26B-5-301.
- 13448                    (vii)(A) "Secure area" means an area created under this section into which certain  
13449                    persons are restricted from transporting a firearm or other dangerous weapon,  
13450                    ammunition, or explosive.
- 13451                    (B) A "secure area" may not include any area normally accessible to the public.
- 13452                    (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 13453                    (2)(a) The State Tax Commission or a correctional, law enforcement, or mental health  
13454                    facility may establish secure areas within the facility and may prohibit or control by  
13455                    rule any firearm or other dangerous weapon, ammunition, or explosive.
- 13456                    (b) Subsections (2)(a), (3), (4), and (5) apply to a higher education secure area hearing  
13457                    room referred to in Subsections 53B-3-103(2)(a)(ii) and (b).
- 13458                    (3) An entity that creates a secure area under this section shall ensure that at least one notice  
13459                    is prominently displayed at each entrance to the secure area in which a firearm,  
13460                    ammunition, dangerous weapon, or explosive is restricted.
- 13461                    (4)(a) An entity that creates a secure area under this section shall provide a secure  
13462                    weapons storage area so that an individual entering the secure area may store the  
13463                    individual's weapon before entering the secure area.
- 13464                    (b) The entity operating the facility shall be responsible for a weapon while the weapon  
13465                    is stored in the storage area described in Subsection (4)(a).
- 13466                    (5)(a) An actor who transports a firearm or other dangerous weapon or ammunition into  
13467                    a secure area created under this section or a higher education secure area hearing  
13468                    room created under this section may be punished under Section 76-8-311.2.
- 13469                    (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an  
13470                    explosive in a secure area or a higher education secure area hearing room created  
13471                    under this section may be punished under Section ~~[76-10-306]~~ 76-15-210.
- 13472                    (c) It is a defense to a prosecution related to this section that the actor acted in

13473 conformity with the facility's rule or policy established pursuant to this section.

13474 Section 234. Section **76-8-311.2** is amended to read:

13475 **76-8-311.2 (Effective 05/07/25). Prohibited dangerous weapon or ammunition in**  
 13476 **a secure area.**

13477 (1)(a) As used in this section:

13478 (i) "Correctional facility" means the same as that term is defined in Section  
 13479 76-8-311.3.

13480 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
 13481 ~~76-10-501~~] 76-11-101.

13482 (iii) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
 13483 76-11-101.

13484 (iv) "Higher education secure area" means a higher education secure area hearing  
 13485 room created under Section 76-8-311.1.

13486 (v) "Law enforcement facility" means the same as that term is defined in Section  
 13487 76-8-311.1.

13488 (vi) "Secure area" means the same as that term is defined in Section 76-8-311.1.

13489 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

13490 (2) An actor commits prohibited dangerous weapon or ammunition in a secure area if the  
 13491 actor knowingly or intentionally transports a firearm or other dangerous weapon or  
 13492 ammunition into:

13493 (a) a correctional facility;

13494 (b) a secure area created by the State Tax Commission;

13495 (c) a secure area in a law enforcement facility or a mental health facility; or

13496 (d) a higher education secure area.

13497 (3) Except as provided in Section 76-8-311.4, 76-8-311.6, or 76-8-311.7, a violation of  
 13498 Subsection (2) is a third degree felony.

13499 (4) It is a defense to a prosecution under this section that the actor acted in conformity with  
 13500 the facility's rule or policy established under Section 76-8-311.1.

13501 Section 235. Section **76-8-311.3** is amended to read:

13502 **76-8-311.3 (Effective 05/07/25). Establishment of prohibited item policy in a**  
 13503 **correctional or mental health facility -- Reference to penalty provisions -- Exceptions --**  
 13504 **Rulemaking.**

13505 (1)(a) As used in this section:

13506 (i) "Communication device" means a device designed to receive or transmit an

- 13507 image, text message, email, video, location information, or voice communication,  
 13508 or another device that can be used to communicate electronically.
- 13509 (ii) "Controlled substance" means a substance defined as a controlled substance under  
 13510 Title 58, Chapter 37, Utah Controlled Substances Act.
- 13511 (iii) "Correctional facility" means:  
 13512 (A) a facility operated by or contracting with the Department of Corrections to  
 13513 house an offender in either a secure or nonsecure setting;  
 13514 (B) a facility operated by a municipality or a county to house or detain an offender;  
 13515 (C) a juvenile detention facility; or  
 13516 (D) a building or grounds appurtenant to a facility or land granted to the state,  
 13517 municipality, or county for use as a correctional facility.
- 13518 (iv) "Dangerous weapon" means the same as that term is defined in Section [  
 13519 ~~76-10-501~~] 76-11-101.
- 13520 (v) "Electronic cigarette product" means the same as that term is defined in Section [  
 13521 ~~76-10-101~~] 76-9-1101.
- 13522 (vi) "Firearm" means the same as that term is defined in Section [~~76-10-501~~]  
 13523 76-11-101.
- 13524 (vii) "Medicine" means a prescription drug as defined in Title 58, Chapter 17b,  
 13525 Pharmacy Practice Act, but does not include a controlled substance as defined in  
 13526 Title 58, Chapter 37, Utah Controlled Substances Act.
- 13527 (viii) "Mental health facility" means the same as that term is defined in Section  
 13528 26B-5-301.
- 13529 (ix) "Nicotine product" means the same as that term is defined in Section [~~76-10-101~~]  
 13530 76-9-1101.
- 13531 (x) "Offender" means an individual in custody at a correctional facility.
- 13532 (xi) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 13533 (xii) "Tobacco product" means the same as that term is defined in Section [~~76-10-101~~]  
 13534 76-9-1101.
- 13535 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 13536 (2)(a) Notwithstanding Section [~~76-10-500~~] 53-5a-102, a correctional facility or mental  
 13537 health facility may prohibit a firearm, ammunition, a dangerous weapon, an  
 13538 implement of escape, an explosive, a controlled substance, spirituous or fermented  
 13539 liquor, medicine, or poison from being:  
 13540 (i) transported to or within a correctional facility or mental health facility;

- 13541 (ii) sold or given away to an offender at a correctional facility or mental health  
 13542 facility; or
- 13543 (iii) possessed by an offender or another individual at a correctional facility or mental  
 13544 health facility.
- 13545 (b) A correctional facility may prohibit a communication device from being:
- 13546 (i) transported within the correctional facility for the purpose of being sold to an  
 13547 offender in the correctional facility;
- 13548 (ii) sold or given away to an offender in the correctional facility; or
- 13549 (iii) possessed by an offender or another individual at the correctional facility.
- 13550 (3) It is a defense to a prosecution related to this section that the actor, in committing the act  
 13551 made criminal by this section with respect to:
- 13552 (a) a correctional facility operated by the Department of Corrections, acted in conformity  
 13553 with departmental rule or policy;
- 13554 (b) a correctional facility operated by a municipality, acted in conformity with the policy  
 13555 of the municipality;
- 13556 (c) a correctional facility operated by a county, acted in conformity with the policy of  
 13557 the county; or
- 13558 (d) a mental health facility, acted in conformity with the policy of the mental health  
 13559 facility.
- 13560 (4)(a) Except as provided by Subsection (4)(b) or (4)(c), an actor may be charged under  
 13561 Section 76-8-311.4, 76-8-311.6, 76-8-311.7, 76-8-311.8, 76-8-311.9, 76-8-311.10, or  
 13562 76-8-311.11 for a violation of a policy or rule created under this section.
- 13563 (b) An actor who knowingly or intentionally transports, possesses, distributes, or sells an  
 13564 explosive in a correctional facility or a mental health facility may be punished under  
 13565 Section ~~[76-10-306]~~ 76-15-210 or 76-15-211.
- 13566 (c) The possession, distribution, or use of a controlled substance at a correctional facility  
 13567 or in a secure area of a mental health facility shall be charged under Title 58, Chapter  
 13568 37, Utah Controlled Substances Act.
- 13569 (5) Exemptions to a policy or rule created under this section may be granted for worship of  
 13570 Native American inmates in accordance with Section 64-13-40.
- 13571 Section 236. Section **76-8-311.4** is amended to read:
- 13572 **76-8-311.4 (Effective 05/07/25). Prohibited item in correctional or mental health**  
 13573 **facility for use by offender or detainee.**
- 13574 (1)(a) As used in this section:



- 13575 (i) "Correctional facility" means the same as that term is defined in Section  
 13576 76-8-311.3.
- 13577 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
 13578 ~~76-10-501~~] 76-11-101.
- 13579 (iii) "Mental health facility" means the same as that term is defined in Section  
 13580 76-8-311.3.
- 13581 (iv) "Offender" means the same as that term is defined in Section 76-8-311.3.
- 13582 (v) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 13583 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 13584 (2) An actor commits prohibited item in correctional or mental health facility for use by  
 13585 offender or detainee if the actor:
- 13586 (a) transports a dangerous weapon, ammunition, or implement of escape to or within a  
 13587 correctional facility, or into a secure area of a mental health facility, with the intent to  
 13588 provide or sell to an offender or detainee the dangerous weapon, ammunition, or  
 13589 implement of escape; or
- 13590 (b) provides or sells a dangerous weapon, ammunition, or implement of escape to:
- 13591 (i) an offender at a correctional facility; or
- 13592 (ii) a detainee at a secure area of a mental health facility.
- 13593 (3) Except as provided in Subsection (4), a violation of Subsection (2) is a second degree  
 13594 felony.
- 13595 (4) The defenses provided in Section 76-8-311.3 apply to this section.
- 13596 Section 237. Section **76-8-311.7** is amended to read:
- 13597 **76-8-311.7 (Effective 05/07/25). Possession of prohibited item in correctional**  
 13598 **facility or secure area of mental health facility.**
- 13599 (1)(a) As used in this section:
- 13600 (i) "Correctional facility" means the same as that term is defined in Section  
 13601 76-8-311.3.
- 13602 (ii) "Dangerous weapon" means the same as that term is defined in Section [  
 13603 ~~76-10-501~~] 76-11-101.
- 13604 (iii) "Mental health facility" means the same as that term is defined in Section  
 13605 76-8-311.3.
- 13606 (iv) "Secure area" means the same as that term is defined in Section 76-8-311.1.
- 13607 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 13608 (2) An actor commits possession of prohibited item in correctional facility or secure area of

13609 mental health facility if the actor, without the permission of the authority operating the  
 13610 correctional facility or the secure area of a mental health facility, knowingly possesses a  
 13611 dangerous weapon, ammunition, or implement of escape at a correctional facility or in a  
 13612 secure area of a mental health facility.

13613 (3) Except as provided in Section 76-8-311.6 or Subsection (4), a violation of Subsection (2)  
 13614 is a third degree felony.

13615 (4) The defenses provided in Section 76-8-311.3 apply to this section.

13616 Section 238. Section **76-8-318** is amended to read:

13617 **76-8-318 (Effective 05/07/25). Assault or threat of violence against child welfare**  
 13618 **worker.**

13619 (1)(a) As used in this section:

13620 (i) "Assault" means an offense under Section 76-5-102.

13621 (ii) "Child welfare worker" means an employee of the Division of Child and Family  
 13622 Services created in Section 80-2-201.

13623 (iii) "Threat of violence" means an offense under Section 76-5-107.

13624 (b) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.

13625 (2) An actor commits assault or threat of violence against child welfare worker if:

13626 (a) the actor is not:

13627 (i) a prisoner or an individual detained under Section 77-7-15; or

13628 (ii) a minor in the custody of or receiving services from a division within the  
 13629 Department of Health and Human Services;

13630 (b) the actor commits an assault or threat of violence against an individual;

13631 (c) the individual described in Subsection (2)(b) is a child welfare worker;

13632 [~~(b)~~] (d) the actor knew that the [victim was] individual described in Subsection (2)(b) is  
 13633 a child welfare worker; and

13634 [~~(e)~~] (e) the child welfare worker was acting within the scope of the child welfare  
 13635 worker's authority at the time of the assault or threat of violence.

13636 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
 13637 misdemeanor.

13638 (b) A violation of Subsection (2) is a third degree felony if the actor:

13639 (i) causes substantial bodily injury; and

13640 (ii) acts intentionally or knowingly.

13641 Section 239. Section **76-8-411** is amended to read:

13642 **76-8-411 (Effective 05/07/25). Trafficking in warrants.**

- 13643 (1) Terms defined in Sections 76-1-101.5 and 76-8-101 apply to this section.
- 13645 (2) An actor commits trafficking in warrants if the actor:
- 13646 (a) is [a] an officer of the state, a county, a city, a town, or a district~~[officer]~~; and
- 13647 (b) directly or indirectly contracts for or purchases a warrant or order issued by the state,
- 13648 county, city, town, or district of which the actor is an officer, at any discount
- 13649 whatever upon the sum due on the warrant or order.
- 13650 (3) A violation of Subsection (2) is a class B misdemeanor.
- 13651 Section 240. Section **76-9-101** is amended to read:

13652 **CHAPTER 9. OFFENSES AGAINST PUBLIC ORDER, HEALTH, AND SAFETY**

13653 **Part 1. Breaches of the Peace and Related Offenses**

13654 **76-9-101 (Effective 05/07/25). Riot.**

- 13655 (1) Terms defined in Section 76-1-101.5 apply to this section.
- 13656 (2) [An individual is guilty of] An actor commits riot if the [individual] actor:
- 13657 (a) simultaneously with two or more other individuals engages in violent conduct,
- 13658 knowingly or recklessly creating a substantial risk of causing public alarm;
- 13659 (b) assembles with two or more other individuals with the purpose of engaging, soon
- 13660 thereafter, in violent conduct, knowing, that two or more other individuals in the
- 13661 assembly have the same purpose;~~[or]~~
- 13662 (c) assembles with two or more other individuals with the purpose of committing an
- 13663 offense against a person, or the property of another person who the [individual] actor
- 13664 supposes to be guilty of a violation of law, believing that two or more other
- 13665 individuals in the assembly have the same purpose~~[.]~~ ; or
- 13666 ~~[(2)] (d) [Any individual who] refuses to comply with a lawful order to withdraw prior~~
- 13667 ~~to, during, or immediately following a violation of [Subsection (1) is guilty of riot.~~
- 13668 ~~It is no defense to a prosecution under this Subsection (2) that withdrawal must take~~
- 13669 ~~place over private property; provided, however, that an individual who withdraws in~~
- 13670 ~~compliance with an order to withdraw may not incur criminal or civil liability by~~
- 13671 ~~virtue of acts reasonably necessary to accomplish the withdrawal.] Subsection (2)(a),~~
- 13672 (b), or (c).
- 13673 (3)(a) Except as provided in Subsection ~~[(4), riot]~~ (3)(b), a violation of Subsection (2) is
- 13674 a class B misdemeanor.
- 13675 ~~[(4)] (b) [Riot] A violation of Subsection (2) is a third degree felony if, in the course of~~
- 13676 the ~~[conduct]~~ violation:

13677           ~~[(a)]~~ (i) the ~~[individual]~~ actor causes substantial or serious bodily injury;  
 13678           ~~[(b)]~~ (ii) the ~~[individual]~~ actor causes substantial property damage or commits arson; or  
 13679           ~~[(c)]~~ (iii) the ~~[individual]~~ actor was in possession of a dangerous weapon~~[as defined in~~  
 13680                    Section 76-1-101.5].

13681   (4) It is not a defense to a prosecution under Subsection (2)(d) that in order for an actor to  
 13682           comply with an order to withdraw the actor must enter or cross over private property.

13683   (5) An actor is not criminally or civilly liable for actions that the actor takes that are  
 13684           reasonably necessary to comply with an order to withdraw under Subsection (2)(d).

13685   ~~[(5)]~~ (6) An ~~[individual]~~ actor arrested for a violation of Subsection ~~[(4)]~~ (2) may not be  
 13686           released from custody before the ~~[individual]~~ actor appears before a magistrate or a judge.

13687   ~~[(6)]~~ The court shall order a defendant convicted under Subsection (4) to pay restitution in  
 13688           accordance with Section 77-38b-205.]

13689           Section 241. Section **76-9-102** is amended to read:

13690           **76-9-102 (Effective 05/07/25). Disorderly conduct.**

13691   (1)(a) As used in this section:

13692           ~~[(a)]~~ (i) "Official meeting" means:

13693                   ~~[(i)]~~ (A) a meeting, as defined in Section 52-4-103;

13694                   ~~[(ii)]~~ (B) a meeting of the Legislature, the Utah Senate, the Utah House of  
 13695                   Representatives, a legislative caucus, or any committee, task force, working  
 13696                   group, or other organization in the state legislative branch; or

13697                   ~~[(iii)]~~ (C) a meeting of an entity created by the Utah Constitution, Utah Code, Utah  
 13698                   administrative rule, legislative rule, or a written rule or policy of the  
 13699                   Legislative Management Committee.

13700           ~~[(b)]~~ (ii) "Public place" means a place to which the public or a substantial group of the  
 13701           public has access, including:

13702                   ~~[(i)]~~ (A) streets or highways; and

13703                   ~~[(ii)]~~ (B) the common areas of schools, hospitals, apartment houses, office  
 13704                   buildings, public buildings, public facilities, transport facilities, and shops.

13705           (b) Terms defined in Section 76-1-101.5 apply to this section.

13706   (2) An ~~[individual is guilty of]~~ actor commits disorderly conduct if:

13707           (a) the ~~[individual]~~ actor refuses to comply with the lawful order of a law enforcement  
 13708           officer to move from a public place or an official meeting, or knowingly creates a  
 13709           hazardous or physically offensive condition~~[,]~~by any act that serves no legitimate  
 13710           purpose; or

- 13711 (b) intending to cause public inconvenience, annoyance, or alarm, or recklessly creating  
 13712 a risk of public inconvenience, annoyance, or alarm, the [person] actor:
- 13713 (i) engages in fighting or in violent, tumultuous, or threatening behavior;  
 13714 (ii) makes unreasonable noises in a public place or an official meeting;  
 13715 (iii) makes unreasonable noises in a private place [which] that can be heard in a public  
 13716 place or an official meeting; or  
 13717 (iv) obstructs vehicular or pedestrian traffic in a public place or an official meeting.
- 13718 ~~[(3) The mere carrying or possession of a holstered or encased firearm, whether visible or~~  
 13719 ~~concealed, without additional behavior or circumstances that would cause a reasonable~~  
 13720 ~~person to believe the holstered or encased firearm was carried or possessed with~~  
 13721 ~~criminal intent, does not constitute a violation of this section. Nothing in this Subsection~~  
 13722 ~~(3) may limit or prohibit a law enforcement officer from approaching or engaging any~~  
 13723 ~~person in a voluntary conversation.]~~
- 13724 ~~[(4) (3)(a) [An individual who violates this section is guilty of:] Except as provided in~~  
 13725 ~~Subsection (3)(b), (c), or (d), a violation of Subsection (2) is an infraction.~~
- 13726 ~~[(a) except as provided in Subsection (4)(b), (e), or (d), an infraction;~~
- 13727 (b) ~~[except] Except as provided in Subsection [(4)(e) or (d),] (3)(c) or (d), a violation of~~  
 13728 ~~Subsection (2) is a class C misdemeanor[;]~~ if the violation occurs after the [individual]  
 13729 ~~actor~~ has been asked to cease conduct prohibited under this section[;] .
- 13730 (c) ~~[except] Except as provided in Subsection [(4)(d)] (3)(d), a violation of Subsection (2)~~  
 13731 ~~is a class B misdemeanor[;]~~ if:
- 13732 (i) the violation occurs after the [individual] actor has been asked to cease conduct  
 13733 prohibited under this section; and
- 13734 (ii) within five years before the day on which the [individual] actor violates this  
 13735 section, the [individual] actor was previously convicted of a violation of this  
 13736 section[; or] .
- 13737 (d) A violation of Subsection (2) is a class A misdemeanor[;] if:
- 13738 (i) the violation occurs after the [individual] actor has been asked to cease conduct  
 13739 prohibited under this section; and
- 13740 (ii) within five years before the day on which the [individual] actor violates this  
 13741 section, the [individual] actor was previously convicted of two or more violations  
 13742 of this section.
- 13743 (4)(a) The mere carrying or possession of a holstered or encased firearm, whether  
 13744 visible or concealed, without additional behavior or circumstances that would cause a

13745 reasonable person to believe the holstered or encased firearm was carried or  
 13746 possessed with criminal intent, does not constitute a violation of this section.

13747 (b) Subsection (4)(a) does not limit or prohibit a law enforcement officer from  
 13748 approaching or engaging an individual in a voluntary conversation.

13749 Section 242. Section **76-9-103** is amended to read:

13750 **76-9-103 (Effective 05/07/25). Disrupting a meeting or procession.**

13751 (1) Terms defined in Section 76-1-101.5 apply to this section.

13752 (2) ~~[A person is guilty of]~~ An actor commits disrupting a meeting or procession if[-  
 13753 intending to prevent or disrupt a lawful meeting, procession, or gathering;] the actor:

13754 (a) ~~[he]~~ obstructs or interferes with [the] a lawful meeting, procession, or gathering by  
 13755 physical action, verbal utterance, or any other means; and

13756 (b) intends the obstruction or disruption described in Subsection (2)(a) to prevent or  
 13757 disrupt the meeting, procession, or gathering.

13758 ~~[(2)]~~ (3) ~~[Disrupting a meeting or procession]~~ A violation of Subsection (2) is a class B  
 13759 misdemeanor.

13760 Section 243. Section **76-9-104** is amended to read:

13761 **76-9-104 (Effective 05/07/25). Failure to disperse.**

13762 (1) Terms defined in Section 76-1-101.5 apply to this section.

13763 (2) ~~[A person is guilty of]~~ An actor commits failure to disperse if the actor:

13764 (a) ~~[-when he remains-]~~ is at the scene of a riot, disorderly conduct, or an unlawful  
 13765 assembly; and

13766 (b) ~~[-]~~ remains at the scene of the riot, disorderly conduct, or unlawful assembly after  
 13767 having been ordered to disperse by a peace officer.

13768 ~~[(2) This section shall not apply to a person who attempted to but was unable to leave the~~  
 13769 ~~scene of the riot or unlawful assembly.]~~

13770 (3) ~~[Failure to disperse-]~~ A violation of Subsection (2) is a class C misdemeanor.

13771 (4) This section does not apply to an actor who attempts to leave the scene of a riot,  
 13772 disorderly conduct, or unlawful assembly but is unsuccessful in leaving the scene.

13773 Section 244. Section **76-9-105** is amended to read:

13774 **76-9-105 (Effective 05/07/25). Making a false alarm.**

13775 (1)(a) As used in this section, "weapon of mass destruction" means the same as that  
 13776 term is defined in Section 76-15-301.

13777 (b) Terms defined in Section 76-1-101.5 apply to this section.

13778 (2) ~~[A person is guilty of]~~ An actor commits making a false alarm if ~~[he]~~ the actor:

- 13779 (a) initiates or circulates a report or warning of [any] a fire, impending bombing, or other  
 13780 crime or catastrophe[;] ; and
- 13781 (b) ~~[knowing]~~ knows that that the report or warning described in Subsection (2)(a) is:  
 13782 (i) false or baseless[-and] ;  
 13783 (ii) is likely to cause the evacuation of [any] a building, place of assembly, or facility  
 13784 of public transport[;] ; and  
 13785 (iii) [to] likely to cause public inconvenience or alarm or action of any sort [by any] by  
 13786 an official or volunteer agency organized to deal with emergencies.
- 13787 ~~[(2)(a) A person is guilty of a second degree felony if the person makes a false alarm~~  
 13788 ~~relating to a weapon of mass destruction as defined in Section 76-10-401.]~~
- 13789 ~~[(b) A person is guilty of a third degree felony if:]~~
- 13790 ~~[(i) the person makes a false alarm alleging on ongoing act or event, or an imminent threat;~~  
 13791 ~~and]~~
- 13792 ~~[(ii) the false alarm causes or threatens to cause bodily harm, serious bodily injury, or~~  
 13793 ~~death to another person.]~~
- 13794 ~~[(c) Making a false alarm other than under Subsection (2)(a) or (b) is a class B~~  
 13795 ~~misdemeanor.]~~
- 13796 (3)(a) Except as provided in Subsection (3)(b) or (c), a violation of Subsection (2) is a  
 13797 class B misdemeanor.
- 13798 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a third  
 13799 degree felony if:
- 13800 (i) the actor makes a false alarm alleging an ongoing act or event, or an imminent  
 13801 threat; and
- 13802 (ii) the false alarm causes or threatens to cause bodily harm, serious bodily injury, or  
 13803 death to another individual.
- 13804 (c) A violation of Subsection (2) is a second degree felony if the false alarm is regarding  
 13805 a weapon of mass destruction.
- 13806 (4) In addition to any other penalty authorized by law, a court shall order [any person] an  
 13807 actor convicted of a felony violation of this section to reimburse any federal, state, or  
 13808 local unit of government, or any private business, organization, individual, or entity for  
 13809 all expenses and losses incurred in responding to the violation, unless the court states on  
 13810 the record the reasons why the court finds the reimbursement would be inappropriate.
- 13811 Section 245. Section **76-9-105.5**, which is renumbered from Section 76-9-202 is renumbered  
 13812 and amended to read:

- 13813 ~~[76-9-202]~~ **76-9-105.5 (Effective 05/07/25). Emergency reporting abuse.**
- 13814 (1)(a) As used in this section:
- 13815 (i) "Emergency" means a situation in which property or human life is in jeopardy and
- 13816 the prompt summoning of aid is essential to the preservation of human life or
- 13817 property.
- 13818 (ii) "Party line" means a subscriber's line or telephone circuit:
- 13819 (A) that consists of two or more connected main telephone stations; and
- 13820 (B) where each telephone station has a distinctive ring or telephone number.
- 13821 (iii) "Weapon of mass destruction" means the same as that term is defined in Section
- 13822 76-15-301.
- 13823 (b) Terms defined in Sections 76-1-101.5 apply to this section.
- 13824 (2) An actor ~~[is guilty of]~~ commits emergency reporting abuse if the actor:
- 13825 ~~[(a) intentionally refuses to yield or surrender the use of a party line or a public pay~~
- 13826 ~~telephone to another individual upon being informed that the telephone is needed to~~
- 13827 ~~report a fire or summon police, medical, or other aid in case of emergency, unless the~~
- 13828 ~~telephone is likewise being used for an emergency call;]~~
- 13829 ~~[(b) asks for or requests the use of a party line or a public pay telephone on the pretext~~
- 13830 ~~that an emergency exists, knowing that no emergency exists;]~~
- 13831 ~~[(e)]~~ (a) ~~[except as provided in Subsection (2)(d),]~~ reports an emergency or causes an
- 13832 emergency to be reported, through any means, to a public, private, or volunteer entity
- 13833 whose purpose is to respond to fire, police, or medical emergencies, when the actor
- 13834 knows the reported emergency does not exist;
- 13835 ~~[(d)]~~ (b) makes a false report, or intentionally aids, abets, or causes another person to
- 13836 make a false report, through any means to an emergency response service, including
- 13837 a law enforcement dispatcher or a 911 emergency response service, if the false report
- 13838 claims that:
- 13839 (i) an emergency exists or will exist;
- 13840 (ii) the emergency described in Subsection ~~[(2)(d)(i)]~~ (2)(b)(i) involves an imminent
- 13841 or future threat of serious bodily injury, serious physical injury, or death; and
- 13842 (iii) the emergency described in Subsection ~~[(2)(d)(i)]~~ (2)(b)(i) is occurring, or will
- 13843 occur, at a specified location; or
- 13844 ~~[(e)]~~ (c) makes a false report after having previously made a false report, or intentionally
- 13845 aides, abets, or causes a third party to make a false report, to an emergency response
- 13846 service, including a law enforcement dispatcher or a 911 emergency response service,



- 13847 alleging a violation of Section 63G-31-302 regarding a sex-designated changing  
 13848 room.
- 13849 ~~(3)(a) A violation of Subsection (2)(a) or (b) is a class C misdemeanor.]~~
- 13850 ~~[(b) (a) [A] Except as provided in Subsection (3)(b), a violation of Subsection [(2)(e)]~~  
 13851 ~~(2)(a) is a class B misdemeanor[; except as provided under Subsection (3)(e)].~~
- 13852 ~~[(e) (b) A violation of Subsection [(2)(e)] (2)(a) is a second degree felony if the report is~~  
 13853 ~~regarding a weapon of mass destruction[; as defined in Section 76-10-401].~~
- 13854 ~~[(d) (c) A violation of Subsection [(2)(d)] (2)(b) is a second degree felony[-].~~
- 13855 ~~[(e) (d) A violation of Subsection [(2)(e)] (2)(c) is a class B misdemeanor.~~
- 13856 (4)(a) In addition to another penalty authorized by law, a court shall order an actor  
 13857 convicted of a violation of this section to reimburse a federal, state, or local unit of  
 13858 government, or a private business, organization, individual, or entity for all expenses  
 13859 and losses incurred in responding to the violation.
- 13860 (b) The court may order that the ~~[defendant] actor~~ pay less than the full amount of the  
 13861 costs described in Subsection (4)(a) only if the court states on the record the reasons  
 13862 why the reimbursement would be inappropriate.
- 13863 Section 246. Section **76-9-105.6** is enacted to read:
- 13864 **76-9-105.6 (Effective 05/07/25). Prohibited use of a party line or public pay**  
 13865 **telephone in an emergency.**
- 13866 (1)(a) As used in this section:
- 13867 (i) "Emergency" means the same as that term is defined in Section 76-9-105.5.  
 13868 (ii) "Party line" means the same as that term is defined in Section 76-9-105.5.
- 13869 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 13870 (2) An actor commits prohibited use of a party line or public pay telephone in an  
 13871 emergency if the actor:
- 13872 (a) intentionally refuses to yield or surrender the use of a party line or a public pay  
 13873 telephone to another individual upon being informed that the party line or public pay  
 13874 telephone is needed to report a fire or summon police, medical, or other aid in case of  
 13875 an emergency; or
- 13876 (b) asks for or requests the use of a party line or a public pay telephone on the pretext  
 13877 that an emergency exists, knowing that no emergency exists.
- 13878 (3) A violation of Subsection (2) is a class C misdemeanor.
- 13879 (4) Subsection (2)(a) does not apply if the actor refuses to yield or surrender the use of the  
 13880 party line or public pay telephone because the actor is using the party line or public pay

13881 telephone to report an emergency.

13882 (5)(a) In addition to another penalty authorized by law, a court shall order an actor  
 13883 convicted of a violation of this section to reimburse a federal, state, or local unit of  
 13884 government, or a private business, organization, individual, or entity for all expenses  
 13885 and losses incurred in responding to the violation.

13886 (b) The court may order that the actor pay less than the full amount of the costs  
 13887 described in Subsection (5)(a) only if the court states on the record the reasons why  
 13888 the full reimbursement would be inappropriate.

13889 Section 247. Section **76-9-106** is amended to read:

13890 **76-9-106 (Effective 05/07/25). Disrupting the operation of a school.**

13891 (1) Terms defined in Section 76-1-101.5 apply to this section.

13892 ~~(2) [A person is guilty of]~~ An actor commits disrupting the operation of a school if the [  
 13893 person,] actor:

13894 (a) [after being asked to leave by a school official, remains] is on [school] the property of  
 13895 a private or public school, including property being used by the school for a school  
 13896 function;

13897 (b) [for] has the purpose of encouraging or creating an unreasonable and substantial  
 13898 disruption or risk of disruption of a class, activity, program, or other function of [a  
 13899 public or private school] the school; and

13900 (c) remains on the property after being requested to leave by a school official.

13901 ~~[(2) For purposes of this section, "school property" includes property being used by a~~  
 13902 ~~public or private school for a school function.]~~

13903 ~~(3) [Disrupting the operation of a school]~~ A violation of Subsection (2) is a class B  
 13904 misdemeanor.

13905 Section 248. Section **76-9-107** is amended to read:

13906 **76-9-107 (Effective 05/07/25). Unauthorized entry onto a school bus.**

13907 (1)(a) As used in this section:

13908 ~~[(a)]~~ (i) "Driver" means the driver of [the] a school bus.

13909 ~~[(b)]~~ (ii) "School bus" means [every] a publicly or privately owned motor vehicle  
 13910 designed for transporting 10 or more passengers and operated for the  
 13911 transportation of children to or from school or school activities.

13912 (b) Terms defined in Section 76-1-101.5 apply to this section.

13913 ~~(2) [A person is guilty of a class B misdemeanor if the person]~~ An actor commits  
 13914 unauthorized entry onto a school bus if the actor:

- 13915 (a) enters a school bus with the intent to commit a criminal offense;
- 13916 (b) enters a school bus and disrupts or interferes with the driver; or
- 13917 (c) enters a school bus and refuses to leave the school bus after being ordered to leave by
- 13918 the driver and the ~~[person]~~ actor:
- 13919 ~~[(i) is not a peace officer acting within the scope of his or her authority as a peace~~
- 13920 ~~officer;]~~
- 13921 ~~[(ii) is not authorized by the school district to board the bus as a student or as an~~
- 13922 ~~individual employed by the school district or volunteering as a participant in a~~
- 13923 ~~school activity;]~~
- 13924 ~~[(iii) (i) causes or attempts to cause a disruption or an annoyance to any passenger on~~
- 13925 ~~the school bus; or~~
- 13926 ~~[(iv) (ii) is reckless as to whether the [person's] actor's presence or behavior will cause~~
- 13927 ~~fear [on the part of any] to a passenger on the school bus.~~
- 13928 (3) A violation of Subsection (2) is a class B misdemeanor.
- 13929 (4) Subsection (2)(c) does not apply:
- 13930 (a) if the actor is a peace officer acting within the scope of the peace officer's authority;
- 13931 or
- 13932 (b) the actor is authorized by the school district to board the school bus as:
- 13933 (i) a student;
- 13934 (ii) an individual employed by the school district; or
- 13935 (iii) a volunteer participant in a school activity.
- 13936 ~~[(3)]~~ (5) Each school district shall ensure that clearly legible signs [be] warning that
- 13937 unauthorized entry onto a school bus is a violation of the law are placed on each school
- 13938 bus[-] and next to each entrance to the bus[-, warning that unauthorized entry of a school
- 13939 bus is a violation of state law].
- 13940 Section 249. Section **76-9-108** is amended to read:
- 13941 **76-9-108 (Effective 05/07/25). Disrupting a funeral or memorial service.**
- 13942 (1)(a) As used in this section:
- 13943 ~~[(a)]~~ (i) "Funeral procession" means a procession of two or more motor vehicles
- 13944 where:
- 13945 ~~[(i)]~~ (A) the operators of the vehicles identify themselves as being part of the
- 13946 procession by having the lamps or lights of the vehicle on and by keeping in
- 13947 close formation with the other vehicles in the procession;
- 13948 ~~[(ii)]~~ (B) at least one vehicle contains the body or remains of a deceased person

- 13949 being memorialized; and
- 13950 [(iii)] (C) the vehicles are going to or from a memorial service.
- 13951 [(b)] (ii) "Memorial service" means a wake, funeral, graveside service, burial, or other
- 13952 ceremony or rite held in connection with the burial or cremation of an individual.
- 13953 [(e)] (iii) "Memorial site" means a church, synagogue, mosque, funeral home,
- 13954 mortuary, cemetery, grave site, mausoleum, or other place at which a memorial
- 13955 service is conducted.
- 13956 [(d)] (iv) "Disruptive activity" means:
- 13957 [(i)] (A) a loud or disruptive oration or speech that is not part of the memorial
- 13958 service;
- 13959 [(ii)] (B) the display of a placard, banner, poster, flag, or other item that is not part
- 13960 of the memorial service; or
- 13961 [(iii)] (C) the distribution of any handbill, pamphlet, leaflet, or other written
- 13962 material or other item that is not part of the memorial service.
- 13963 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 13964 (2) ~~[A person is guilty of a class B misdemeanor if the person,]~~ An actor commits
- 13965 disrupting a funeral or memorial service if the actor:
- 13966 (a) ~~[with intent]~~ intends to disrupt ~~[the]~~ a memorial service~~[-]~~; and
- 13967 (b) does any of the following during the period beginning 60 minutes immediately
- 13968 before the scheduled commencement of ~~[a]~~ the memorial service and ending 60
- 13969 minutes after the conclusion of ~~[a]~~ the memorial service:
- 13970 [(a)] (i) obstructs, hinders, impedes, or blocks another ~~[person's]~~ individual's entry to
- 13971 or exit from the memorial site;
- 13972 [(b)] (ii) obstructs, hinders, impedes, or blocks a funeral procession;
- 13973 [(e)] (iii) makes unreasonable noise; or
- 13974 [(d)] (iv) engages in a disruptive activity within 200 feet of the memorial service.
- 13975 (3) A violation of Subsection (2) is a class B misdemeanor.
- 13976 Section 250. Section **76-9-109** is amended to read:
- 13977 **76-9-109 (Effective 05/07/25). Targeted residential picketing.**
- 13978 (1)(a) As used in this section:
- 13979 [(a)] (i) "Picketing" means the stationing or posting of one or more individuals to
- 13980 apprise the public, vocally or by standing or marching with signs, banners, sound
- 13981 amplification devices, or other means, of an opinion or a message.
- 13982 [(b)] (ii) "Residence" means any single-family, duplex, or multi-family dwelling unit

13983 that is not being used as a targeted occupant's sole place of business or as a place  
13984 of public meeting.

13985 [~~(e) "Targeted residential picketing" means picketing, with or without signs, that is~~  
13986 ~~specifically directed or focused toward a residence, or one or more occupants of~~  
13987 ~~the residence, and that takes place:]~~

13988 [~~(i) on that portion of a sidewalk or street in front of the residence, in front of an~~  
13989 ~~adjoining residence, or on either side of the targeted residence; or]~~

13990 [~~(ii) within 100 feet of the property line of the targeted residence.]~~

13991 (b) Terms defined in Section 76-1-101.5 apply to this section.

13992 (2) [~~It is unlawful to engage in]~~ An actor commits targeted residential picketing[-] if:

13993 (a)(i) the actor engages in picketing, with or without signs, specifically directed or  
13994 focused toward a residence, or one or more occupants of the residence; and

13995 (ii) the actor's conduct described in Subsection (2)(a)(i) takes place:

13996 (A) on a portion of a sidewalk or street in front of the residence, in front of an  
13997 adjoining residence, or on either side of the targeted residence; or

13998 (B) within 100 feet of the property line of the targeted residence; or

13999 (b)(i) the actor publishes, posts, disseminates, or discloses another individual's  
14000 residential address, or other information identifying the specific location of the  
14001 individual's residence; and

14002 (ii) the actor intends to cause another individual to engage in the conduct described in  
14003 Subsection (2)(a) directed or focused toward the individual's residence.

14004 (3) A violation of Subsection (2) is a class B misdemeanor.

14005 [~~(3)] (4) This section does not apply to:~~

14006 (a) an [~~individual]~~ actor picketing at the [~~individual's]~~ actor's own residence;

14007 (b) the picketing of a meeting place or assembly area commonly used to discuss subjects  
14008 of general public interest; or

14009 (c) general picketing that proceeds through residential neighborhoods or that proceeds  
14010 past residences.

14011 [~~(4) It is unlawful to publish, post, disseminate, or disclose an individual's residential~~  
14012 ~~address, or other information identifying the specific location of an individual's~~  
14013 ~~residence, with the intent to cause another individual to engage in targeted residential~~  
14014 ~~picketing.]~~

14015 [~~(5) Targeted residential picketing is a class B misdemeanor.]~~

14016 [~~(6) A violation of Subsection (4) is a class B misdemeanor.]~~

14017 Section 251. Section **76-9-110**, which is renumbered from Section 76-9-701 is renumbered  
14018 and amended to read:

14019 **[76-9-701]76-9-110 (Effective 05/07/25). Public intoxication.**

14020 (1)(a) As used in this section, "minor" means an individual who is younger than 21  
14021 years old.

14022 (b) Terms defined in Section 76-1-101.5 apply to this section.

14023 (2) ~~[A person is guilty of]~~ An actor commits public intoxication if the [person] actor:

14024 (a)(i) is in a public place; or

14025 (ii) in a private place where the actor could unreasonably disturb other individuals;

14026 (b) is under the influence of alcohol, a controlled substance, or any substance having the  
14027 property of releasing toxic vapors[;] ; and

14028 (c) ~~[to a degree that the person]~~ is under the influence to a degree that it may endanger  
14029 the [person] actor or another[, in a public place or in a private place where the person  
14030 unreasonably disturbs other persons] individual.

14031 (3) A violation of Subsection (2) is a class C misdemeanor.

14032 ~~[(2)]~~ (4)(a) A peace officer or a magistrate may release an actor from custody ~~[a person]~~  
14033 arrested under this section if the peace officer or magistrate believes ~~[imprisonment]~~  
14034 incarceration is unnecessary for the protection of the ~~[person]~~ actor or another  
14035 individual.

14036 (b) A peace officer may take the ~~[arrested person]~~ actor to a detoxification center or other  
14037 special facility as an alternative to incarceration or release from custody.

14038 ~~[(3)]~~ (5)(a) If a minor is found by a court to have ~~[violated this section]~~ committed a  
14039 violation of Subsection (2) and the violation is the minor's first violation of ~~[this~~  
14040 section] Subsection (2), the court may:

14041 (i) order the minor to complete a screening as defined in Section 41-6a-501;

14042 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the  
14043 screening indicates an assessment to be appropriate; and

14044 (iii) order the minor to complete an educational series as defined in Section 41-6a-501  
14045 or substance use disorder treatment as indicated by an assessment.

14046 (b) If a minor is found by a court to have violated ~~[this section]~~ Subsection (2) and the  
14047 violation is the minor's second or subsequent violation of ~~[this section]~~ Subsection (2),  
14048 the court shall:

14049 (i) order the minor to complete a screening as defined in Section 41-6a-501;

14050 (ii) order the minor to complete an assessment as defined in Section 41-6a-501 if the

- 14051 screening indicates an assessment to be appropriate; and
- 14052 (iii) order the minor to complete an educational series as defined in Section 41-6a-501
- 14053 or substance use disorder treatment as indicated by an assessment.
- 14054 [(4)] (6)(a) When a minor who is at least 18 years old, but younger than 21 years old, is
- 14055 found by a court to have violated [~~this section~~] Subsection (2), the court [~~hearing the~~
- 14056 ~~ease~~] shall suspend the minor's driving privileges under Section 53-3-219.
- 14057 (b) Notwithstanding the requirement in Subsection [~~(4)(a)~~] (6)(a), the court may reduce
- 14058 the suspension period required under Section 53-3-219 if:
- 14059 (i) the violation is the minor's first violation of [~~this section~~] Subsection (2); and
- 14060 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 14061 or
- 14062 (B) the minor demonstrates substantial progress in substance use disorder
- 14063 treatment.
- 14064 (c) Notwithstanding the requirement in Subsection [~~(4)(a)~~] (6)(a) and in accordance with
- 14065 the requirements of Section 53-3-219, the court may reduce the suspension period
- 14066 required under Section 53-3-219 if:
- 14067 (i) the violation is the minor's second or subsequent violation of [~~this section~~]
- 14068 Subsection (2);
- 14069 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
- 14070 demonstrated substantial progress in substance use disorder treatment; and
- 14071 (iii)(A) the [~~person~~] minor is 18 years old or older and provides a sworn statement
- 14072 to the court that the [~~person~~] minor has not unlawfully consumed alcohol or
- 14073 drugs for at least a one-year consecutive period during the suspension period
- 14074 imposed under Subsection [~~(4)(a)~~] (6)(a); or
- 14075 (B) the [~~person~~] minor is under 18 years old and has the [~~person's~~] minor's parent or
- 14076 legal guardian provide an affidavit or sworn statement to the court certifying
- 14077 that to the parent or legal guardian's knowledge the [~~person~~] minor has not
- 14078 unlawfully consumed alcohol or drugs for at least a one-year consecutive
- 14079 period during the suspension period imposed under Subsection [~~(4)(a)~~] (6)(a).
- 14080 [(5)] (7) When a [~~person~~] minor who is younger than 18 years old is found by a court to have
- 14081 violated [~~this section~~] Subsection (2), the provisions regarding suspension of the driver's
- 14082 license under Section 80-6-707 apply to the violation.
- 14083 [(6)] (8) Notwithstanding Subsections [~~(3)(a)~~] (5)(a) and (b), if a minor is adjudicated under
- 14084 Section 80-6-701, the court may only order substance use disorder treatment or an

14085 educational series if the minor has an assessed need for the intervention based on the  
 14086 results of a validated assessment.

14087 ~~[(7)]~~ (9) When the court issues an order suspending ~~[a person's]~~ an actor's driving privileges  
 14088 for a violation of ~~[this section]~~ Subsection (2), the ~~[person's]~~ actor's driver license shall be  
 14089 suspended under Section 53-3-219.

14090 ~~[(8) An offense under this section is a class C misdemeanor.]~~

14091 Section 252. Section **76-9-111**, which is renumbered from Section 76-9-702.3 is renumbered  
 14092 and amended to read:

14093 ~~[76-9-702.3]~~ **76-9-111** (Effective 05/07/25). **Public urination.**

14094 (1) Terms defined in Section 76-1-101.5 apply to this section.

14095 (2) ~~[A person is guilty of]~~ An actor commits public urination if the ~~[person]~~ actor urinates or  
 14096 defecates:

14097 (a) in a public place, other than a public rest room; and

14098 (b) under circumstances which the ~~[person]~~ actor should know will likely cause affront or  
 14099 alarm to another individual.

14100 ~~[(2)]~~ (3) ~~[Public urination]~~ A violation of Subsection (2) is an infraction.

14101 Section 253. Section **76-9-112**, which is renumbered from Section 76-9-705 is renumbered  
 14102 and amended to read:

14103 ~~[76-9-705]~~ **76-9-112** (Effective 05/07/25). **Participation in an ultimate fighting match.**

14104 (1) For purposes of this section, "ultimate fighting match" means a live match in which:

14105 [(a) an admission fee is charged;]

14106 [(b) match rules permit professional contestants to use a combination of boxing, kicking,  
 14107 wrestling, hitting, punching, or other combative, contact techniques; and]

14108 [(c) match rules do not:]

14109 [(i) incorporate a formalized system of combative techniques against which a contestant's  
 14110 performance is judged to determine the prevailing contestant;]

14111 [(ii) divide a match into two or more equal and specified time periods for a match total of  
 14112 no more than 50 minutes; or]

14113 [(iii) prohibit contestants from:]

14114 [(A) using anything that is not part of the human body, except for boxing gloves, to  
 14115 intentionally inflict serious bodily injury upon an opponent through direct contact or the  
 14116 expulsion of a projectile;]

14117 [(B) striking a person who demonstrates an inability to protect himself from the advances  
 14118 of an opponent;]



- 14119                    ~~[(C) biting; or]~~
- 14120                    ~~[(D) direct, intentional, and forceful strikes to the eyes, groin area, adam's apple area of the~~
- 14121                    ~~neck, and temple area of the head.]~~
- 14122    (1) Terms defined in Section 76-1-101.5 apply to this section.
- 14123    (2) ~~[Any person who]~~ An actor commits participation in an ultimate fighting match if the
- 14124                    actor publicizes, promotes, conducts, or engages in [an ultimate fighting] a live fighting
- 14125                    match in which:
- 14126                    (a) an admission fee is charged;
- 14127                    (b) match rules permit professional contestants to use a combination of boxing, kicking,
- 14128                    wrestling, hitting, punching, or other combative, contact techniques; and
- 14129                    (c) match rules do not:
- 14130                    (i) incorporate a formalized system of combative techniques against which a
- 14131                    contestant's performance is judged to determine the prevailing contestant;
- 14132                    (ii) divide a match into two or more equal and specified time periods for a match total
- 14133                    of no more than 50 minutes; or
- 14134                    (iii) prohibit contestants from:
- 14135                    (A) using anything that is not part of the human body, except for boxing gloves, to
- 14136                    intentionally inflict serious bodily injury upon an opponent through direct
- 14137                    contact or the expulsion of a projectile;
- 14138                    (B) striking an individual who demonstrates an inability to protect the individual's
- 14139                    self from the advances of an opponent;
- 14140                    (C) biting; or
- 14141                    (D) using direct, intentional, and forceful strikes to the eyes, groin area, adam's
- 14142                    apple area of the neck, or temple area of the head.
- 14143    (3) ~~[is guilty of]~~ A violation of Subsection (2) is a class A misdemeanor.
- 14144                    Section 254. Section **76-9-113**, which is renumbered from Section 76-10-2402 is renumbered
- 14145                    and amended to read:
- 14146                    **[76-10-2402]76-9-113 (Effective 05/07/25). Commercial obstruction.**
- 14147    (1)(a) As used in this section:
- 14148                    (i)(A) "Building" means a watercraft, aircraft, trailer, sleeping car, or other
- 14149                    structure or vehicle adapted for overnight accommodations of individuals or
- 14150                    for carrying on business and includes:
- 14151                    (I) each separately secured or occupied portion of the building or vehicle; and
- 14152                    (II) each structure appurtenant or connected to the building or vehicle.

- 14153 (B) "Building" includes the commonly accepted meaning of building.
- 14154 (ii) "Business" means a retail business dealing in tangible personal property.
- 14155 (iii) "Enter" means:
- 14156 (A) an intrusion of any part of the body; or
- 14157 (B) the intrusion of any physical object under the control of the actor.
- 14158 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 14159 [(1)(a) A person is guilty of a misdemeanor if the person]
- 14160 (2) An actor commits commercial obstruction if the actor:
- 14161 (a) enters or remains unlawfully on the premises of or in a building of any business; and
- 14162 (b) [with the intent] intends to interfere with the employees, customers, personnel, or
- 14163 operations of [a] the business[ through any conduct that does not constitute an offense
- 14164 listed under Subsection (2)].
- 14165 [(b)] (3) A violation of Subsection [(1)(a)] (2) is a class A misdemeanor.
- 14166 [(2) A person is guilty of felony commercial obstruction if the person enters or remains
- 14167 unlawfully on the premises or in a building of any business with the intent to interfere
- 14168 with the employees, customers, personnel, or operations of a business and also with the
- 14169 intent to:]
- 14170 [(a) obtain unauthorized control over any merchandise, property, records, data, or
- 14171 proprietary information of the business;]
- 14172 [(b) alter, eradicate, or remove any merchandise, records, data, or proprietary information
- 14173 of the business;]
- 14174 [(c) damage, deface, or destroy any property on the premises of the business;]
- 14175 [(d) commit an assault on any person; or]
- 14176 [(e) commit any other felony.]
- 14177 [(3) A person who violates any provision in Subsection (2) is guilty of a second degree
- 14178 felony.]
- 14179 (4) This section does not apply to:
- 14180 (a) an action protected by the National Labor Relations Act, 29 U.S.C. Section 151 et
- 14181 seq., or the Federal Railway Labor Act, 45 U.S.C. Section 151 et seq.; or
- 14182 [(5) This section does not apply to a person's]
- 14183 (b) an individual's exercise of the rights under the First Amendment to the Constitution
- 14184 of the United States or under [Article I, Sec. 15 of the]Utah Constitution, Article I,
- 14185 Section 15.
- 14186 Section 255. Section **76-9-114** is enacted to read:

- 14187 **76-9-114 (Effective 05/07/25). Aggravated commercial obstruction.**
- 14188 (1)(a) As used in this section:
- 14189 (i) "Building" means the same as that term is defined in Section 76-9-113.
- 14190 (ii) "Business" means the same as that term is defined in Section 76-9-113.
- 14191 (iii) "Enter" means the same as that term is defined in Section 76-9-113.
- 14192 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 14193 (2) An actor commits aggravated commercial obstruction if the actor:
- 14194 (a) enters or remains unlawfully on the premises or in a building of any business;
- 14195 (b) intends to interfere with the employees, customers, personnel, or operations of the
- 14196 business; and
- 14197 (c) intends to:
- 14198 (i) obtain unauthorized control over any merchandise, property, records, data, or
- 14199 proprietary information of the business;
- 14200 (ii) alter, eradicate, or remove any merchandise, records, data, or proprietary
- 14201 information of the business;
- 14202 (iii) damage, deface, or destroy any property on the premises of the business;
- 14203 (iv) commit an assault on any person; or
- 14204 (v) commit any other felony.
- 14205 (3) A violation of Subsection (2) is a second degree felony.
- 14206 (4) This section does not apply to:
- 14207 (a) an action protected by the National Labor Relations Act, 29 U.S.C. Sec. 151 et seq.,
- 14208 or the Federal Railway Labor Act, 45 U.S.C. Sec.151 et seq; or
- 14209 (b) an individual's exercise of the rights under the First Amendment to the Constitution
- 14210 of the United States or under Utah Constitution, Article I, Section 15.
- 14211 Section 256. Section **76-9-601** is amended to read:
- 14212
- Part 6. Offenses Concerning the Military and the Flag**
- 14213 **76-9-601 (Effective 05/07/25). Abuse of a flag.**
- 14214 (1) Terms defined in Section 76-1-101.5 apply to this section.
- 14215 [~~(1)~~ A person is guilty of]
- 14216 (2) An actor commits abuse of a flag if [he] the actor:
- 14217 (a) [~~Intentionally~~] intentionally places any unauthorized inscription or other thing upon [
- 14218 any] a flag of the United States or of [any] a state of the United States;[~~or~~]
- 14219 (b) [~~Knowingly~~] knowingly exhibits [~~any such~~] a flag of the United States or of a state of

14220 the United States with an unauthorized inscription or other thing, knowing the  
 14221 inscription or other thing [to be] is unauthorized;[or]  
 14222 (c) ~~[For purposes of advertising a product or service for sale or for distribution,]~~ affixes  
 14223 a representation of the flag of the United States or of a state of the United States to [  
 14224 the] a product or on [any] a display whereon the product or service is advertised for  
 14225 the purpose of advertising a product or service for sale or for distribution; or  
 14226 (d) ~~[Knowingly]~~ knowingly casts contempt upon the flag of the United States or of any  
 14227 state of the United States by publicly mutilating, defacing, defiling, burning, or  
 14228 trampling upon [it] the flag.

14229 [(2) Abuse of a flag]

14230 (3) A violation of Subsection (2) is a class B misdemeanor.

14231 Section 257. Section **76-9-602**, which is renumbered from Section 76-9-706 is renumbered  
 14232 and amended to read:

14233 ~~[76-9-706]~~ **76-9-602 (Effective 05/07/25). False representation of the military.**

14234 (1)(a) As used in this section:

14235 [(a)] (i) "Military related organization" means a public or private society, order, or  
 14236 organization that:

14237 [(i)] (A) only accepts as a member, [a person] an individual, or the relative of [a  
 14238 person] an individual, who is:

14239 [(A)] (I) a member of the military; or

14240 [(B)] (II) an honorably discharged member of the military; and

14241 [(ii)] (B) is organized for the purpose of:

14242 [(A)] (I) recognizing or honoring [a person] an individual for military service;

14243 [(B)] (II) assisting [a person] an individual described in Subsection (1)(a)(i) to  
 14244 lawfully associate with, or provide service with, other [people] individuals  
 14245 described in Subsection (1)(a)(i); or

14246 [(C)] (III) provide support for, or assistance to, [a person] an individual  
 14247 described in Subsection (1)(a)(i).

14248 [(b)] (ii) "Service medal" means:

14249 [(i)] (A) a congressional medal of honor, as defined in 18 U.S.C. 704(c)(2);

14250 [(ii)] (B) a distinguished service cross, as defined in 10 U.S.C. 3742;

14251 [(iii)] (C) a Navy cross, as defined in 10 U.S.C. 6242;

14252 [(iv)] (D) an Air Force cross, as defined in 10 U.S.C. 8742;

14253 [(v)] (E) a silver star, as defined in 10 U.S.C. 3746, 6244, or 8746;

- 14254 [~~(vi)~~] (F) a bronze star, as defined in 10 U.S.C. 1133;
- 14255 [~~(vii)~~] (G) a purple heart, as defined in 10 U.S.C. 1129;
- 14256 [~~(viii)~~] (H) any decoration or medal authorized by the Congress of the United
- 14257 States for the armed forces of the United States;
- 14258 [~~(ix)~~] (I) any service medal or badge awarded to members of the armed forces of
- 14259 the United States;
- 14260 [~~(x)~~] (J) any of the following Utah National Guard medals or ribbons:
- 14261 [~~(A)~~] (I) medal of valor;
- 14262 [~~(B)~~] (II) Utah cross;
- 14263 [~~(C)~~] (III) joint medal of merit;
- 14264 [~~(D)~~] (IV) Utah medal of merit;
- 14265 [~~(E)~~] (V) joint commendation medal;
- 14266 [~~(F)~~] (VI) commendation medal;
- 14267 [~~(G)~~] (VII) achievement ribbon;
- 14268 [~~(H)~~] (VIII) joint staff service ribbon;
- 14269 [~~(I)~~] (IX) state partnership service ribbon;
- 14270 [~~(J)~~] (X) service ribbon;
- 14271 [~~(K)~~] (XI) military funeral honors service ribbon;
- 14272 [~~(L)~~] (XII) emergency service ribbon; or
- 14273 [~~(M)~~] (XIII) recruiting ribbon;
- 14274 [~~(xi)~~] (K) any ribbon, button, or rosette for a decoration, medal, or badge described
- 14275 in Subsections [~~(1)(b)(i) through (x)~~] (1)(a)(ii)(A) through (J); or
- 14276 [~~(xii)~~] (L) an imitation of a decoration, medal, badge, ribbon, button, or rosette
- 14277 described in Subsections [~~(1)(b)(i) through (xi)~~] (1)(a)(ii)(A) through (K).
- 14278 (b) Terms defined in Section 76-1-101.5 apply to this section.
- 14279 (2) [~~Any person who~~] An actor commits false representation of the military if the actor:
- 14280 (a) intentionally makes a false representation, verbally or in writing, that the [person]
- 14281 actor has been awarded a service medal[ ~~is guilty of an infraction.~~];
- 14282 [~~(3)~~] (b)(i) [~~Any person who wears,~~] purchases, attempts to purchase, solicits for
- 14283 purchase, mails, ships, imports, exports, produces blank certificates of receipt for,
- 14284 manufactures, sells, attempts to sell, advertises for sale, trades, barter, or
- 14285 exchanges for anything of value a service medal, or [any] a colorable imitation [
- 14286 thereof, except when authorized by federal law, or under regulations made
- 14287 pursuant to federal law,] of a service medal; and

- 14288 (ii) ~~[with the intent-]~~ intends to defraud~~[-]~~ another individual or ~~[with the intent-]~~to  
 14289 falsely represent that the ~~[person]~~ actor or another ~~[person]~~ individual has been  
 14290 awarded a service medal~~[-, is guilty of an infraction.-]~~ ;
- 14291 [(4)] (c) ~~[A person is guilty of an infraction if the person-]~~wears or uses a service medal  
 14292 of a military related organization:
- 14293 [(a)] (i) that the ~~[person]~~ actor is not entitled to wear or use; and  
 14294 [(b) ~~with the intent to~~]
- 14295 (ii) with the intention to defraud another individual or ~~[with the intent-]~~to falsely  
 14296 represent that the ~~[person]~~ actor or another ~~[person]~~ individual has been awarded  
 14297 the service medal~~[-]~~ ; or
- 14298 [(5)] (d) ~~[A person is guilty of an infraction if the person-]~~uses the name, an officer title,  
 14299 an insignia, a ritual, or a ceremony of a military related organization:
- 14300 [(a)] (i) that the ~~[person]~~ actor is not entitled to use; and  
 14301 [(b)] (ii) ~~[with the intent-]~~ with the intention to defraud~~[-]~~ or ~~[with the intent to-]~~falsely  
 14302 represent that the ~~[person]~~ actor or another ~~[person]~~ individual was or is a member,  
 14303 representative, or officer of the military related organization.
- 14304 (3) A violation of Subsection (2) is an infraction.
- 14305 (4) Subsection (2)(b) does not apply if the actor is authorized under a federal law or a  
 14306 federal regulation to undertake the conduct described.
- 14307 Section 258. Section **76-9-802** is amended to read:

### Part 8. Criminal Gang Related Offenses

#### **76-9-802 (Effective 05/07/25). Definitions.**

14310 As used in this part:

- 14311 (1) "Criminal street gang" means an organization, association in fact, or group of three or  
 14312 more ~~[persons]~~ individuals, whether operated formally or informally:
- 14313 (a) that is currently in operation;
- 14314 (b) that has as one of ~~[its]~~ the organization's, association's, or group's primary activities  
 14315 the commission of one or more predicate gang crimes;
- 14316 (c) that has, as a group, an identifying name or identifying sign or symbol, or both; and  
 14317 (d) whose members, acting individually or in concert with other members, engage in or  
 14318 have engaged in a pattern of criminal gang activity.
- 14319 [(2) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of  
 14320 harm for the purpose of causing an individual to act or refrain from acting.]

- 14321 (2) "Gang loitering" means an individual remains in one place under circumstances that  
 14322 would cause a reasonable person to believe that the purpose or effect of that behavior is  
 14323 to enable or facilitate a criminal street gang to:
- 14324 (a) establish control over one or more identifiable areas;  
 14325 (b) intimidate other individuals from entering those areas; or  
 14326 (c) conceal illegal activities.
- 14327 (3) "Intimidate" means the use of force, duress, violence, coercion, menace, or threat of  
 14328 harm for the purpose of causing an individual to act or refrain from acting.
- 14329 [~~(3)~~] (4) "Minor" means [a person] an individual younger than 18 years old.
- 14330 [~~(4)~~] (5) "Pattern of criminal gang activity" means:
- 14331 (a) committing, attempting to commit, conspiring to commit, or soliciting the  
 14332 commission of two or more predicate gang crimes within five years;
- 14333 (b) the predicate gang crimes are:
- 14334 (i) committed by two or more persons; or  
 14335 (ii) committed by an individual at the direction of, or in association with, a criminal  
 14336 street gang; and
- 14337 (c) the criminal activity was committed with the specific intent to promote, further, or  
 14338 assist in any criminal conduct by members of the criminal street gang.
- 14339 [~~(5)~~] (6)(a) "Predicate gang crime" means any of the following offenses:
- 14340 (i) Title 41, Chapter 1a, Motor Vehicle Act:
- 14341 (A) Section 41-1a-1313, regarding possession of a motor vehicle without an  
 14342 identification number;
- 14343 (B) Section 41-1a-1315, regarding false evidence of title and registration;
- 14344 (C) Section 41-1a-1316, regarding receiving or transferring stolen vehicles;
- 14345 (D) Section 41-1a-1317, regarding selling or buying a motor vehicle without an  
 14346 identification number; or
- 14347 (E) Section 41-1a-1318, regarding the fraudulent alteration of an identification  
 14348 number;
- 14349 (ii) any criminal violation of the following provisions:
- 14350 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 14351 (B) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 14352 (C) Title 58, Chapter 37b, Imitation Controlled Substances Act; or
- 14353 (D) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act;
- 14354 (iii) [~~Sections~~] assault as described in Section 76-5-102[~~through~~] ;

- 14355 (iv) aggravated assault by prisoner as described in Section 76-5-103.5~~[, which~~  
 14356 ~~address assault offenses]~~;  
 14357 [~~(iv) Title 76,~~]  
 14358 (v) an offense described in Chapter 5, Part 2, Criminal Homicide;  
 14359 [~~(v) Sections-~~]  
 14360 (vi) kidnapping as described in Section 76-5-301~~[ through 76-5-304, which address~~  
 14361 ~~kidnapping and related offenses]~~;  
 14362 (vii) child kidnapping as described in Section 76-5-301.1;  
 14363 (viii) parental kidnapping as described in Section 76-5-301.2;  
 14364 (ix) aggravated kidnapping as described in Section 76-5-302;  
 14365 (x) custodial interference as described in Section 76-5-303;  
 14366 (xi) unlawful detention and unlawful detention of a minor as described in Section  
 14367 76-5-304;  
 14368 [~~(vi)~~] (xii) a felony offense [under Title 76,] described in Chapter 5, Part 4, Sexual  
 14369 Offenses, except Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420;  
 14370 [~~(vii)~~] (xiii) [~~Title 76,~~] an offense described in Chapter 6, Part 1, Property Destruction;  
 14371 [~~(viii)~~] (xiv) [~~Title 76,~~] an offense described in Chapter 6, Part 2, Burglary and  
 14372 Criminal Trespass;  
 14373 [~~(ix)~~] (xv) [~~Title 76,~~] an offense described in Chapter 6, Part 3, Robbery;  
 14374 [~~(x)~~] (xvi) a felony offense [under Title 76,] described in Chapter 6, Part 4, Theft, or  
 14375 under Title 76, Chapter 6, Part 6, Retail Theft, except Sections 76-6-404.5,  
 14376 76-6-405, 76-6-407, 76-6-408, 76-6-409, 76-6-409.1, 76-6-409.3, 76-6-409.6,  
 14377 76-6-409.7, 76-6-409.8, 76-6-409.9, 76-6-410, and 76-6-410.5;  
 14378 [~~(xi)~~] (xvii) [~~Title 76,~~] an offense described in Chapter 6, Part 5, Fraud, except  
 14379 Sections 76-6-504, 76-6-505, 76-6-507, 76-6-508, 76-6-509, 76-6-510, 76-6-511,  
 14380 76-6-512, 76-6-513, 76-6-514, 76-6-516, 76-6-517, 76-6-518, and 76-6-520;  
 14381 [~~(xii)~~] (xviii) [~~Title 76,~~] an offense described in Chapter 6, Part 11, Identity Fraud Act;  
 14382 [~~(xiii)~~] (xix) [~~Title 76,~~] an offense described in Chapter 8, Part 3, Obstructing  
 14383 Governmental Operations, except Sections 76-8-302, 76-8-303, 76-8-307,  
 14384 76-8-308, and 76-8-312;  
 14385 [~~(xiv)~~] (xx) tampering with a witness [under] as described in Section 76-8-508;  
 14386 [~~(xv)~~] (xxi) retaliation against a witness, victim, or informant [under] as described in  
 14387 Section 76-8-509.3;  
 14388 [~~(xvi)~~] (xxii) receiving or soliciting a bribe as a witness [under] as described in Section



- 14389 76-8-508.7;
- 14390 [~~(xviii)~~] (xxiii) extortion or bribery to dismiss a criminal proceeding [~~under~~] as
- 14391 described in Section 76-8-509;
- 14392 [~~(xviii)~~] (xxiv) a misdemeanor violation of disorderly conduct [~~under~~] as described in
- 14393 Section 76-9-102, if the violation occurs at an official meeting;
- 14394 (xxv) an offense described in Chapter 9, Part 15, Criminal Offenses Relating to Bus
- 14395 Passenger Safety;
- 14396 (xxvi) an offense described in Chapter 9, Part 16, Money Laundering and Currency
- 14397 Transaction Reporting;
- 14398 (xxvii) an offense described in Chapter 11, Weapons;
- 14399 (xxviii) an offense described in Chapter 15, Part 2, Explosives; or
- 14400 (xxix) an offense described in Chapter 17, Part 4, Offenses Concerning Patterns of
- 14401 Unlawful Activity.
- 14402 [~~(xix) Title 76, Chapter 10, Part 3, Explosives;~~]
- 14403 [~~(xx) Title 76, Chapter 10, Part 5, Weapons;~~]
- 14404 [~~(xxi) Title 76, Chapter 10, Part 15, Bus Passenger Safety Act;~~]
- 14405 [~~(xxii) Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity Act;~~]
- 14406 [~~(xxiii) communications fraud under Section 76-10-1801;~~]
- 14407 [~~(xxiv) Title 76, Chapter 10, Part 19, Money Laundering and Currency Transaction~~
- 14408 ~~Reporting Act; or]~~
- 14409 [~~(xxv) burglary of a research facility under Section 76-10-2002.]~~
- 14410 (b) "Predicate gang crime" [~~also~~] includes:
- 14411 (i) [~~any~~] a state or federal criminal offense that by [~~its~~] the offense's nature involves a
- 14412 substantial risk that physical force may be used against another individual in the
- 14413 course of committing the offense; and
- 14414 (ii) [~~any~~] a felony violation of a criminal statute of [~~any other~~] another state, the
- 14415 United States, or [~~any~~] a district, possession, or territory of the United States which
- 14416 would constitute a violation of any offense in Subsection [~~(4)(a)~~] (6)(a) if
- 14417 committed in this state.
- 14418 (7)(a) "Public place" means any location or structure that the public or a substantial
- 14419 group of the public has access to.
- 14420 (b) "Public place" includes:
- 14421 (i) a sidewalk, street, or highway;
- 14422 (ii) a public park, public recreation facility, or any other area open to the public;

- 14423 (iii) a shopping mall, sports facility, stadium, arena, theater, movie house, or  
 14424 playhouse;
- 14425 (iv) a parking lot or structure adjacent to a shopping mall, sports facility, stadium,  
 14426 arena, theater, movie house, or playhouse;
- 14427 (v) a common area of a school, hospital, apartment building, office building,  
 14428 transport facility, or a business; and
- 14429 (vi) a lobby, hallway, elevator, restaurant or other dining area, or restroom of a  
 14430 location or structure described in Subsections (7)(b)(i) through (v).

14431 Section 259. Section **76-9-803** is amended to read:

14432 **76-9-803 (Effective 05/07/25). Soliciting, recruiting, enticing, or intimidating a**  
 14433 **minor to join a criminal street gang.**

14434 (1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

14435 ~~[(1)]~~ (2) ~~[It is a class B misdemeanor to]~~ An actor commits soliciting, recruiting, enticing, or  
 14436 intimidating a minor to join a criminal street gang if the actor:

14437 (a) ~~[solicit, recruit, entice, or intimidate]~~ solicits, recruits, entices, or intimidates a minor  
 14438 to join a criminal street gang~~[-, whether or not the minor actually joins the criminal~~  
 14439 street gang];

14440 (b) ~~[conspire]~~ conspires to commit ~~[any]~~ an act ~~[under]~~ described in Subsection ~~[(1)]~~(a)  
 14441 (2)(a) with the intent to cause a minor to join a criminal street gang; or

14442 (c) ~~[use]~~ uses intimidation to prevent, or attempt to prevent, a minor from leaving a  
 14443 criminal street gang or ending the minor's affiliation with a criminal street gang.

14444 (3) A violation of Subsection (2) is a class B misdemeanor.

14445 ~~[(2) It is a class A misdemeanor for any person who is a member of or actively involved~~  
 14446 ~~with a criminal street gang to:]~~

14447 ~~[(a) intimidate or otherwise cause a minor to commit or attempt to commit any~~  
 14448 ~~misdemeanor criminal offense; or]~~

14449 ~~[(b) commit a violation of Subsection (1)(a):]~~

14450 ~~[(i) more than once;]~~

14451 ~~[(ii) regarding the same minor; and]~~

14452 ~~[(iii) within a period of 180 days.]~~

14453 ~~[(3) Prosecution for any offense under this section does not prohibit prosecution for any~~  
 14454 ~~other criminal offense.]~~

14455 (4) It is not a defense to a prosecution under Subsection (2)(a) that the minor did not join  
 14456 the criminal street gang.

14457 Section 260. Section **76-9-803.5** is enacted to read:

14458 **76-9-803.5 (Effective 05/07/25). Soliciting, recruiting, enticing, or intimidating a**  
 14459 **minor to join a criminal street gang by a gang member.**

14460 (1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

14461 (2) An actor commits soliciting, recruiting, enticing, or intimidating a minor to join a  
 14462 criminal street gang by a gang member if the actor:

14463 (a) is a member of, or actively involved with, a criminal street gang; and

14464 (b) solicits, recruits, entices, or intimidates a specific minor to join a criminal street gang  
 14465 more than once within a period of 180 days.

14466 (3) A violation of Subsection (2) is a class A misdemeanor.

14467 (4) It is not a defense to a prosecution under this section that the minor described in  
 14468 Subsection (2) did not join a criminal street gang.

14469 Section 261. Section **76-9-803.6** is enacted to read:

14470 **76-9-803.6 (Effective 05/07/25). Intimidating or causing a minor to commit a**  
 14471 **misdemeanor by a gang member.**

14472 (1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

14473 (2) An actor commits intimidating or causing a minor to commit a misdemeanor by a gang  
 14474 member if the actor:

14475 (a) is a member of, or actively involved with, a criminal street gang; and

14476 (b) intimidates or otherwise causes a minor to commit or attempt to commit a  
 14477 misdemeanor criminal offense.

14478 (3) A violation of Subsection (2) is a class A misdemeanor.

14479 Section 262. Section **76-9-804** is amended to read:

14480 **76-9-804 (Effective 05/07/25). Possession of a dangerous weapon by a convicted**  
 14481 **criminal gang offender.**

14482 (1)(a) As used in this section, "dangerous weapon" means the same as that term is  
 14483 defined in Sections 76-1-101.5 and 76-11-101.

14484 (b) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

14485 [~~(1) A person who has been convicted of a crime for which the penalty was~~  
 14486 ~~enhanced under Section 76-3-203.1 may not, except where a greater penalty is~~  
 14487 ~~applicable under this title,]~~

14488 (2) An actor commits possession of a dangerous weapon by a convicted criminal gang  
 14489 offender if:

14490 (a) the actor possess a dangerous weapon[as defined in either Section 76-1-101.5 or

14491           76-10-501], ammunition, or a facsimile of a firearm; and

14492           (b) the actor's possession described in Subsection (2)(a) occurs within five years [after

14493           ~~the conviction]~~ after the day on which the actor was convicted of an offense that was

14494           enhanced under Section 76-3-203.1.

14495           ~~[(2)] (3)~~ A violation of Subsection ~~[(1)] (2)~~ is a class A misdemeanor.

14496           Section 263. Section **76-9-805**, which is renumbered from Section 76-9-904 is renumbered

14497           and amended to read:

14498           **[76-9-904]76-9-805 (Effective 05/07/25). Failure to disperse.**

14499           ~~[(1)(a) Failure to comply with an order issued under Subsection 76-9-903(1)(b) to disperse~~

14500           ~~is a class B misdemeanor of failure to disperse.]~~

14501           ~~[(b) Any second and subsequent violation of Subsection (1)(a) is a class B misdemeanor of~~

14502           ~~failure to disperse and is subject to a fine of not less than \$100, unless the court finds~~

14503           ~~mitigating circumstances justifying a lesser punishment and makes that finding a part of~~

14504           ~~the court record.]~~

14505           ~~[(2)(a) A person is guilty of a class B misdemeanor of subsequent failure to disperse who:]~~

14506           ~~[(i) is present in a public place with or as part of a group of two or more persons, and that~~

14507           ~~group includes one or more persons a peace officer reasonably believes to be a member~~

14508           ~~of a criminal street gang; and]~~

14509           ~~[(ii) is within sight or hearing of a location where a law enforcement officer issued an~~

14510           ~~order to the person to disperse under Section 76-9-903 within the prior eight hours.]~~

14511           ~~[(b) A violation of Subsection (2)(a) is subject to a fine of not less than \$100, unless the~~

14512           ~~court finds mitigating circumstances justifying a lesser punishment and makes that~~

14513           ~~finding a part of the court record.]~~

14514           (1) Terms defined in Sections 76-1-101.5 and 76-9-802 apply to this section.

14515           (2) An actor commits failure to disperse if the actor:

14516           (a) is in a place designated as an area where gang loitering is prohibited under Section

14517           11-48-104;

14518           (b) is ordered by a law enforcement officer under Section 53-25-602 to disperse from

14519           within sight and hearing of the location described in Subsection (2)(a); and

14520           (c)(i) fails to disperse as ordered in Subsection (2)(b); or

14521           (ii) disperses and then returns to the location within the next eight hours after

14522           receiving the order to disperse under Subsection (2)(b).

14523           (3)(a) Subject to Subsection (3)(b), a violation of Subsection (2) is a class B

14524           misdemeanor.

14525 (b) In addition to the punishment described in Subsection (3)(a), a subsequent violation  
 14526 of Subsection (2) is subject to a fine of not less than \$100.

14527 (4) A court may sentence an actor under Subsection (3)(b) with a lesser punishment if the  
 14528 court, on the record, finds that mitigating circumstances justify the lesser punishment.

14529 (5) This section does not affect or limit an actor's constitutional right to engage in collective  
 14530 advocacy activities that are protected by the constitution or laws of this state or by the  
 14531 constitution or laws of the United States.

14532 Section 264. Section **76-9-1101**, which is renumbered from Section 76-10-101 is renumbered  
 14533 and amended to read:

14534

### **Part 11. Cigarettes, Tobacco, and Psychotoxic Chemical Solvents**

14535 **[76-10-101]76-9-1101 (Effective 05/07/25). Definitions.**

14536 As used in this part:

14537 (1)(a) "Alternative nicotine product" means a product, other than a cigarette, a  
 14538 counterfeit cigarette, an electronic cigarette product, a nontherapeutic nicotine  
 14539 product, or a tobacco product, that:

14540 (i) contains nicotine;

14541 (ii) is intended for human consumption;

14542 (iii) is not purchased with a prescription from a licensed physician; and

14543 (iv) is not approved by the United States Food and Drug Administration as nicotine  
 14544 replacement therapy.

14545 (b) "Alternative nicotine product" includes:

14546 (i) pure nicotine;

14547 (ii) snortable nicotine;

14548 (iii) dissolvable salts, orbs, pellets, sticks, or strips; and

14549 (iv) nicotine-laced food and beverage.

14550 (c) "Alternative nicotine product" does not include a fruit, a vegetable, or a tea that  
 14551 contains naturally occurring nicotine.

14552 (2) "Cigar" means a product that contains nicotine, is intended to be burned under ordinary  
 14553 conditions of use, and consists of any roll of tobacco wrapped in leaf tobacco, or in any  
 14554 substance containing tobacco, other than any roll of tobacco that is a cigarette.

14555 (3) "Cigarette" means a product that contains nicotine, is intended to be heated or burned  
 14556 under ordinary conditions of use, and consists of:

14557 (a) any roll of tobacco wrapped in paper or in any substance not containing tobacco; or

- 14558 (b) any roll of tobacco wrapped in any substance containing tobacco which, because of  
14559 its appearance, the type of tobacco used in the filler, or its packaging and labeling, is  
14560 likely to be offered to, or purchased by, consumers as a cigarette described in  
14561 Subsection (3)(a).
- 14562 (4)(a) "Electronic cigarette" means:
- 14563 (i) ~~any~~ an electronic oral device:
- 14564 (A) that provides an aerosol or a vapor of nicotine or other substance; and  
14565 (B) ~~which~~ that simulates smoking through the use or inhalation of the device;
- 14566 (ii) a component of the device described in Subsection (4)(a)(i); or  
14567 (iii) an accessory sold in the same package as the device described in Subsection  
14568 (4)(a)(i).
- 14569 (b) "Electronic cigarette" includes an oral device that is:
- 14570 (i) composed of a heating element, battery, or electronic circuit; and  
14571 (ii) marketed, manufactured, distributed, or sold as:
- 14572 (A) an e-cigarette;  
14573 (B) an e-cigar;  
14574 (C) an e-pipe; or  
14575 (D) any other product name or descriptor, if the function of the product meets the  
14576 definition of Subsection (4)(a).
- 14577 (c) "Electronic cigarette" does not mean a medical cannabis device, as that term is  
14578 defined in Section 26B-4-201.
- 14579 (5) "Electronic cigarette product" means an electronic cigarette, an electronic cigarette  
14580 substance, or a prefilled electronic cigarette.
- 14581 (6) "Electronic cigarette substance" means any substance, including liquid containing  
14582 nicotine, used or intended for use in an electronic cigarette.
- 14583 (7)(a) "Flavored electronic cigarette product" means an electronic cigarette product that  
14584 has a taste or smell that is distinguishable by an ordinary consumer either before or  
14585 during use or consumption of the electronic cigarette product.
- 14586 (b) "Flavored electronic cigarette product" includes an electronic cigarette product that is  
14587 labeled as, or has a taste or smell of any fruit, chocolate, vanilla, honey, candy,  
14588 cocoa, dessert, alcoholic beverage, herb, spice, or mint.
- 14589 (c) "Flavored electronic cigarette product" does not include an electronic cigarette  
14590 product that has a taste or smell of only tobacco or menthol.
- 14591 (8) "Nicotine" means a poisonous, nitrogen containing chemical that is made synthetically

- 14592 or derived from tobacco or other plants.
- 14593 (9) "Nicotine product" means an alternative nicotine product or a nontherapeutic nicotine  
14594 product.
- 14595 (10)(a) "Nontherapeutic nicotine device" means a device that:
- 14596 (i) has a pressurized canister that is used to administer nicotine to the user through  
14597 inhalation or intranasally;
- 14598 (ii) is not purchased with a prescription from a licensed physician; and
- 14599 (iii) is not approved by the United States Food and Drug Administration as nicotine  
14600 replacement therapy.
- 14601 (b) "Nontherapeutic nicotine device" includes a nontherapeutic nicotine inhaler or a  
14602 nontherapeutic nicotine nasal spray.
- 14603 (11) "Nontherapeutic nicotine device substance" means a substance that:
- 14604 (a) contains nicotine;
- 14605 (b) is sold in a cartridge for use in a nontherapeutic nicotine device;
- 14606 (c) is not purchased with a prescription from a licensed physician; and
- 14607 (d) is not approved by the United States Food and Drug Administration as nicotine  
14608 replacement therapy.
- 14609 (12) "Nontherapeutic nicotine product" means a nontherapeutic nicotine device, a  
14610 nontherapeutic nicotine device substance, or a prefilled nontherapeutic nicotine device.
- 14611 (13) "Place of business" includes:
- 14612 (a) a shop;
- 14613 (b) a store;
- 14614 (c) a factory;
- 14615 (d) a public garage;
- 14616 (e) an office;
- 14617 (f) a theater;
- 14618 (g) a recreation hall;
- 14619 (h) a dance hall;
- 14620 (i) a poolroom;
- 14621 (j) a cafe;
- 14622 (k) a cafeteria;
- 14623 (l) a cabaret;
- 14624 (m) a restaurant;
- 14625 (n) a hotel;

- 14626 (o) a lodging house;
- 14627 (p) a streetcar;
- 14628 (q) a bus;
- 14629 (r) an interurban or railway passenger coach;
- 14630 (s) a waiting room; and
- 14631 (t) any other place of business.
- 14632 (14) "Prefilled electronic cigarette" means an electronic cigarette that is sold prefilled with
- 14633 an electronic cigarette substance.
- 14634 (15) "Prefilled nontherapeutic nicotine device" means a nontherapeutic nicotine device that
- 14635 is sold prefilled with a nontherapeutic nicotine device substance.
- 14636 (16) "Premarket authorized or pending electronic cigarette product" means an electronic
- 14637 cigarette product that:
- 14638 (a)(i) has been approved by an order granting a premarket tobacco product
- 14639 application of the electronic cigarette product by the United States Food and Drug
- 14640 Administration under 21 U.S.C. Sec. 387j(c)(1)(A)(i); or
- 14641 (ii)(A) was marketed in the United States on or before August 8, 2016;
- 14642 (B) the manufacturer submitted a premarket tobacco product application for the
- 14643 electronic cigarette product to the United States Food and Drug Administration
- 14644 under 21 U.S.C. Sec. 387j on or before September 9, 2020; and
- 14645 (C) has an application described in Subsection (16)(a)(ii) that either remains under
- 14646 review by the United States Food and Drug Administration or a final decision
- 14647 on the application has not taken effect; and
- 14648 (b) does not exceed:
- 14649 (i) 4.0% nicotine by weight per container; or
- 14650 (ii) a nicotine concentration of 40 milligrams per milliliter.
- 14651 (17) "Retail tobacco specialty business" means the same as that term is defined in Section
- 14652 26B-7-501.
- 14653 (18) "Smoking" means the possession of any lighted cigar, cigarette, pipe, or other lighted
- 14654 smoking equipment.
- 14655 (19)(a) "Tobacco paraphernalia" means equipment, product, or material of any kind that
- 14656 is used, intended for use, or designed for use to package, repack, store, contain,
- 14657 conceal, ingest, inhale, or otherwise introduce a tobacco product, an electronic
- 14658 cigarette substance, or a nontherapeutic nicotine device substance into the human
- 14659 body.



- 14660 (b) "Tobacco paraphernalia" includes:
- 14661 (i) metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without
- 14662 screens, permanent screens, hashish heads, or punctured metal bowls;
- 14663 (ii) water pipes;
- 14664 (iii) carburetion tubes and devices;
- 14665 (iv) smoking and carburetion masks;
- 14666 (v) roach clips, meaning objects used to hold burning material, such as a cigarette,
- 14667 that has become too small or too short to be held in the hand;
- 14668 (vi) chamber pipes;
- 14669 (vii) carburetor pipes;
- 14670 (viii) electric pipes;
- 14671 (ix) air-driven pipes;
- 14672 (x) chillums;
- 14673 (xi) bongs; and
- 14674 (xii) ice pipes or chillers.
- 14675 (c) "Tobacco paraphernalia" does not include matches or lighters.
- 14676 (20) "Tobacco product" means:
- 14677 (a) a cigar;
- 14678 (b) a cigarette; or
- 14679 (c) tobacco in any form, including:
- 14680 (i) chewing tobacco; and
- 14681 (ii) any substitute for tobacco, including flavoring or additives to tobacco.
- 14682 (21) "Tobacco retailer" means:
- 14683 (a) a general tobacco retailer, as that term is defined in Section 26B-7-501; or
- 14684 (b) a retail tobacco specialty business.
- 14685 Section 265. Section **76-9-1102**, which is renumbered from Section 76-10-102 is renumbered
- 14686 and amended to read:
- 14687 **[76-10-102]76-9-1102 (Effective 05/07/25). Cigarette or tobacco advertising violation.**
- 14688 (1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 14689 (2) [It is a class B misdemeanor for any person to display] Except as provided in Subsection
- 14690 (4), an actor commits cigarette or tobacco advertising violation if the actor displays on [
- 14691 any] a billboard, streetcar sign, streetcar, bus, placard, or on any other object or place of
- 14692 display, [any] an advertisement of cigarettes, cigarette papers, cigars, chewing tobacco,
- 14693 or smoking tobacco or any disguise or substitute of [either, except that a dealer in

14694 cigarettes, cigarette papers, tobacco or cigars, or their substitutes, may have a sign on the  
 14695 front of his place of business stating that he is a dealer in the articles; provided that  
 14696 nothing herein shall be construed to prohibit the advertising of cigarettes, cigarette  
 14697 papers, chewing tobacco or smoking tobacco, or any substitute of either, in any  
 14698 newspaper, magazine or periodical printed or circulating in this state.] cigarettes,  
 14699 cigarette papers, tobacco, or cigars.

14700 (3) A violation of Subsection (2) is a class B misdemeanor.

14701 (4)(a) A dealer of cigarettes, cigarette papers, tobacco, cigars, or a substitute for  
 14702 cigarettes, cigarette papers, tobacco, or cigars may have a sign on the front of the  
 14703 dealer's place of business stating that the dealer is a dealer of cigarettes, cigarette  
 14704 papers, tobacco, cigars, or a substitute for cigarettes, cigarette papers, tobacco, or  
 14705 cigars.

14706 (b) This section does not prohibit the advertisement of an item listed in Subsection (4)(a)  
 14707 in a newspaper, magazine or periodical printed or circulating in this state.

14708 [~~(2) Any advertisement for smokeless tobacco placed in a newspaper, magazine, or~~  
 14709 ~~periodical published in this state must bear a warning which states: "Use of smokeless~~  
 14710 ~~tobacco may cause oral cancer and other mouth disorders and is addictive." This~~  
 14711 ~~warning must be in a conspicuous location and in conspicuous and legible type, in~~  
 14712 ~~contrast with the typography, layout, and color of all other printed material in the~~  
 14713 ~~advertisement. For purposes of this subsection, "smokeless tobacco" means any finely~~  
 14714 ~~cut, ground, powdered, or leaf tobacco that is intended to be placed in the oral cavity or~~  
 14715 ~~nasal passage. In the event the United States Congress passes legislation which requires~~  
 14716 ~~warnings in advertisements of smokeless tobacco, the specific language required to be~~  
 14717 ~~placed in advertisements by that legislation shall take precedence over this subsection.]~~

14718 Section 266. Section **76-9-1103**, which is renumbered from Section 76-10-103 is renumbered  
 14719 and amended to read:

14720 **[76-10-103]76-9-1103 (Effective 05/07/25). Permitting a minor to use a tobacco product,**  
 14721 **electronic cigarette product, or nicotine product in a place of business.**

14722 (1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

14723 (2) An actor commits permitting a minor to use a tobacco product, electronic cigarette  
 14724 product, or nicotine product in a place of business if the actor:

14725 (a) is a proprietor of a place of business; and

14726 (b) [It is a class C misdemeanor for the proprietor of any place of business to

14727 knowingly permit] knowingly permits an individual under 21 years old to frequent [a]

14728           the actor's place of business while the individual is using a tobacco product, an  
14729           electronic cigarette product, or a nicotine product.

14730   (3) A violation of Subsection (2) is a class C misdemeanor.

14731           Section 267. Section **76-9-1104**, which is renumbered from Section 76-10-104 is renumbered  
14732 and amended to read:

14733           ~~[76-10-104]~~ **76-9-1104 (Effective 05/07/25). Providing a cigar, a cigarette, an electronic**  
14734 **cigarette product, a nicotine product, or tobacco to a minor.**

14735   (1)(a) As used in this section, "provides":

14736           ~~[(a)]~~ (i) includes selling, giving, furnishing, sending, or causing to be sent; and

14737           ~~[(b)]~~ (ii) does not include the acts:

14738           (A) of the United States Postal Service or other common carrier when engaged in  
14739           the business of transporting and delivering packages for others~~[-or the acts]~~ ; or

14740           (B) of a person, whether compensated or not, who transports or delivers a package  
14741           for another person without any reason to know of the package's content.

14742           (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

14743   (2) ~~[An individual who]~~ Except as provided in Subsection (4), an actor commits providing a  
14744 cigar, cigarette, electronic cigarette product, nicotine product, or tobacco to a minor if  
14745 the actor knowingly, intentionally, recklessly, or with criminal negligence provides a  
14746 tobacco product, an electronic cigarette product, or a nicotine product to an individual  
14747 who is under 21 years old~~[- is guilty of:]~~ .

14748           ~~[(a) a class C misdemeanor on the first offense;]~~

14749           ~~[(b) a class B misdemeanor on the second offense; and]~~

14750           ~~[(c) a class A misdemeanor on any subsequent offense.]~~

14751   (3) A violation of Subsection (2) is:

14752           (a) a class C misdemeanor on the first offense;

14753           (b) a class B misdemeanor on the second offense; or

14754           (c) a class A misdemeanor on the third or subsequent offense.

14755   ~~[(3)]~~ (4) This section does not apply to conduct of an employee of a tobacco retailer that is a  
14756 violation of Section ~~[76-10-114]~~ 76-9-1116.

14757           Section 268. Section **76-9-1105**, which is renumbered from Section 76-10-104.1 is renumbered  
14758 and amended to read:

14759           ~~[76-10-104.1]~~ **76-9-1105 (Effective 05/07/25). Providing tobacco paraphernalia to a minor.**

14760   (1)(a) As used in this section, "provides"~~[:]~~ means the same as that term is defined in  
14761 Section 76-9-1104.

14762 [(a) includes selling, giving, furnishing, sending, or causing to be sent; and]  
 14763 [(b) does not include the acts of the United States Postal Service or other common  
 14764 carrier when engaged in the business of transporting and delivering packages for  
 14765 others or the acts of a person, whether compensated or not, who transports or  
 14766 delivers a package for another person without any reason to know of the package's  
 14767 content.]

14768 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

14769 (2)[(a) ~~It is unlawful for an individual to~~] An actor commits providing tobacco  
 14770 paraphernalia to a minor if the actor knowingly, intentionally, recklessly, or with  
 14771 criminal negligence provide tobacco paraphernalia to an individual under 21 years  
 14772 old.

14773 [(b) ~~An individual who violates this section is guilty of:~~]

14774 (3) A violation of Subsection (2) is:

14775 [(i)] (a) a class C misdemeanor on the first offense; [and] or

14776 [(ii)] (b) a class B misdemeanor on [any] a subsequent offense.

14777 Section 269. Section **76-9-1106**, which is renumbered from Section 76-10-105 is renumbered  
 14778 and amended to read:

14779 **[76-10-105]76-9-1106 (Effective 05/07/25). Buying or possessing a tobacco product or an**  
 14780 **electronic cigarette product by a minor.**

14781 (1) [~~An individual who is 18 years old or older, but~~] Terms defined in Sections 76-1-101.5  
 14782 and 76-9-1101 apply to this section.

14783 (2) An actor commits buying or possessing a tobacco product or an electronic cigarette  
 14784 product by a minor if the actor:

14785 (a) is younger than 21 years old[, and who] ; and

14786 (b) buys or attempts to buy, accepts, or has in the [individual's] actor's possession a  
 14787 tobacco product, an electronic cigarette product, or a nicotine product[-is:] .

14788 [(a) ~~guilty of an infraction; and~~]

14789 [(b) ~~subject to:~~]

14790 [(i) ~~a minimum fine or penalty of \$60; and~~]

14791 [(ii) ~~participation in a court-approved tobacco education or cessation program, which~~  
 14792 ~~may include a participation fee.~~]

14793 [(2)] (3)(a) If the actor is 18 years old or older but younger than 21 years old, a violation  
 14794 of Subsection (2) is:

14795 (i) an infraction; and

- 14796 (ii) subject to:
- 14797 (A) a minimum fine or penalty of \$60; and
- 14798 (B) participation in a court-approved tobacco education or cessation program,
- 14799 which may include a participation fee.
- 14800 (b) [~~An individual who is under 18 years old and who buys or attempts to buy, accepts,~~
- 14801 ~~or has in the individual's possession a tobacco product, an electronic cigarette~~
- 14802 ~~product, or a nicotine product is subject to.] If the actor is under 18 years old, a~~
- 14803 violation of Subsection (2) is a citation under Section 80-6-302, unless the violation
- 14804 is committed on school property under Section 53G-8-211.
- 14805 [~~(b)~~] (c) If a violation under this section is adjudicated under Section 80-6-701, the minor
- 14806 may be subject to the following:
- 14807 (i) a fine or penalty, in accordance with Section 80-6-709; and
- 14808 (ii) participation in a court-approved tobacco education program, which may include
- 14809 a participation fee.
- 14810 [~~(3)~~] (4)(a) A compliance officer appointed by a board of education under Section
- 14811 53G-4-402 may not issue a citation for a violation of this section committed on
- 14812 school property.
- 14813 (b) A cited violation committed on school property shall be addressed in accordance
- 14814 with Section 53G-8-211.
- 14815 Section 270. Section **76-9-1107**, which is renumbered from Section 76-10-105.1 is renumbered
- 14816 and amended to read:
- 14817 **[76-10-105.1]76-9-1107 (Effective 05/07/25). Illegal indirect sale of a tobacco product, an**
- 14818 **electronic cigarette product, or a nicotine product.**
- 14819 (1)(a) As used in this section:
- 14820 [~~(a)~~] (i)[~~(i)~~] (A) "Face-to-face exchange" means a transaction made in person
- 14821 between an individual and a retailer or retailer's employee.
- 14822 [~~(ii)~~] (B) "Face-to-face exchange" does not include a sale through a[~~:~~] vending
- 14823 machine or a self-service display.
- 14824 [~~(A) vending machine; or~~]
- 14825 [~~(B) self-service display.~~]
- 14826 [~~(b)~~] (ii) "Retailer" means a person who:
- 14827 [~~(i)~~] (A) sells a tobacco product, an electronic cigarette product, or a nicotine
- 14828 product to an individual for personal consumption; or
- 14829 [~~(ii)~~] (B) operates a facility with a vending machine that sells a tobacco product, an

- 14830 electronic cigarette product, or a nicotine product.
- 14831 ~~[(e)]~~ (iii) "Self-service display" means a display of a tobacco product, an electronic
- 14832 cigarette product, or a nicotine product to which the public has access without the
- 14833 intervention of a retailer or retailer's employee.
- 14834 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 14835 (2) Except as provided in Subsection ~~[(3), a retailer may sell]~~ (4), an actor commits illegal
- 14836 indirect sale of a tobacco product, an electronic cigarette product, or a nicotine product if
- 14837 the actor:
- 14838 (a) is a retailer; and
- 14839 (b) sells a tobacco product, an electronic cigarette product, or a nicotine product~~[-only]~~
- 14840 in a manner that does not include a face-to-face exchange.
- 14841 (3) A violation of Subsection (2) is:
- 14842 (a) a class C misdemeanor on the first offense;
- 14843 (b) a class B misdemeanor on the second offense; or
- 14844 (c) a class A misdemeanor on the third or subsequent offense.
- 14845 ~~[(3)]~~ (4) The face-to-face sale requirement in Subsection (2) does not apply to:
- 14846 (a) a mail-order, telephone, or Internet sale made in compliance with Section 59-14-509;
- 14847 (b) a sale from a vending machine or self-service display that is located in an area of a
- 14848 retailer's facility:
- 14849 (i) that is distinct and separate from the rest of the facility; and
- 14850 (ii) where the retailer only allows an individual ~~[who complies with Subsection (4) to~~
- 14851 be present] who is under 21 years old to be present if the individual:
- 14852 (A) is accompanied by the actor's parent or legal guardian; or
- 14853 (B)(I) is present solely for the purpose of providing a service to the business,
- 14854 including making a delivery;
- 14855 (II) is monitored by the proprietor business or an employee of the business; and
- 14856 (III) is not permitted to make any purchase or conduct any commercial
- 14857 transaction other than the service described in Subsection (4)(b)(ii)(B)(II); or
- 14858 (c) a sale at a retail tobacco specialty business.
- 14859 ~~[(4) An individual who is under 21 years old may not enter or be present at a retail tobacco~~
- 14860 ~~specialty business unless the individual is:]~~
- 14861 ~~[(a) accompanied by a parent or legal guardian; or]~~
- 14862 ~~[(b)(i) present at the retail tobacco specialty business solely for the purpose of providing a~~
- 14863 ~~service to the retail tobacco specialty business, including making a delivery;]~~

14864           (ii) monitored by the proprietor of the retail tobacco specialty business or an employee of  
 14865           the retail tobacco specialty business; and]

14866           (iii) not permitted to make any purchase or conduct any commercial transaction other than  
 14867           the service described in Subsection (4)(b)(i).]

14868   (5)(a) [A] An individual's parent or legal guardian who accompanies[, under Subsection  
 14869           (4)(a);] an individual into an area described in Subsection [(3)(b) or into a retail  
 14870           tobacco specialty business] (4)(b)(ii)(A) may not allow the individual to purchase a  
 14871           tobacco product, an electronic cigarette product, or a nicotine product.

14872           (b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.

14873   [(6) A violation of Subsection (2) or (4) is a:]

14874           (a) class C misdemeanor on the first offense;

14875           (b) class B misdemeanor on the second offense; and]

14876           (c) class A misdemeanor on any subsequent offenses.]

14877   [(7) An individual who violates Subsection (5) is guilty of an offense under Section  
 14878           76-10-104.]

14879           Section 271. Section **76-9-1108** is enacted to read:

14880           **76-9-1108 (Effective 05/07/25). Illegal presence of a minor inside a tobacco**  
 14881           **specialty business.**

14882           (1)(a) As used in this section, "self-service display" means the same as that term is  
 14883           defined in Section 76-9-1107.

14884           (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

14885           (2) Except as provided in Subsection (4), an actor commits illegal presence of a minor  
 14886           inside a tobacco specialty business if the actor:

14887           (a) is under 21 years old; and

14888           (b) enters or is present inside a retail tobacco specialty business.

14889           (3) A violation of Subsection (2) is:

14890           (a) a class C misdemeanor on the first offense;

14891           (b) a class B misdemeanor on the second offense; or

14892           (c) a class A misdemeanor on the third or subsequent offense.

14893           (4) An actor under 21 years old may enter or be present inside a tobacco specialty business  
 14894           if the actor is:

14895           (a) accompanied by the actor's parent or legal guardian; or

14896           (b)(i) present at the retail tobacco specialty business solely for the purpose of  
 14897           providing a service to the tobacco retail specialty business, including making a

- 14898 delivery;
- 14899 (ii) monitored by the proprietor of the retail tobacco specialty business or an
- 14900 employee of the retail tobacco specialty business; and
- 14901 (iii) not permitted to make any purchase or conduct any commercial transaction other
- 14902 than the service described in Subsection (4)(b)(i).
- 14903 (5)(a) An individual's parent or legal guardian who accompanies an individual under
- 14904 Subsection (4)(a) inside a tobacco specialty business may not allow the individual to
- 14905 purchase a tobacco product, an electronic cigarette product, or a nicotine product.
- 14906 (b) A violation of Subsection (5)(a) is an offense under Section 76-9-1104.
- 14907 Section 272. Section **76-9-1109**, which is renumbered from Section 76-10-105.3 is renumbered
- 14908 and amended to read:
- 14909 **[76-10-105.3]76-9-1109 (Effective 05/07/25). Illegal sale or gift of clove cigarette.**
- 14910 (1)(a) As used in this section, "clove cigarette" means a cigarette that contains more
- 14911 than 10%, by weight, of raw eugenia caryophyllata or caryophyllus, commonly
- 14912 known as clove.
- 14913 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 14914 (2) [It is unlawful for any person to knowingly sell, offer for sale, give or furnish any
- 14915 clove cigarette in this state. For purposes of this section "clove cigarette" means any
- 14916 cigarette which contains more than 10%, by weight, of raw eugenia caryophyllata or
- 14917 caryophyllus, commonly known as clove. Any person who violates this section is guilty
- 14918 of.] An actor commits illegal sale or gift of clove cigarette if the actor knowingly sells,
- 14919 offers for sale, gives, or furnishes a clove cigarette in this state.
- 14920 (3) A violation of Subsection (2) is a class B misdemeanor.
- 14921 Section 273. Section **76-9-1110**, which is renumbered from Section 76-10-107 is renumbered
- 14922 and amended to read:
- 14923 **[76-10-107]76-9-1110 (Effective 05/07/25). Abuse of psychotoxic chemical solvent.**
- 14924 (1)(a) As used in this section, "psychotoxic chemical solvent" includes any glue,
- 14925 cement, or other substance containing one or more of the following chemical
- 14926 compounds:
- 14927 (i) acetone and acetate;
- 14928 (ii) amyl nitrite or amyl nitrate or their isomers;
- 14929 (iii) benzene, butyl alcohol, butyl nitrite, butyl nitrate, or their isomers;
- 14930 (iv) ethyl alcohol, ethyl nitrite, or ethyl nitrate;
- 14931 (v) ethylene dichloride;



- 14932            (vi) isobutyl alcohol;
- 14933            (vii) methyl alcohol;
- 14934            (viii) methyl ethyl ketone;
- 14935            (ix) n-propyl alcohol;
- 14936            (x) pentachlorophenol;
- 14937            (xi) petroleum ether;
- 14938            (xii) propyl nitrite or propyl nitrate or their isomers;
- 14939            (xiii) toluene;
- 14940            (xiv) xylene; or
- 14941            (xv) another chemical substance capable of causing a condition of intoxication,  
 14942                    inebriation, excitement, stupefaction, or the dulling of the brain or nervous system  
 14943                    as a result of the inhalation of the fumes or vapors of such chemical substance.
- 14944            (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 14945            (2) [A person is guilty of] Except as provided in Subsection (4), an actor commits abuse of  
 14946            psychotoxic chemical [solvents if] solvent if:
- 14947            (a) for the purpose of causing a condition of intoxication, inebriation, excitement,  
 14948                    stupefaction, or the dulling of [his] the actor's brain or nervous system, [he] the actor  
 14949                    intentionally:
- 14950            (i) smells or inhales the fumes of [any] a psychotoxic chemical solvent; or
- 14951            (ii) possesses, purchases, or attempts to possess or purchase [any] a psychotoxic  
 14952                    chemical solvent; or
- 14953            (b) the [person] actor offers, sells, or provides a psychotoxic chemical solvent to another  
 14954                    person, knowing that other person or a third party intends to possess or use that  
 14955                    psychotoxic chemical solvent in violation of Subsection [(1)(a).] (2)(a).
- 14956            [(2) This section does not apply to the prescribed use, distribution, or sale of those  
 14957                    substances for medical or dental purposes.]
- 14958            (3) [Abuse of psychotoxic chemical solvents] A violation of Subsection (2) is a class B  
 14959                    misdemeanor.
- 14960            [(4) As used in this section, psychotoxic chemical solvent includes any glue, cement, or  
 14961                    other substance containing one or more of the following chemical compounds:  
 14962                    acetone and acetate, amyl nitrite or amyl nitrate or their isomers, benzene, butyl  
 14963                    alcohol, butyl nitrite, butyl nitrate, or their isomers, ethyl alcohol, ethyl nitrite or  
 14964                    ethyl nitrate, ethylene dichloride, isobutyl alcohol, methyl alcohol, methyl ethyl  
 14965                    ketone, n-propyl alcohol, pentachlorophenol, petroleum ether, propyl nitrite or propyl

14966 nitrate or their isomers, toluene or xylene, or other chemical substance capable of  
 14967 causing a condition of intoxication, inebriation, excitement, stupefaction, or the  
 14968 dulling of the brain or nervous system as a result of the inhalation of the fumes or  
 14969 vapors of such chemical substance.]

14970 (4) This section does not apply to:

14971 (a) the prescribed use, distribution, or sale of a psychotoxic chemical solvent for a  
 14972 medical or dental purpose; or

14973 (b) ~~[Nothing in this section shall be construed to include any]~~ a controlled substance  
 14974 regulated by the provisions of Title 58, Chapter 37, Utah Controlled Substances Act.

14975 Section 274. Section **76-9-1111**, which is renumbered from Section 76-10-107.5 is renumbered  
 14976 and amended to read:

14977 ~~[76-10-107.5]~~ **76-9-1111 (Effective 05/07/25). Abuse of nitrous oxide.**

14978 (1)(a) As used in this section, "nitrous oxide" means:

14979 ~~[(a)]~~ (i) N<sub>2</sub>O, a colorless gas or liquid that is also referred to as dinitrogen monoxide,  
 14980 nitrogen oxide, or laughing gas; ~~[and]~~ or

14981 ~~[(b)]~~ (ii) any substance containing nitrous oxide.

14982 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

14983 (2) ~~[A person is guilty of]~~ Except as provided in Subsection (4), an actor commits abuse of  
 14984 nitrous oxide [who] if the actor:

14985 (a) possesses nitrous oxide with the intent to breathe, inhale, or ingest ~~[it]~~ the nitrous  
 14986 oxide for the purpose of:

14987 (i) causing a condition of intoxication, elation, euphoria, dizziness, stupefaction, or  
 14988 dulling of the senses; or

14989 (ii) in any manner changing, distorting, or disturbing the audio, visual, or mental  
 14990 processes;

14991 (b) knowingly ~~[and]~~ or intentionally is under the influence of nitrous oxide; or

14992 (c) offers, sells, or provides nitrous oxide to another person, knowing that other person  
 14993 or a third party intends to possess or use the nitrous oxide in violation of Subsection  
 14994 (2)(a) or (b).

14995 (3) A violation of Subsection (2) is a class A misdemeanor.

14996 ~~[(3)]~~ (4)(a) Subsection (2)(b) does not apply to any person who is under the influence of  
 14997 nitrous oxide pursuant to an administration for the purpose of medical, surgical, or  
 14998 dental care by a person holding a license under state law that authorizes the  
 14999 administration of nitrous oxide.

- 15000        ~~[(4)]~~ (b) Subsection (2)(c) does not apply to any person who:
- 15001            (i) administers nitrous oxide for the purpose of medical, surgical, or dental care; and
- 15002            (ii) ~~[who]~~ holds a license under state law that authorizes the administration of nitrous
- 15003            oxide.
- 15004        ~~[(5) A violation of this section is a class A misdemeanor.]~~
- 15005            Section 275. Section **76-9-1112**, which is renumbered from Section 76-10-111 is renumbered
- 15006        and amended to read:
- 15007            **[76-10-111]76-9-1112 (Effective 05/07/25). Illegal provision of smokeless tobacco or**
- 15008        **electronic cigarette product -- Exceptions.**
- 15009        ~~[(1) The Legislature finds that:]~~
- 15010            ~~[(a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who~~
- 15011            ~~use those products because research indicates that they may cause mouth or oral cancers;]~~
- 15012            ~~[(b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;]~~
- 15013            ~~[(c) the use of electronic cigarette products may lead to unhealthy behavior such as the use~~
- 15014            ~~of tobacco products; and]~~
- 15015            ~~[(d) it is necessary to restrict the gift of the products described in this Subsection (1) in the~~
- 15016            ~~interest of the health of the citizens of this state.]~~
- 15017        (1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.
- 15018        (2)~~[(a)]~~ Except as provided in Subsection ~~[(3), it is unlawful for]~~ (4), an actor commits
- 15019        illegal provision of smokeless tobacco or electronic cigarette product if the actor:
- 15020            (a) is a manufacturer, wholesaler, and retailer [tø:] ; and
- 15021            (b)(i) ~~[give or distribute-]~~ gives or distributes without charge ~~[any-]~~ smokeless
- 15022            tobacco, chewing tobacco, or an electronic cigarette product in this state;
- 15023            (ii) ~~[sell, offer for sale, or furnish any]~~ sells, offers for sale, or furnishes an electronic
- 15024            cigarette product at less than the cost, including the amount of any applicable tax,
- 15025            of the product to the manufacturer, wholesaler, or retailer; or
- 15026            (iii) ~~[give, distribute, sell, offer for sale, or furnish any]~~ gives, distributes, sells, offers
- 15027            for sale, or furnishes an electronic cigarette product for free or at a lower price
- 15028            because the recipient of the electronic cigarette product makes another purchase.
- 15029        (3) A violation of Subsection (2) is:
- 15030            (a) a class C misdemeanor on the first offense; or
- 15031            (b) a class B misdemeanor on a subsequent offense.
- 15032        ~~[(b)]~~ (4)(a) The price that a manufacturer, wholesaler, or retailer may charge under
- 15033        Subsection ~~[(2)(a)(ii)]~~ (2)(b)(ii) does not include a discount for:

- 15034 (i) a physical manufacturer coupon:
- 15035 (A) that is surrendered to the wholesaler or retailer at the time of sale; and
- 15036 (B) for which the manufacturer will reimburse the wholesaler or the retailer for
- 15037 the full amount of the discount described in the manufacturer coupon and
- 15038 provided to the purchaser;
- 15039 (ii) a rebate that will be paid to the manufacturer, the wholesaler, or the retailer for
- 15040 the full amount of the rebate provided to the purchaser; or
- 15041 (iii) a promotional fund that will be paid to the manufacturer, the wholesaler, or the
- 15042 retailer for the full amount of the promotional fund provided to the purchaser.

15043 [~~(e) Any individual who violates this section is guilty of:~~]

15044 [~~(i) a class C misdemeanor for the first offense; and]~~

15045 [~~(ii) a class B misdemeanor for any subsequent offense.]~~

15046 [(3)] (b) Smokeless tobacco, chewing tobacco, or an electronic cigarette product may be

15047 distributed to adults without charge at professional conventions where the general

15048 public is excluded.

15049 (5) The Legislature finds that:

15050 (a) smokeless tobacco, or chewing tobacco, is harmful to the health of individuals who

15051 use those products because research indicates that they may cause mouth or oral

15052 cancers;

15053 (b) the use of smokeless tobacco among juveniles in this state is increasing rapidly;

15054 (c) the use of electronic cigarette products may lead to unhealthy behavior such as the

15055 use of tobacco products; and

15056 (d) it is necessary to restrict the gift of the products described in this section in the

15057 interest of the health of the citizens of this state.

15058 Section 276. Section **76-9-1113**, which is renumbered from Section 76-10-112 is renumbered

15059 and amended to read:

15060 **[76-10-112]76-9-1113 (Effective 05/07/25). Illegal distribution of a tobacco product --**

15061 **Exceptions.**

15062 (1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

15063 (2) Except as provided in Subsection [(3), it is unlawful for-] (4), an actor commits illegal

15064 distribution of a tobacco product if the actor:

15065 (a) is a manufacturer, wholesaler, or retailer; and

15066 (b) [to give or distribute] gives or distributes a tobacco product in this state without

15067 charge.

15068 ~~[(2) An individual who violates this subsection is guilty of]~~

15069 ~~(3) A violation of Subsection (2) is:~~

15070 ~~(a) a class C misdemeanor [for] on the first offense; [and] or~~

15071 ~~(b) a class B misdemeanor [for any] on a subsequent offense.~~

15072 ~~[(3)] (4)(a) A tobacco product may be distributed to an adult without charge at a~~  
 15073 ~~professional convention where the general public is excluded.~~

15074 ~~[(4)] (b) The prohibition described in Subsection [(1)] (2) does not apply to a tobacco~~  
 15075 ~~retailer, a manufacturer, or a distributor that gives a tobacco product to an individual~~  
 15076 ~~who is 21 years old or older upon the individual's purchase of a tobacco product.~~

15077 Section 277. Section **76-9-1114**, which is renumbered from Section 76-10-113 is renumbered  
 15078 and amended to read:

15079 ~~[76-10-113]~~ **76-9-1114 (Effective 05/07/25). Illegal distribution of a flavored electronic**  
 15080 **cigarette product.**

15081 (1) ~~[Subject to Subsection (2), it is unlawful for a tobacco retailer that is not a retail tobacco~~  
 15082 ~~specialty business to give, distribute, sell, offer for sale, or furnish a flavored electronic~~  
 15083 ~~cigarette product to any person.] Terms defined in Sections 76-1-101.5 and 76-9-1101~~  
 15084 ~~apply to this section.~~

15085 (2) ~~[Notwithstanding Subsection (1), and beginning on January 1, 2025, it is unlawful for a~~  
 15086 ~~person to give, distribute, sell, offer for sale, or furnish] An actor commits illegal~~  
 15087 ~~distribution of a flavored electronic cigarette product if the actor gives, distributes, sells,~~  
 15088 ~~offers for sale, or furnishes to any person a flavored electronic cigarette product.~~

15089 ~~[(3) Beginning on January 1, 2025, it is unlawful for a person to give, distribute, sell,~~  
 15090 ~~offer for sale, or furnish to any person an electronic cigarette product that is not a~~  
 15091 ~~premarket authorized or pending electronic cigarette product.]~~

15092 ~~[(4) An individual who violates this section is guilty of]~~

15093 ~~(3) A violation of Subsection (2) is:~~

15094 ~~(a) a class C misdemeanor [for] on the first offense; [and] or~~

15095 ~~(b) a class B misdemeanor [for any] on a subsequent offense.~~

15096 Section 278. Section **76-9-1115** is enacted to read:

15097 **76-9-1115 (Effective 05/07/25). Illegal distribution of an electronic cigarette**  
 15098 **product without federal authorization.**

15099 (1) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

15100 (2) An actor commits illegal distribution of an electronic cigarette product without federal  
 15101 authorization if the actor gives, distributes, sells, offers for sale, or furnishes to any

15102 person an electronic cigarette product that is not a premarket authorized or pending  
 15103 electronic cigarette product.

15104 (3) A violation of Subsection (2) is:

15105 (a) a class C misdemeanor on the first offense; or

15106 (b) a class B misdemeanor on a subsequent offense.

15107 Section 279. Section **76-9-1116**, which is renumbered from Section 76-10-114 is renumbered  
 15108 and amended to read:

15109 **[76-10-114]76-9-1116 (Effective 05/07/25). Unlawful sale of a tobacco product, electronic**  
 15110 **cigarette product, or nicotine product.**

15111 (1)(a) As used in this section:

15112 [(a)] (i) "Compensatory service" means service or unpaid work performed by an  
 15113 employee, in lieu of the payment of a fine or imprisonment.

15114 [(b)] (ii) "Employee" means an employee or an owner of a tobacco retailer.

15115 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

15116 (2) ~~[It is unlawful for an employee to knowingly or intentionally sell or give]~~ An actor  
 15117 commits unlawful sale of a tobacco product, electronic cigarette product, or nicotine  
 15118 product if the actor:

15119 (a) is an employee; and

15120 (b) intentionally or knowingly sells or gives a tobacco product, an electronic cigarette  
 15121 product, or a nicotine product in the course of business to an individual ~~[who is under]~~  
 15122 younger than 21 years old.

15123 (3) ~~[An employee who violates this section]~~ A violation of Subsection (2) is:

15124 (a) on a first violation:

15125 (i) ~~[guilty of]~~ an infraction; and

15126 (ii) subject to:

15127 (A) a fine not exceeding \$1,000; or

15128 (B) compensatory service; or

15129 (b) on ~~[any]~~ a subsequent violation:

15130 (i) ~~[guilty of]~~ a class C misdemeanor; and

15131 (ii) subject to:

15132 (A) a fine not exceeding \$2,000; or

15133 (B) compensatory service.

15134 Section 280. Section **76-9-1117**, which is renumbered from Section 76-10-115 is renumbered  
 15135 and amended to read:

15136 ~~[76-10-115]~~ **76-9-1117 (Effective 05/07/25). Unlawful transfer of proof of age.**

15137 (1)(a) As used in this section:

15138 ~~[(a)]~~ (i) "Proof of age" means:

15139 ~~[(i)]~~ (A) a valid identification card issued under Title 53, Chapter 3, Part 8,  
15140 Identification Card Act;

15141 ~~[(ii)]~~ (B) a valid identification that:

15142 ~~[(A)]~~ (I) is substantially similar to an identification card issued under Title 53,  
15143 Chapter 3, Part 8, Identification Card Act;

15144 ~~[(B)]~~ (II) is issued in accordance with the laws of a state other than Utah in  
15145 which the identification is issued;

15146 ~~[(C)]~~ (III) includes date of birth; and

15147 ~~[(D)]~~ (IV) has a picture affixed;

15148 ~~[(iii)]~~ (C) a valid driver license certificate that is issued under Title 53, Chapter 3,  
15149 Uniform Driver License Act, or in accordance with the laws of the state in  
15150 which the valid driver license is issued;

15151 ~~[(iv)]~~ (D) a valid United States military identification card that:

15152 ~~[(A)]~~ (I) includes date of birth; and

15153 ~~[(B)]~~ (II) has a picture affixed; or

15154 ~~[(v)]~~ (E) a valid passport.

15155 ~~[(b)]~~ (ii) "Proof of age" does not include a driving privilege card issued in accordance  
15156 with Section 53-3-207.

15157 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

15158 (2) ~~[An individual is guilty of a class B misdemeanor if the individual knowingly and~~  
15159 ~~intentionally transfers that individual's]~~ Except as provided in Subsection (4), an actor  
15160 commits unlawful transfer of proof of age if the actor intentionally or knowingly  
15161 transfers the actor's proof of age to another individual to aid that individual in:

15162 (a) purchasing a tobacco product, an electronic cigarette product, or a nicotine product;  
15163 or

15164 (b) gaining admittance to any part of the premises of a retail tobacco specialty business.

15165 (3) A violation of Subsection (2) is a class B misdemeanor.

15166 ~~[(3) An individual is guilty of a class A misdemeanor if the individual knowingly and~~  
15167 ~~intentionally uses proof of age containing false information with the intent to:]~~

15168 ~~[(a) purchase a tobacco product, an electronic cigarette product, or a nicotine product; or]~~

15169 ~~[(b) gain admittance to any part of the premises of a retail tobacco specialty business.]~~

15170 (4) ~~[Subsections (2) and (3) do]~~ Subsection (2) does not apply to an individual who uses a  
 15171 false identification in accordance with Subsection 77-39-101(4) at the request of a peace  
 15172 officer.

15173 Section 281. Section **76-9-1118** is enacted to read:

15174 **76-9-1118 (Effective 05/07/25). Unlawful use of proof of age containing false**  
 15175 **information.**

15176 (1)(a) As used in this section, "proof of age" means the same as that term is defined in  
 15177 Section 76-9-1117.

15178 (b) Terms defined in Sections 76-1-101.5 and 76-9-1101 apply to this section.

15179 (2) An actor commits unlawful use of proof of age containing false information if the actor  
 15180 intentionally or knowingly uses proof of age containing false information with the intent  
 15181 to:

15182 (a) purchase a tobacco product, an electronic cigarette product, or a nicotine product; or

15183 (b) gain admittance to any part of the premises of a retail tobacco specialty business.

15184 (3) A violation of Subsection (2) is a class A misdemeanor.

15185 (4) Subsection (2) does not apply to an individual who uses a false identification in  
 15186 accordance with Subsection 77-39-101(4) at the request of a peace officer.

15187 Section 282. Section **76-9-1119**, which is renumbered from Section 76-10-116 is renumbered  
 15188 and amended to read:

15189 **[76-10-116]76-9-1119 (Effective 05/07/25). Ordinances, rules, and regulations.**

15190 (1) Except as provided in Subsection (2) or (3), an ordinance, rule, or regulation adopted by  
 15191 a governing body of a political subdivision of the state or a state agency is superseded if:

15192 (a) the ordinance, rule, or regulation affects:

15193 (i) the minimum age of sale for a tobacco product, an electronic cigarette product, or  
 15194 tobacco paraphernalia;

15195 (ii) the provision or sale of a tobacco product, an electronic cigarette product, or  
 15196 tobacco paraphernalia;

15197 (iii) the flavoring of a tobacco product or an electronic cigarette product;

15198 (iv) the purchase or possession of a tobacco product, an electronic cigarette product,  
 15199 or tobacco paraphernalia; or

15200 (v) the placement or display of a tobacco product or an electronic cigarette product;  
 15201 and

15202 (b) the ordinance, rule, or regulation is not essentially identical to ~~[any]~~ a state statute  
 15203 relating to the applicable subject described in Subsection (1)(a).



- 15204 (2) A governing body of a political subdivision of the state or a state agency may adopt an  
 15205 ordinance, rule, or regulation on a subject described in Subsections (1)(a)(i) through (v)  
 15206 if the governing body of a political subdivision of the state or a state agency is  
 15207 authorized by statute to adopt the ordinance, rule, or regulation.
- 15208 (3) Subsection (1) does not apply to the adoption or enforcement of a land use ordinance by  
 15209 a municipal or county government.

15210 Section 283. Section **76-9-1201** is enacted to read:

15211

**Part 12. Offenses Concerning Water, Shafts, and Wells**

15212 **76-9-1201 (Effective 05/07/25). Definitions.**

15213 Reserved.

15214 Section 284. Section **76-9-1202**, which is renumbered from Section 76-10-201 is renumbered  
 15215 and amended to read:

15216 ~~[76-10-201]~~**76-9-1202 (Effective 05/07/25). Unlawful interference with water flow.**

15218 (1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

15219 (2) ~~[Every person who knowingly or]~~ An actor commits unlawful interference with water  
 15220 flow if the actor intentionally or knowingly interferes with or alters the flow of water in  
 15221 any stream, ditch, or lateral while under the control or management of any water  
 15222 commissioner~~[is guilty of a crime punishable under Section 73-2-27].~~

15223 (3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

15224 Section 285. Section **76-9-1203**, which is renumbered from Section 76-10-202 is renumbered  
 15225 and amended to read:

15226 ~~[76-10-202]~~**76-9-1203 (Effective 05/07/25). Unlawful taking of water or damaging a water**  
 15227 **facility.**

15228 (1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

15229 (2) ~~[No person may, in]~~ An actor commits unlawful taking of water or damaging a water  
 15230 facility if the actor, in violation of [any] a right of [any other] another person~~[knowingly~~  
 15231 ~~or]~~, intentionally or knowingly:

15232 (a) ~~[turn or use]~~ turns on or uses the water, or [any] a part thereof, of [any] a canal, ditch,  
 15233 pipeline, or reservoir, except at a time when the use of the water has been duly  
 15234 distributed to the [person] actor;

15235 (b) ~~[use any]~~ uses a greater quantity of the water than has been duly distributed to [him]  
 15236 the actor;

15237 (c) in any way ~~[change]~~ changes the flow of water when lawfully distributed for

15238 irrigation or other useful purposes, except when duly authorized to make the change;  
 15239 or

15240 (d) ~~[break or injure any]~~ breaks or injures a dam, canal, pipeline, watergate, ditch, or  
 15241 other means of diverting or conveying water for irrigation or other useful purposes.

15242 (3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

15243 ~~[(2)] (4)~~ Subsection ~~[(1)] (2)~~ applies to violations of ~~[any]~~ a right to the use of water,  
 15244 including:

15245 (a) a water right; or

15246 (b) authorization of a person's use of water by:

15247 (i) a water company, as defined in Subsection 73-3-3.5(1)(b); or

15248 (ii) an entity having a valid water right under Utah law.

15249 ~~[(3) Any person who violates this section is guilty of a crime punishable under Section~~  
 15250 ~~73-2-27.]~~

15251 Section 286. Section **76-9-1204**, which is renumbered from Section 76-10-203 is renumbered  
 15252 and amended to read:

15253 ~~[76-10-203]~~ **76-9-1204 (Effective 05/07/25). Unlawful obstruction of watergates.**

15254 (1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

15255 (2) ~~[Every person who]~~ An actor commits unlawful obstruction of watergates if the  
 15256 actor:

15257 (a) rafts or floats logs, timber, or wood down any river or stream; and

15258 (b) allows the logs, timber, or wood described in Subsection (2)(a) to accumulate at or  
 15259 obstruct the watergates owned by ~~[any]~~ a person or irrigation company taking or  
 15260 diverting the water of the river or stream for irrigation or manufacturing purposes~~[is~~  
 15261 ~~guilty of a crime punishable under Section 73-2-27].~~

15262 (3) A violation of Subsection (2) is subject to the penalty provisions in Section 73-2-27.

15263 Section 287. Section **76-9-1205**, which is renumbered from Section 76-10-204 is renumbered  
 15264 and amended to read:

15265 ~~[76-10-204]~~ **76-9-1205 (Effective 05/07/25). Unlawful damage to a bridge, dam, canal, or**  
 15266 **other water-related structure.**

15267 ~~[(1) A person is guilty of a third degree felony who intentionally, knowingly, or recklessly~~  
 15268 ~~commits an offense under Subsection (2) that does not amount to a violation of~~  
 15269 ~~Subsection 76-6-106(2)(a)(ii) or Section 76-6-106.3.]~~

15270 (1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.

15271 (2) Except as provided in Subsection (4), an actor commits unlawful damage to a bridge,

- 15272 dam, canal, or other water-related structure if the actor intentionally, knowingly, or  
 15273 recklessly:
- 15274 ~~[(2) Offenses referred to in Subsection (1) are when a person:]~~
- 15275 (a) cuts, breaks, damages, or destroys ~~[any] a~~ bridge, dam, canal, flume, aqueduct, levee,  
 15276 embankment, reservoir, or other structure erected:
- 15277 (i) to create hydraulic power[;] ;
- 15278 (ii) to drain or reclaim ~~[any swamp and overflowed]~~ a swamp, overflowed land, or  
 15279 marsh land[;] ; or
- 15280 (iii) to conduct water for mining, manufacturing, reclamation, or agricultural  
 15281 purposes, or for the supply of the inhabitants of any city or town;
- 15282 (b) makes or causes to be made ~~[any] an~~ aperture in ~~[any] a~~ dam, canal, flume, aqueduct,  
 15283 reservoir, embankment, levee, or similar structure with intent to injure or destroy ~~[it]~~  
 15284 the dam, canal, flume, aqueduct, reservoir, embankment, levee, or similar structure; or
- 15285 (c) draws up, cuts, or injures ~~[any piles]~~ a pile fixed in the ground and used for securing [  
 15286 ~~any]~~ a lake or river bank or ~~[walls]~~ wall or ~~[any]~~ a dock, quay, jetty, or lock.
- 15287 (3) A violation of Subsection (2) is a third degree felony.
- 15288 (4) Subsection (2) applies to conduct that does not amount to a violation of Subsection  
 15289 76-6-106(2)(a)(ii) or Section 76-6-106.3.
- 15290 Section 288. Section **76-9-1206**, which is renumbered from Section 76-10-2601 is renumbered  
 15291 and amended to read:
- 15292 ~~[76-10-2601]~~**76-9-1206 (Effective 05/07/25). Unlawful failure to fence a shaft or well.**
- 15293 (1) Terms defined in Sections 76-1-101.5 and 76-9-1201 apply to this section.
- 15294 (2) ~~[Any person who]~~ An actor commits unlawful failure to fence a shaft or well if the actor:
- 15295 (a) has sunk or sinks a shaft or well on the public domain for any purpose~~shall enclose~~  
 15296 it with a substantial curb or fence, which shall be at least 4-1/2 feet high. ; and
- 15297 (b) fails to enclose the shaft or well with a substantial curb or fence that is at least 4.5  
 15298 feet high.
- 15299 ~~[(2)]~~ (3) ~~[Any person violating this section is guilty of-]~~ A violation of Subsection (2) is a  
 15300 class B misdemeanor.

15301 Section 289. Section **76-9-1301**, which is renumbered from Section 76-10-801 is renumbered  
 15302 and amended to read:

15303

### Part 13. Criminal Nuisance

15304 ~~[76-10-801]~~**76-9-1301 (Effective 05/07/25). Definitions.**

- 15305 [(1) A nuisance is any] As used in this part:
- 15306 (1) "Nuisance" means an item, thing, manner, or condition [whatsoever] that:
- 15307 (a) is dangerous to human life or health; or
- 15308 (b) renders soil, air, water, or food impure or unwholesome.
- 15309 (2)(a) "Public nuisance" means unlawfully committing an act or omitting to perform a
- 15310 duty, which act or duty:
- 15311 (i) annoys, injures, or endangers the comfort, repose, health, or safety of three or
- 15312 more persons, regardless of the extent to which the annoyance, injury, or
- 15313 endangerment inflicted on the persons is unequal;
- 15314 (ii) offends public decency;
- 15315 (iii) unlawfully interferes with, obstructs, or tends to obstruct, or renders dangerous
- 15316 for passage, a lake, stream, canal, or basin, or a public park, square, street, or
- 15317 highway;
- 15318 (iv) is a nuisance as described in Section 78B-6-1107, Nuisance -- Drug houses and
- 15319 drug dealing -- Gambling -- Group criminal activity -- Party house -- Prostitution
- 15320 -- Weapons -- Abatement by eviction; or
- 15321 (v) renders three or more persons insecure in life or the use of property, regardless of
- 15322 the extent to which the effect inflicted on the persons is unequal.
- 15323 (b) "Public nuisance" is presumed to not include:
- 15324 (i) activities conducted in the normal and ordinary course of agricultural operations,
- 15325 as defined in Section 4-44-102, and conducted in accordance with sound
- 15326 agricultural practices, with the presumption that agricultural operations
- 15327 undertaken in conformity with federal, state, and local laws and regulations,
- 15328 including zoning ordinances, are operating within sound agricultural practices; or
- 15329 (ii) activities conducted in the normal and ordinary course of critical infrastructure
- 15330 materials operations, as defined in Section 78B-6-1101, and conducted in
- 15331 accordance with sound critical infrastructure materials practices, with the
- 15332 presumption that critical infrastructure materials operations undertaken in
- 15333 conformity with federal, state, and local laws and regulations, including zoning
- 15334 ordinances, are operating within sound critical infrastructure materials operations.
- 15335 [(2) Any person, whether as owner, agent, or occupant who creates, aids in creating, or
- 15336 contributes to a nuisance, or who supports, continues, or retains a nuisance, is guilty of a
- 15337 class-B misdemeanor.]
- 15338 Section 290. Section **76-9-1302** is enacted to read:

15339 **76-9-1302 (Effective 05/07/25). Creating, supporting, or retaining a nuisance.**

15340 (1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

15341 (2) An actor commits creating, supporting, or retaining a nuisance if the actor:

15342 (a) is an owner, agent, or occupant; and

15343 (b)(i) creates, aids in creating, or contributes to a nuisance; or

15344 (ii) supports, continues, or retains a nuisance.

15345 (3) A violation of Subsection (2) is a class B misdemeanor.

15346 Section 291. Section **76-9-1303**, which is renumbered from Section 76-10-802 is renumbered  
15347 and amended to read:

15348 ~~[76-10-802]~~ **76-9-1303 (Effective 05/07/25). Befouling waters.**

15349 [A person is guilty of a class B misdemeanor if he:]

15350 (1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

15351 (2) An actor commits the offense of befouling waters if the actor:

15352 (a) [~~Constructs~~] constructs or maintains a corral, sheep pen, goat pen, stable, pigpen,  
15353 chicken coop, or other offensive yard or outhouse [~~where~~] from which the waste or  
15354 drainage [~~therefrom shall flow~~] will flow directly into the waters of any stream, well,  
15355 or spring of water used for domestic purposes; [~~or~~]

15356 [(2)] (b) [~~Deposits~~] deposits, piles, unloads, or leaves [~~any~~] a manure heap, offensive  
15357 rubbish, or the carcass of [~~any~~] a dead animal [~~where~~] from which the waste or  
15358 drainage [~~therefrom~~] will flow directly into the waters of any stream, well, or spring  
15359 of water used for domestic purposes; [~~or~~]

15360 [(3)] (c) [~~Dips~~] dips or washes sheep in [~~any~~] a stream, or constructs, maintains, or uses [~~any~~]  
15361 a pool or dipping vat for dipping or washing sheep in such close proximity to [~~any~~]  
15362 a stream used for domestic purposes by the inhabitants of any city or town [~~for~~  
15363 domestic purposes] so as to make the waters [~~thereof~~] of the stream impure or  
15364 unwholesome; [~~or~~]

15365 [(4)] (d) [~~Constructs~~] constructs or maintains [~~any~~] a corral, yard, or vat to be used for the  
15366 purpose of shearing or dipping sheep within 12 miles of any city or town, [~~where~~]  
15367 from which the refuse or filth from the corral or yard would naturally find its way  
15368 into any stream of water used for domestic purposes by the inhabitants of any city or  
15369 town [~~for domestic purposes~~]; or

15370 [(5)] (e) [~~Establishes~~] establishes and maintains [~~any~~] a corral, camp, or bedding place for  
15371 the purpose of herding, holding, or keeping [~~any~~] cattle, horses, sheep, goats, or hogs  
15372 within seven miles of any city or town, [~~where~~] from which the refuse or filth from

15373 the corral, camp, or bedding place will naturally find its way into any stream of water  
 15374 used for domestic purposes by the inhabitants of any city or town[~~for domestic~~  
 15375 ~~purposes~~].

15376 (3) A violation of Subsection (2) is a class B misdemeanor.

15377 Section 292. Section **76-9-1304**, which is renumbered from Section 76-10-805 is renumbered  
 15378 and amended to read:

15379 **[76-10-805]76-9-1304 (Effective 05/07/25). Unlawful disposal of carcass or offal.**

15380 (1) [ ~~Every person who~~] Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to  
 15381 this section.

15382 (2) An actor commits unlawful disposal of carcass or offal if the actor:

15383 (a) puts the carcass of [any] a dead animal, or the offal from [any] a slaughter pen, corral,  
 15384 or butcher shop, into [any] a river, creek, pond, street, alley, or public highway, or  
 15385 road in common use[~~, or who attempts to destroy it by fire, within one-fourth of a~~  
 15386 ~~mile of any city or town is guilty of a class B misdemeanor.~~] ; or

15387 (b) attempts to destroy by fire the carcass of a dead animal, or the offal from a slaughter  
 15388 pen, corral, or butcher shop, within one-fourth of a mile of a city or town.

15389 (3) A violation of Subsection (2) is a class B misdemeanor.

15390 Section 293. Section **76-9-1305**, which is renumbered from Section 76-10-804 is renumbered  
 15391 and amended to read:

15392 **[76-10-804]76-9-1305 (Effective 05/07/25). Maintaining, committing, or failing to remove a**  
 15393 **public nuisance.**

15394 (1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

15395 (2) [~~Every person who~~] An actor commits maintaining, committing, or failing to  
 15396 remove a public nuisance if the actor:

15397 (a) maintains or commits [any] a public nuisance, the punishment for which is not  
 15398 otherwise prescribed[~~, or who~~] ; or

15399 (b) willfully omits to perform [any] a legal duty relating to the removal of a public  
 15400 nuisance[~~, is guilty of~~

15401 (3) A violation of Subsection (2) is a class B misdemeanor.

15402 Section 294. Section **76-9-1306**, which is renumbered from Section 76-10-806 is renumbered  
 15403 and amended to read:

15404 **[76-10-806]76-9-1306 (Effective 05/07/25). Action for abatement of public nuisance.**

15405 (1)(a) As used in this section:

15406 (i) "Distribute" means the same as that term is defined in Section 76-5c-101.

15407 (ii) "Exhibit" means the same as that term is defined in Section 76-5c-101.

15408 (iii) "Material" means the same as that term is defined in Section 76-5c-101.

15409 (b) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

15410 (2) The county attorney of the county [~~where~~] in which the public nuisance exists, upon  
 15411 direction of the county [~~]~~executive, or city attorney of the city [~~where~~] in which the  
 15412 public nuisance exists, upon direction of the board of city commissioners, or attorney  
 15413 general, upon direction of the governor, or any of the above attorneys without the  
 15414 necessity of direction, is empowered to institute an action in the name of the county,  
 15415 city, or state, as the case may be, to abate a public nuisance.

15416 (3) The action shall be brought in the [~~district~~] court of the district [~~where~~] in which the  
 15417 public nuisance exists and shall be in the form prescribed by the Rules of Civil  
 15418 Procedure of the State of Utah for injunctions, but none of the above attorneys shall be  
 15419 required to execute a bond with respect to the action.

15420 (4) If the action is instituted, however, to abate the distribution or exhibition of material  
 15421 alleged to offend public decency, the action shall be in the form prescribed by the Rules  
 15422 of Civil Procedure of Utah for injunctions, but no restraining order or injunction shall  
 15423 issue except upon notice to the person sought to be enjoined; and that person shall be  
 15424 entitled to a trial of the issues commencing within three days after filing of an answer to  
 15425 the complaint and a decision shall be rendered by the court within two days after the  
 15426 conclusion of the trial.~~[As used in this part, "distribute," "exhibit," and "material" mean~~  
 15427 ~~the same as provided in Section 76-10-1201.]~~

15428 Section 295. Section **76-9-1307**, which is renumbered from Section 76-10-808 is renumbered  
 15429 and amended to read:

15430 ~~[76-10-808]~~**76-9-1307 (Effective 05/07/25). Relief granted for a public nuisance that offends**  
 15431 **public decency.**

15432 If the existence of a public nuisance [~~as defined by Subsection 76-10-803(1)(b)]~~  
 15433 that offends public decency is admitted or established, either in a civil or criminal proceeding,  
 15434 a judgment shall be entered [~~which~~] that shall:

15435 (1) permanently enjoin each defendant and any other person from further maintaining the  
 15436 public nuisance at the place complained of and each defendant from maintaining such  
 15437 public nuisance elsewhere;

15438 (2) direct the person enjoined to surrender to the sheriff of the county in which the action  
 15439 was brought any material in [~~his~~] the defendant's possession [~~which~~] that is subject to the  
 15440 injunction, and the sheriff shall seize and destroy this material; and

15441 (3) without proof of special injury, direct that an accounting be had and all money and other  
 15442 consideration paid as admission to view any motion picture film determined to constitute  
 15443 a public nuisance, or paid for any publication determined to constitute a public nuisance,  
 15444 in either case without deduction for expenses, be forfeited and paid into the general fund  
 15445 of the county [~~where the~~] in which the public nuisance was maintained.

15446 Section 296. Section **76-9-1308**, which is renumbered from Section 76-10-807 is renumbered  
 15447 and amended to read:

15448 **[76-10-807]76-9-1308 (Effective 05/07/25). Criminal violation of an order enjoining a**  
**public**  
 15449 **nuisance.**

15451 (1) Terms defined in Sections 76-1-101.1 and 76-9-1301 apply to this section.

15452 (2) [A person who] An actor commits criminal violation of an order enjoining a public  
 15453 nuisance if the actor knowingly violates [any] a judgment or order abating or otherwise  
 15454 enjoining a public nuisance[as defined under Section 76-10-803 is guilty of a class B  
 15455 misdemeanor].

15456 (3) A violation of Subsection (2) is a class B misdemeanor.

15457 Section 297. Section **76-9-1401**, which is renumbered from Section 76-10-1101 is renumbered  
 15458 and amended to read:

15459 **Part 14. Gambling**

15460 **[76-10-1101]76-9-1401 (Effective 05/07/25). Definitions.**

15461 As used in this part:

15462 (1)(a) "Amusement device" means a game that:

15463 (i) is activated by a coin, token, or other object of consideration or value; and

15464 (ii) does not provide the opportunity to:

15465 (A) enter into a sweepstakes, lottery, or other gambling event; or

15466 (B) receive any form of consideration or value, except an appropriate reward.

15467 (b) "Amusement device" includes:

15468 (i) a video game;

15469 (ii) a driving simulator;

15470 (iii) an electronic game;

15471 (iv) a claw machine;

15472 (v) a bowling game;

15473 (vi) a shuffleboard game;



- 15474 (vii) a skee-ball game;
- 15475 (viii) a pool table;
- 15476 (ix) a pinball machine;
- 15477 (x) a target machine; and
- 15478 (xi) a baseball machine.
- 15479 (2) "Amusement facility" means a facility that:
- 15480 (a) is operated primarily for the purpose of providing amusement or entertainment to
- 15481 customers;
- 15482 (b) is located on property that is open to customers for the purpose of providing
- 15483 customers with an opportunity to use an amusement device;
- 15484 (c) receives a substantial amount of the facility's revenue from the operation of
- 15485 amusement devices; and
- 15486 (d) does not provide an opportunity for, or a machine or device that enables, gambling or
- 15487 fringe gambling.
- 15488 (3)(a) "Appropriate reward" means a reward that:
- 15489 (i) an individual receives as a result of the individual's participation in or use of an
- 15490 amusement device; and
- 15491 (ii) provides:
- 15492 (A) full and adequate return for money, a token, or other consideration or value
- 15493 invested into the amusement device;
- 15494 (B) an immediate and unrecorded ability to replay a game featured on an
- 15495 amusement device that is not exchangeable for value;
- 15496 (C) a toy, novelty, or other non-monetary prize with a value of less than \$100 as a
- 15497 reward for playing; or
- 15498 (D) tickets or credits that are redeemable for a toy, novelty, or non-monetary prize
- 15499 at an amusement facility, or at any franchise or chain of the amusement
- 15500 facility, where the amusement device is located.
- 15501 (b) "Appropriate reward" does not include money, a gift certificate, a gift card, credit to
- 15502 be used in a retail store, or other form of monetary compensation or reward.
- 15503 (4) "Consumer" means the same as that term is defined in Section ~~[76-10-1230]~~ 76-5c-401.
- 15504 (5) "Enter or entry" means an act or process by which an individual becomes eligible to
- 15505 receive a prize offered for participation in any form of sweepstakes, game, or contest.
- 15506 (6)(a) "Fringe gambling" means any de facto form of gambling, lottery, fringe gaming
- 15507 device, or video gaming device that is given, conducted, or offered for use or sale by

- 15508 a business in exchange for anything of value or incident to the purchase of another  
15509 good or service.
- 15510 (b) "Fringe gambling" does not include:
- 15511 (i) a promotional activity that is clearly ancillary to the primary activity of a business;  
15512 or  
15513 (ii) use of an amusement device or vending machine.
- 15514 (7)(a) "Fringe gaming device" means a mechanically, electrically, or electronically  
15515 operated machine or device that:
- 15516 (i) is not an amusement device or a vending machine;  
15517 (ii) is capable of displaying or otherwise presenting information on a screen or  
15518 through any other mechanism; and  
15519 (iii) provides the user with a card, token, credit, gift certificate, product, or  
15520 opportunity to participate in a contest, game, gaming scheme, or sweepstakes with  
15521 a potential return of money or other prize.
- 15522 (b) "Fringe gaming device" includes a machine or device similar to a machine or device  
15523 described in Subsection (7)(a) that seeks to avoid application or circumvent this part  
15524 or Utah Constitution, Article VI, Section 27[~~of the Utah Constitution~~].
- 15525 (8)(a) "Gambling" means risking anything of value for a return or risking anything of  
15526 value upon the outcome of a contest, game, gaming scheme, or gaming device when  
15527 the return or outcome:
- 15528 (i) is based on an element of chance, regardless of:
- 15529 (A) the existence of a preview or pre-reveal feature in the device, contest, or  
15530 game; or  
15531 (B) whether the preview or pre-reveal feature described in Subsection (8)(a)(i)(A)  
15532 allows users to see individual or successive outcomes; and  
15533 (ii) is in accord with an agreement or understanding that someone will receive  
15534 anything of value in the event of a certain outcome.
- 15535 (b) "Gambling" includes a lottery.
- 15536 (c) "Gambling" does not include:
- 15537 (i) a lawful business transaction; or  
15538 (ii) use of an amusement device.
- 15539 (9) "Gambling bet" means money, checks, credit, or any other representation of value.
- 15540 (10) "Gambling device or record" means anything specifically designed for use in gambling  
15541 or fringe gambling or used primarily for gambling or fringe gambling.

- 15542 (11) "Gambling proceeds" means anything of value used in gambling or fringe gambling.  
 15543 [~~(12) "Internet gambling" or "online gambling" means gambling, fringe gambling, or~~  
 15544 ~~gaming by use of:~~  
 15545 ~~[(a) the Internet; or]~~  
 15546 ~~[(b) any mobile electronic device that allows access to data and information.]~~  
 15547 [(13)] (12) "Internet service provider" means a person engaged in the business of providing  
 15548 Internet access service, with the intent of making a profit, to consumers in Utah.  
 15549 [(14)] (13) "Lottery" means any scheme for the disposal or distribution of property by  
 15550 chance among persons who have paid or promised to pay any valuable consideration for  
 15551 the chance of obtaining property, or portion of it, or for any share or any interest in  
 15552 property, upon any agreement, understanding, or expectation that it is to be distributed  
 15553 or disposed of by lot or chance, whether called a lottery, raffle, or gift enterprise, or by  
 15554 whatever name it is known.  
 15555 (14) "Online gambling" means gambling, fringe gambling, or gaming by use of:  
 15556 (a) the Internet; or  
 15557 (b) any mobile electronic device that allows access to data and information.  
 15558 (15) "Prize" means a gift, award, gratuity, good, service, credit, or anything else of value  
 15559 that may be or is transferred to an individual or placed on an account or other record  
 15560 with the intent to be transferred to an individual.  
 15561 (16) "Promotional activity that is clearly ancillary to the primary activity of a business"  
 15562 means a promotional activity that:  
 15563 (a) continues for a limited period of time;  
 15564 (b) is related to a good or service ordinarily provided by a business or the marketing or  
 15565 advertisement of a good or service ordinarily provided by the business;  
 15566 (c) does not require ~~[a person]~~ an individual to purchase a good or service from the  
 15567 business in consideration for participation or an advantage in the promotional activity  
 15568 or any other contest, game, gaming scheme, sweepstakes, or promotional activity;  
 15569 (d) promotes a good or service described in Subsection (16)(b) on terms that are  
 15570 commercially reasonable; and  
 15571 (e) does not, through use of a machine or device:  
 15572 (i) simulate a gambling environment;  
 15573 (ii) require the purchase of something of value to participate in the promotional  
 15574 activity that is not regularly used, purchased, or redeemed by users of the machine  
 15575 or device;

- 15576 (iii) provide a good or service described in Subsection (16)(b):  
15577 (A) in a manner in which the person acquiring the good or service is unable to  
15578 immediately acquire, redeem, or otherwise use the good or service after the  
15579 time of purchase; or  
15580 (B) at a value less than the full value of the good or service;
- 15581 (iv) appear or operate in a manner similar to a machine or device that is normally  
15582 found in a casino for the purpose of gambling;
- 15583 (v) provide an entertaining display, designed to appeal to an individual's senses, that  
15584 promotes actual or simulated game play that is similar in appearance or function  
15585 to gambling, including:  
15586 (A) a video playing card game, including a video poker game;  
15587 (B) a video bingo game;  
15588 (C) a video craps game;  
15589 (D) a video keno game;  
15590 (E) a video lotto game;  
15591 (F) an 8-liner machine;  
15592 (G) a Pot O' Gold game;  
15593 (H) a video game involving a random or chance matching of pictures, words,  
15594 numbers, or symbols; or  
15595 (I) a video game that reveals a prize as the game is played; or
- 15596 (vi) otherwise create a pretextual transaction to facilitate a contest, game, gaming  
15597 scheme, or sweepstakes in an attempt to circumvent the requirements of this part  
15598 or Article VI, Section 27, of the Utah Constitution.
- 15599 (17) "Skill-based game" means a game, played on a machine or device, the outcome of  
15600 which is based, in whole or in part, on the skill of the player, regardless of whether a  
15601 degree of chance is involved.
- 15602 (18) "Sweepstakes" means a game, advertising scheme, marketing scheme, or other  
15603 promotion:  
15604 (a) that an individual may enter with or without payment of any consideration;  
15605 (b) that qualifies the person to win a prize; and  
15606 (c) the result of which is based on chance.
- 15607 (19) "Vending machine" means a device:  
15608 (a) that dispenses merchandise in exchange for money or any other item of value;  
15609 (b) that provides full and adequate return of the value deposited;

- 15610 (c) through which the return of value is not conditioned on an element of chance or skill;  
 15611 and  
 15612 (d)(i) does not include a promotional activity; or  
 15613 (ii) includes a promotional activity that is clearly ancillary to the primary activity of a  
 15614 business.

15615 (20) "Video gaming device" means a device that includes all of the following:

- 15616 (a) a video display and computer mechanism for playing a game;  
 15617 (b) the length of play of any single game is not substantially affected by the skill,  
 15618 knowledge, or dexterity of the player;  
 15619 (c) a meter, tracking, or recording mechanism that records or tracks any money, tokens,  
 15620 games, or credits accumulated or remaining;  
 15621 (d) a play option that permits a player to spend or risk varying amounts of money,  
 15622 tokens, or credits during a single game, in which the spending or risking of a greater  
 15623 amount of money, tokens, or credits:  
 15624 (i) does not significantly extend the length of play time of any single game; and  
 15625 (ii) provides for a chance of greater return of credits, games, or money; and  
 15626 (e) an operating mechanism that, in order to function, requires inserting money, tokens,  
 15627 or other valuable consideration other than entering the user's name, birthdate, or  
 15628 contact information.

15629 Section 298. Section **76-9-1402**, which is renumbered from Section 76-10-1102 is renumbered  
 15630 and amended to read:

15631 **[76-10-1102]76-9-1402 (Effective 05/07/25). Participating in gambling.**

15632 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15633 (2) [A person is guilty of] An actor commits participating in gambling if the [person:]

15634 [(a)] actor participates in:

15635 (a) gambling[-or] ;

15636 (b) fringe gambling[,-including any Internet or] ; or

15637 (c) online gambling[;] .

15638 [(b) knowingly permits gambling or fringe gambling to be played, conducted, or dealt  
 15639 upon or in any real or personal property owned, rented, or under the control of the  
 15640 actor, whether in whole or in part; or]

15641 [(e) knowingly allows the use of any video gaming device that is:]

15642 [(i) in any business establishment or public place; and]

15643 [(ii) accessible for use by any person within the establishment or public place.]

- 15644 [(2) Gambling is a class B misdemeanor, except that any person who is convicted two or  
 15645 more times under this section is guilty of a class A misdemeanor.]
- 15646 [(3)(a) A person is guilty of a third degree felony who intentionally provides or offers to  
 15647 provide any form of Internet or online gambling to any person in this state.]
- 15648 [(b) Subsection (3)(a) does not apply to an Internet service provider, a hosting company as  
 15649 defined in Section 76-10-1230, a provider of public telecommunications services as  
 15650 defined in Section 54-8b-2, or an Internet advertising service by reason of the fact that  
 15651 the Internet service provider, hosting company, Internet advertising service, or provider  
 15652 of public telecommunications services:]
- 15653 [(i) transmits, routes, or provides connections for material without selecting the material; or]  
 15654 [(ii) stores or delivers the material at the direction of a user.]
- 15655 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B  
 15656 misdemeanor.
- 15657 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously  
 15658 been convicted of a violation of Subsection (2).
- 15659 (4) If ~~[any-]~~ federal law authorizes ~~[Internet]~~ online gambling in the states of the United  
 15660 States and ~~[that federal law]~~ provides that individual states may opt out of ~~[Internet]~~  
 15661 online gambling, this state shall opt out of ~~[Internet]~~ online gambling in the manner  
 15662 provided by federal law and within the time frame provided by that law.
- 15663 (5) Regardless of whether a federal law is enacted that authorizes ~~[Internet]~~ online gambling  
 15664 in the states of the United States, this section ~~[aets]~~ and Section 76-9-1404 act as this  
 15665 state's prohibition of ~~[any-]~~ gambling, ~~[including Internet]~~ fringe gambling, or online  
 15666 gambling, in this state.
- 15667 Section 299. Section **76-9-1403** is enacted to read:  
 15668 **76-9-1403 (Effective 05/07/25). Permitting gambling.**
- 15669 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.
- 15670 (2) An actor commits permitting gambling if the actor knowingly:
- 15671 (a) permits gambling or fringe gambling to be played, conducted, or dealt upon or in real  
 15672 or personal property owned, rented, or under the control of the actor, whether in  
 15673 whole or in part; or
- 15674 (b) allows the use of a video gaming device that is:
- 15675 (i) in a business establishment or public place; and
- 15676 (ii) accessible for use by an individual within the establishment or public place.
- 15677 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B

15678 misdemeanor.

15679 (b) A violation of Subsection (2) is a class A misdemeanor if the actor has previously  
 15680 been convicted of a violation of Subsection (2).

15681 Section 300. Section **76-9-1404** is enacted to read:

15682 **76-9-1404 (Effective 05/07/25). Online gambling promotion.**

15683 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15684 (2) An actor commits online gambling promotion if the actor intentionally provides or  
 15685 offers to provide a form of online gambling to an individual in this state.

15686 (3) A violation of Subsection (2) is a third degree felony.

15687 (4) This section does not apply to an Internet service provider, a hosting company as  
 15688 defined in Section 76-5c-401, a provider of public telecommunications services as  
 15689 defined in Section 54-8b-2, or an Internet advertising service that:

15690 (a) transmits, routes, or provides connections for material without selecting the material;

15691 or

15692 (b) stores or delivers the material at the direction of a user.

15693 Section 301. Section **76-9-1405**, which is renumbered from Section 76-10-1104 is renumbered  
 15694 and amended to read:

15695 **[76-10-1104]76-9-1405 (Effective 05/07/25). General gambling promotion.**

15696 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15697 ~~[(1)]~~ (2) [A person is guilty of] An actor commits general gambling promotion if the [person]  
 15698 actor:

15699 (a) [-]derives, or intends to derive, an economic benefit other than personal winnings  
 15700 from gambling or fringe gambling; and[;]

15701 ~~[(a)]~~ (b)(i) [the person]induces or aids another individual to engage in gambling or  
 15702 fringe gambling; or

15703 ~~[(b)]~~ (ii) [the person]knowingly invests in, finances, owns, controls, supervises,  
 15704 manages, or participates in [any]gambling or fringe gambling.

15705 ~~[(2)]~~ (3)(a) [Gambling promotion-] Except as provided in Subsection (3)(b), a violation  
 15706 of Subsection (2) is a class A misdemeanor[;] .

15707 (b) [except that any person who is twice convicted under this section is guilty of] A  
 15708 violation of Subsection (2) is a third degree felony if the actor has previously been  
 15709 convicted of a violation of Subsection (2).

15710 Section 302. Section **76-9-1406**, which is renumbered from Section 76-10-1103 is renumbered  
 15711 and amended to read:

15712 ~~[76-10-1103]~~ **76-9-1406 (Effective 05/07/25). Gambling fraud.**

15713 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15714 ~~[(1)]~~ (2) ~~[A person is guilty of-]~~ An actor commits gambling fraud if the [person] actor:

15715 (a) participates in gambling or fringe gambling;

15716 (b) ~~[and-]~~ wins or acquires [to himself or herself or] gambling proceeds for the actor or  
15717 another [any gambling proceeds] individual; and

15718 (c) ~~[when the person-]~~ knows the [person] actor has a lesser risk of losing or greater  
15719 chance of winning than one or more of the other participants, and the risk is not  
15720 known to all the other participants.

15721 ~~[(2) A person convicted of gambling fraud is punished as in the case of theft of property of~~  
15722 ~~like value.]~~

15723 (3) A violation of Subsection (2) is:

15724 (a) a second degree felony if the value of what the actor wins or acquires for the actor or  
15725 another individual is or exceeds \$5,000;

15726 (b) a third degree felony if the value of what the actor wins or acquires for the actor or  
15727 another individual is or exceeds \$1,500 but is less than \$5,000;

15728 (c) a class A misdemeanor if the value of what the actor wins or acquires for the actor or  
15729 another individual is or exceeds \$500 but is less than \$1,500; or

15730 (d) a class B misdemeanor if the value of what the actor wins or acquires for the actor or  
15731 another individual is less than \$500.

15732 Section 303. Section **76-9-1407**, which is renumbered from Section 76-10-1105 is renumbered  
15733 and amended to read:

15734 ~~[76-10-1105]~~ **76-9-1407 (Effective 05/07/25). Possessing a gambling device or record.**

15735 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15736 (2) ~~[A person is guilty of]~~ An actor commits possessing a gambling device or record if the [  
15737 person] actor:

15738 (a) knowingly possesses [the] a gambling device or record; and

15739 (b) ~~[with intent]~~ intends to use the gambling device or record in gambling or fringe  
15740 gambling.

15741 ~~[(2)]~~ (3)(a) ~~[Possession of a gambling device or record]~~ Except as provided in Subsection  
15742 (3)(b), a violation of Subsection (2) is a class A misdemeanor[;] .

15743 (b) ~~[except that any person who is convicted two or more times under this section is~~  
15744 ~~guilty of]~~ A violation of Subsection (2) is a third degree felony if the actor has  
15745 previously been convicted of a violation of Subsection (2).



15746 Section 304. Section **76-9-1408**, which is renumbered from Section 76-10-1110 is renumbered  
15747 and amended to read:

15748 ~~[76-10-1110]~~ **76-9-1408 (Effective 05/07/25). Deriving a benefit from a fringe gaming device.**

15749 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15750 ~~[(1)] (2) [Notwithstanding any other provision in Title 76, Chapter 10, Offenses Against~~  
15751 ~~Public Health, Safety, Welfare, and Morals, it is unlawful for any person to derive or~~  
15752 ~~intend to derive an economic benefit from a fringe gaming device by]~~ An actor commits  
15753 deriving a benefit from a fringe gaming device if the actor:

- 15754 (a) ~~[permitting]~~ permits a fringe gaming device to be located on or in ~~[any]~~ real or  
15755 personal property owned, rented, or under the control of the ~~[person]~~ actor;
- 15756 (b) ~~[allowing]~~ allows individual or public access or use of a fringe gaming device as part  
15757 of ~~[any]~~ a business owned or operated by the ~~[person]~~ actor;
- 15758 (c) ~~[inducing or aiding a person]~~ induces or aids an individual to use a fringe gaming  
15759 device;
- 15760 (d) ~~[investing in, financing, owning, controlling, or otherwise managing]~~ invests in,  
15761 finances, owns, controls, or otherwise manages a fringe gaming device; or
- 15762 (e) ~~[possessing]~~ possesses a fringe gaming device with the intent to use or allow another  
15763 individual to use the fringe gaming device.

15764 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class A  
15765 misdemeanor.

15766 (b) A violation of Subsection (2) is a third degree felony if the actor has previously been  
15767 convicted of a violation of Subsection (2).

15768 ~~[(2)] (4) [Subsection (1)]~~ This section applies regardless of whether the fringe gaming device:

- 15769 (a) is server-based;
- 15770 (b) uses a simulated game terminal as a representation of a prize associated with the  
15771 results of a sweepstakes entry;
- 15772 (c) uses a simulated game to influence or determine the result of the simulated game or  
15773 the value of a prize;
- 15774 (d) selects the winner of a prize from a predetermined or finite pool of entries;
- 15775 (e) includes a pre-reveal feature;
- 15776 (f) predetermines a prize and reveals the prize at the time a sweepstakes entry result is  
15777 revealed;
- 15778 (g) requires deposit of any money, coin, token, or gift certificate, or the use of a credit  
15779 card, debit card, prepaid card, or any other method of payment to activate the device;

15780 (h) requires direct payment into the machine or device or remote activation of the device;

15781 (i) requires a purchase of a related product regardless of whether the product has  
15782 legitimate value;

15783 (j) reveals the prize incrementally, regardless of whether a prize is awarded; or

15784 (k) includes a skill-based game.

15785 [~~(3) Each violation of this section is a separate offense.~~]

15786 [~~(4) A person who violates this section is guilty of:~~]

15787 [(a) a class A misdemeanor for the first offense; or]

15788 [(b) a third-degree felony for a subsequent offense.]

15789 Section 305. Section **76-9-1409**, which is renumbered from Section 76-10-1104.5 is renumbered  
15790 and amended to read:

15791 **[76-10-1104.5] 76-9-1409 (Effective 05/07/25). Advertising or soliciting participation in a**  
15792 **lottery.**

15793 (1)(a) [~~For purposes of~~] As used in this section[:],

15794 [(a) "~~Conspicuously~~] "conspicuously printed" means printed in either larger or bolder  
15795 type size than the adjacent and surrounding material so as to be clearly legible to [  
15796 any person] an individual viewing the print.

15797 [(b) "Lottery" means the same as defined in Section 76-10-1101.]

15798 (b) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15799 (2) [~~It is unlawful for any person to distribute or disseminate any~~] An actor commits  
15800 advertising or soliciting participation in a lottery if the actor distributes or disseminates  
15801 an advertisement or other written or printed material containing an advertisement or  
15802 solicitation for participation in [any] a lottery[ ~~unless the advertisement or solicitation~~  
15803 ~~contains or includes the words "Void in Utah" conspicuously printed~~].

15804 (3)(a) [~~Any person who is convicted of violating~~] Except as provided in Subsection  
15805 (3)(b), a violation of Subsection (2) [shall be fined the sum] is subject to a fine of  
15806 \$2,500.

15807 (b) [~~Any person who is twice or more convicted under this section shall be fined the sum~~  
15808 ~~of~~] A violation of Subsection (2) is subject to a fine of \$10,000 if the actor has  
15809 previously been convicted of a violation of Subsection (2).

15810 (4) This section does not apply if the advertisement or solicitation contains or includes the  
15811 words "Void in Utah" conspicuously printed in the advertisement or solicitation.

15812 Section 306. Section **76-9-1410**, which is renumbered from Section 76-10-1109 is renumbered  
15813 and amended to read:

15814 ~~[76-10-1109]~~**76-9-1410** (Effective 05/07/25). **Obtaining a benefit from a confidence game.**

15815 (1) Terms defined in Sections 76-1-101.5 and 76-9-1401 apply to this section.

15816 ~~[(1)]~~ (2) ~~[Any person who]~~ An actor commits obtaining a benefit from a confidence game if  
 15817 the actor knowingly obtains or attempts to obtain from [any other person any] another  
 15818 individual money or property by any means, instrument, or device commonly [called]  
 15819 referred to as a confidence game[ -shall be punished as in the case of theft of property of  
 15820 like value].

15821 (3) A violation of Subsection (2) is:

15822 (a) a second degree felony if the value of what the actor obtains is or exceeds \$5,000;

15823 (b) a third degree felony if the value of what the actor obtains is or exceeds \$1,500 but is  
 15824 less than \$5,000;

15825 (c) a class A misdemeanor if the value of what the actor obtains is or exceeds \$500 but is  
 15826 less than \$1,500; or

15827 (d) a class B misdemeanor if the value of what the actor obtains is less than \$500.

15828 ~~[(2)]~~ (4) ~~[In every]~~ An indictment, information, or complaint under this section[,-it] shall be  
 15829 deemed and held to contain a sufficient description of the offense [to charge that the  
 15830 accused did, on, \_\_\_\_\_ (insert the date) unlawfully and knowingly obtain or attempt to  
 15831 obtain (as the case may be) from \_\_\_\_\_, (insert the name of the person or persons  
 15832 defrauded or attempted to be defrauded) his money or property (as the case may be) by  
 15833 means and by use of a confidence game] if the indictment, information, or complaint  
 15834 contains:

15835 (a) the date that the actor is accused of unlawfully and knowingly obtaining money or  
 15836 property from another individual;

15837 (b) the name of the individual from whom the actor is accused of obtaining money or  
 15838 property;

15839 (c) a description of the money or property obtained by the actor from the individual; and

15840 (d) a description of the confidence game the actor used to obtain the money or property  
 15841 from the individual.

15842 Section 307. Section **76-9-1411**, which is renumbered from Section 76-10-1112 is renumbered  
 15843 and amended to read:

15844 ~~[76-10-1112]~~**76-9-1411** (Effective 05/07/25). **Local control -- Seizure and disposition of**  
 15845 **gambling debts or proceeds.**

15846 (1) ~~[Nothing in this part preempts]~~ This part does not preempt or otherwise [limits the  
 15847 authority of] limit a county or municipality [to enact] from enacting a local ordinance

15848 related to gambling or fringe gambling.

15849 [~~(2) In accordance with Title 77, Chapter 11a, Seizure of Property and Contraband, a~~  
 15850 ~~county or municipality may seize gambling debts, gambling proceeds, or fringe gaming~~  
 15851 ~~devices that are reasonably identifiable as being obtained or provided in violation of this~~  
 15852 ~~part or a local ordinance.]~~

15853 (2) The following that are reasonably identifiable as having been used or obtained in  
 15854 violation of this part or a local ordinance may be seized and are subject to forfeiture  
 15855 proceedings in accordance with Title 77, Chapter 11a, Seizure of Property and  
 15856 Contraband, or Title 77, Chapter 11b, Forfeiture of Seized Property:

- 15857 (a) gambling bets;
- 15858 (b) gambling proceeds;
- 15859 (c) gambling debts; and
- 15860 (d) fringe gaming devices.

15861 Section 308. Section **76-9-1412**, which is renumbered from Section 76-10-1113 is renumbered  
 15862 and amended to read:

15863 **[76-10-1113]76-9-1412 (Effective 05/07/25). Cause of action.**

- 15864 (1) An individual who suffers an economic loss as a result of a fringe gaming device, video  
 15865 gaming device, or gambling device or record may bring a cause of action against a  
 15866 person who operates or receives revenue from the fringe gaming device, video gaming  
 15867 device, or gambling device or record to recover damages, costs, and attorney fees.
- 15868 (2) An individual who brings suit under Subsection (1) may recover twice the amount of the  
 15869 economic loss described in Subsection (1).

15870 Section 309. Section **76-9-1501**, which is renumbered from Section 76-10-1503 is renumbered  
 15871 and amended to read:

### 15872 **Part 15. Criminal Offenses Relating to Bus Passenger Safety**

15873 **[76-10-1503]76-9-1501 (Effective 05/07/25). Definitions.**

15874 As used in this ~~[act]~~ part:

- 15875 (1)(a) "Bus" means ~~[any]~~ a passenger bus or coach or other motor vehicle having a  
 15876 seating capacity of 15 or more passengers operated by a bus company for the purpose  
 15877 of carrying passengers or cargo for hire.
- 15878 (b) ~~[and]~~ "Bus" includes a transit vehicle, as defined in Section 17B-2a-802, of a public  
 15879 transit district under Title 17B, Chapter 2a, Part 8, Public Transit District Act.
- 15880 (2)(a) "Bus company" or "company" means ~~[any]~~ a person, group of persons, or

15881 corporation providing for-hire transportation to passengers or cargo by bus upon the  
 15882 highways in the state, including passengers and cargo in interstate or intrastate travel.

15883 [~~These terms also include~~]

15884 (b) "Bus company" or "company" includes local public bodies, public transit districts,  
 15885 municipalities, public corporations, boards, and commissions established under the  
 15886 laws of the state providing transportation to passengers or cargo by bus upon the  
 15887 highways in the state, whether or not for hire.

15888 (3) "Charter" means a group of persons, pursuant to a common purpose and under a single  
 15889 contract, and at a fixed charge in accordance with a bus company's tariff, which has  
 15890 acquired the exclusive use of a bus to travel together to a specified destination or  
 15891 destinations.

15892 (4) "Passenger" means ~~[any]~~ a person transported or served by a bus company, including  
 15893 persons accompanying or meeting another being transported, any person shipping or  
 15894 receiving cargo, and any person purchasing a ticket or receiving a pass.

15895 (5)(a) "Terminal" means a bus station or depot or any other facility operated or leased  
 15896 by or operated on behalf of a bus company.

15897 (b) ~~[and]~~ "Terminal" includes:

15898 (i) a transit facility, as defined in Section 17B-2a-802, of a public transit district  
 15899 under Title 17B, Chapter 2a, Part 8, Public Transit District Act~~[. This term~~  
 15900 includes] ; and

15901 (ii) a reasonable area immediately adjacent to:

15902 (A) ~~[any]~~ a designated stop along the route traveled by [any] a bus operated by a  
 15903 bus company~~[-and]~~ ; or

15904 (B) ~~[parking lots or areas adjacent to terminals]~~ a parking lot or an area adjacent to  
 15905 a terminal.

15906 Section 310. Section **76-9-1502**, which is renumbered from Section 76-10-1504 is renumbered  
 15907 and amended to read:

15908 ~~[76-10-1504]~~ **76-9-1502 (Effective 05/07/25). Bus hijacking.**

15909 ~~[(1)(a)]~~

15910 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

15911 (2) ~~[A person is guilty of]~~ An actor commits bus hijacking if the ~~[person]~~ actor seizes or  
 15912 exercises control, by force or violence or threat of force or violence, of a bus within the  
 15913 state.

15914 ~~[(b)]~~ (3) ~~[Bus hijacking]~~ A violation of Subsection (2) is a first degree felony.

15915 [(2)(a) A person is guilty of assault with the intent to commit bus hijacking if the person  
 15916 intimidates, threatens, or commits assault or battery toward a driver, attendant, guard, or  
 15917 any other person in control of a bus so as to interfere with the performance of duties by  
 15918 the person.]

15919 [(b) Assault with the intent to commit bus hijacking is a second degree felony.]

15920 [(3) A person who, in the commission of assault with intent to commit bus hijacking, uses  
 15921 a dangerous weapon, as defined in Section 76-1-101.5, is guilty of a first degree felony.]

15922 Section 311. Section **76-9-1503** is enacted to read:

15923 **76-9-1503 (Effective 05/07/25). Assault with intent to commit bus hijacking.**

15924 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

15925 (2) An actor commits assault with intent to commit bus hijacking if the actor intimidates,  
 15926 threatens, or commits assault or battery toward a driver, attendant, guard, or any other  
 15927 person in control of a bus so as to interfere with the performance of duties by the person.

15928 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a second  
 15929 degree felony.

15930 (b) A violation of Subsection (2) is a first degree felony if the actor used a dangerous  
 15931 weapon during the violation.

15932 Section 312. Section **76-9-1504**, which is renumbered from Section 76-10-1505 is renumbered  
 15933 and amended to read:

15934 **[76-10-1505]76-9-1504 (Effective 05/07/25). Unlawful discharge of a firearm or hurling of a**  
 15935 **missile into a bus or terminal.**

15936 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

15937 (2) [Any person who] Except as provided in Subsection (4), an actor commits unlawful  
 15938 discharge of a firearm or hurling of a missile into a bus or terminal if the actor  
 15939 discharges a firearm or hurls a missile at or into [any] a bus or terminal[ shall be guilty of  
 15940 a third degree felony].

15941 (3) A violation of Subsection (2) is a third degree felony.

15942 [(2)] (4) [The prohibition of this] This section does not apply to elected or appointed peace  
 15943 officers or commercial security personnel who discharge firearms or hurl missiles in the  
 15944 course and scope of [their] the peace officer's or commercial security personnel's  
 15945 employment.

15946 Section 313. Section **76-9-1505**, which is renumbered from Section 76-10-1506 is renumbered  
 15947 and amended to read:

15948 **[76-10-1506]76-9-1505 (Effective 05/07/25). Unlawful conduct while on a bus.**

- 15949 (1)(a) As used in this section, "controlled substance" means the same as that term is  
 15950 defined in Section 58-37-2.
- 15951 (b) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
- 15952 (2) ~~[A person is guilty of a class C misdemeanor, if the person]~~ An actor commits unlawful  
 15953 conduct while on a bus if the actor:
- 15954 (a) threatens a breach of the peace, is disorderly, or uses obscene, profane, or vulgar  
 15955 language on a bus;
- 15956 (b) is in or upon any bus while unlawfully under the influence of a controlled substance[  
 15957 ~~as defined in Section 58-37-2~~];
- 15958 (c) fails to obey a reasonable request or order of a bus driver, bus company  
 15959 representative, a nondrinking designee other than the driver as provided in  
 15960 Subsection 32B-4-415(4)(c)(ii), or other person in charge or control of a bus or  
 15961 terminal;
- 15962 (d) ingests ~~[any]~~ a controlled substance, unless prescribed by a physician or a medical  
 15963 facility, in or upon any bus, or drinks intoxicating liquor in or upon ~~[any]~~ a bus,  
 15964 except a chartered bus as defined and provided in Sections 32B-1-102 and 41-6a-526;  
 15965 or
- 15966 (e) smokes tobacco or other products in or upon ~~[any]~~ a bus, except a chartered bus.
- 15967 ~~[(2)]~~ (3) A violation of Subsection (2) is a class C misdemeanor.
- 15968 (4)(a) ~~If [any person violates Subsection (1)]~~ an actor violates Subsection (2), the driver  
 15969 of the bus or [person] individual in charge thereof may stop at the place where the  
 15970 offense is committed or at the next regular or convenient stopping place and remove [  
 15971 such person] the actor, using only such force as may be necessary to accomplish the  
 15972 removal, and the driver or [person] individual in charge may request the assistance of  
 15973 passengers to assist in [the removal] removing the actor.
- 15974 ~~[(3)]~~ (b) The driver or ~~[person]~~ individual in charge may cause the ~~[person so removed]~~  
 15975 removed actor to be detained and delivered to the proper authorities.
- 15976 Section 314. Section **76-9-1506**, which is renumbered from Section 76-10-1507 is renumbered  
 15977 and amended to read:
- 15978 **~~[76-10-1507]76-9-1506 (Effective 05/07/25). Unlawful refusal to leave a terminal --~~**  
 15979 **Detention of violators -- Private security personnel.**
- 15980 ~~[(1)(a) In order to provide for the safety, welfare and comfort of passengers, a bus~~  
 15981 ~~company may refuse admission to terminals to a person not having bona fide business~~  
 15982 ~~within the terminal.]~~

- 15983        ~~[(b) The refusal may not be inconsistent or contrary to state or federal laws or regulations,~~  
 15984            ~~or to an ordinance of the political subdivision in which the terminal is located.]~~
- 15985        ~~[(c) An authorized bus company representative may require a person in a terminal to~~  
 15986            ~~identify himself and state his business.]~~
- 15987        ~~[(d) Failure to comply with a request under Subsection (1)(c) or to state an acceptable~~  
 15988            ~~business purpose is grounds for the representative to request that the person depart the~~  
 15989            ~~terminal.]~~
- 15990        ~~[(e) A person who refuses to comply with a request made under Subsection (1)(d) is guilty~~  
 15991            ~~of a class C misdemeanor.]~~
- 15992        ~~[(2)(a) A person who carries any highly flammable or hazardous material or device into a~~  
 15993            ~~terminal or aboard a bus is guilty of a third degree felony.]~~
- 15994        ~~[(b) The bus company may employ reasonable means, including mechanical, electronic or~~  
 15995            ~~x-ray devices to detect the items concealed in baggage or upon the person of a passenger.]~~
- 15996        ~~[(c) Upon the discovery of an item referred to in Subsection (2)(a), the company may~~  
 15997            ~~obtain possession and retain custody of the item until it is transferred to a peace officer.]~~
- 15998        (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
- 15999        (2) An actor commits unlawful refusal to leave a terminal if:
- 16000            (a) an authorized bus company representative asks the actor to identify the actor's self  
 16001            and state the ground for the actor's business in the terminal;
- 16002            (b) the actor:
- 16003                (i) fails to comply with the request described in Subsection (2)(a); or
- 16004                (ii) fails to state an acceptable business purpose;
- 16005            (c) the authorized bus company representative requests that the actor depart the terminal;
- 16006            (d) the request for departure described in Subsection (2)(c) is:
- 16007                (i) within the bus company's ability to refuse admission to a terminal to individuals  
 16008                who do not have a bona fide business within the terminal as part of the bus  
 16009                company's provision of safety, welfare, and comfort of passengers; and
- 16010                (ii) not inconsistent with or contrary to state or federal laws or regulations, or to an  
 16011                ordinance of the political subdivision in which the terminal is located; and
- 16012            (e) the actor refuses to comply with the request described in Subsection (2)(c) to depart  
 16013            the terminal.
- 16014        (3) A violation of Subsection (2) is a class C misdemeanor.
- 16015        ~~[(3)]~~ (4)(a) An authorized bus company representative may detain within a terminal or  
 16016            bus [any person violating] an actor who violates the provisions of this section for a



- 16017 reasonable time until law enforcement authorities arrive.
- 16018 (b) The detention described in Subsection (4)(a) does not constitute unlawful
- 16019 imprisonment and neither the bus company nor the representative is civilly or
- 16020 criminally liable upon grounds of unlawful imprisonment or assault, provided that
- 16021 only reasonable and necessary force is exercised against the detained ~~[person]~~ actor.
- 16022 ~~[(4)]~~ (5)(a) A bus company may employ or contract for private security personnel.
- 16023 (b) The private security personnel may:
- 16024 (i) detain within a terminal or bus ~~[a person violating]~~ an actor who violates this
- 16025 section for a reasonable time until law enforcement authorities arrive; and
- 16026 (ii) use reasonable and necessary force in subduing or detaining the ~~[person]~~ actor.
- 16027 Section 315. Section **76-9-1507** is enacted to read:
- 16028 **76-9-1507 (Effective 05/07/25). Unlawful material or device in a bus or a**
- 16029 **terminal -- Detention of violators -- Private security personnel.**
- 16030 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.
- 16031 (2) An actor commits unlawful material or device in a bus or a terminal if the actor carries a
- 16032 highly flammable or hazardous material or device into a terminal or aboard a bus.
- 16033 (3) A violation of Subsection (2) is a third degree felony.
- 16034 (4)(a) A bus company may employ reasonable means, including mechanical, electronic
- 16035 or x-ray devices, to detect the items concealed in baggage or upon the person of a
- 16036 passenger.
- 16037 (b) Upon discovery of a highly flammable or hazardous material or device, the bus
- 16038 company may obtain possession and retain custody of the material or device until the
- 16039 material or device is transferred to a peace officer.
- 16040 (5)(a) An authorized bus company representative may detain within a terminal or bus an
- 16041 actor who violates the provisions of this section for a reasonable time until law
- 16042 enforcement authorities arrive.
- 16043 (b) The detention does not constitute unlawful imprisonment and neither the bus
- 16044 company nor the representative is civilly or criminally liable upon grounds of
- 16045 unlawful imprisonment or assault, provided that only reasonable and necessary force
- 16046 is exercised against the detained actor.
- 16047 (6)(a) A bus company may employ or contract for private security personnel.
- 16048 (b) The private security personnel may:
- 16049 (i) detain within a terminal or bus an actor who violates this section for a reasonable
- 16050 time until law enforcement authorities arrive; and

16051 (ii) use reasonable and necessary force in subduing or detaining the actor.

16052 Section 316. Section **76-9-1508**, which is renumbered from Section 76-10-1508 is renumbered  
16053 and amended to read:

16054 ~~[76-10-1508]~~**76-9-1508 (Effective 05/07/25). Theft of baggage or cargo.**

16055 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

16056 (2) ~~[Any person who]~~ An actor commits theft of baggage or cargo if the actor removes  
16057 any baggage, cargo or other item transported upon a bus or stored in a terminal without  
16058 the consent of:

16059 (a) the owner of the property; or

16060 (b) the bus company[;] or [its] the bus company's duly authorized representative[is guilty  
16061 of theft and shall be punished pursuant to section 76-6-404].

16062 (3) A violation of Subsection (2) is punishable under Section 76-6-404.

16063 Section 317. Section **76-9-1509**, which is renumbered from Section 76-10-1509 is renumbered  
16064 and amended to read:

16065 ~~[76-10-1509]~~**76-9-1509 (Effective 05/07/25). Obstructing the operation of a bus.**

16066 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

16067 (2) ~~[Any person who]~~ An actor commits obstructing the operation of a bus if the actor  
16068 unlawfully obstructs or impedes by force or violence, or any means of intimidation, the  
16069 regular operation of a bus[is guilty of a class C misdemeanor].

16070 (3) A violation of Subsection (2) is a class C misdemeanor.

16071 Section 318. Section **76-9-1510**, which is renumbered from Section 76-10-1510 is renumbered  
16072 and amended to read:

16073 ~~[76-10-1510]~~**76-9-1510 (Effective 05/07/25). Conspiracy to obstruct the operation of a bus.**

16074 (1) Terms defined in Sections 76-1-101.5 and 76-9-1501 apply to this section.

16075 (2) ~~[Two or more persons who]~~ An actor commits conspiracy to obstruct the operation  
16076 of a bus if the actor willfully [combine or conspire] combines or conspires with another  
16077 individual to violate Section [76-10-1509 shall each be guilty of a class C misdemeanor]  
16078 76-9-1509, Obstructing the operation of a bus.

16079 (3) A violation of Subsection (2) is a class C misdemeanor.

16080 Section 319. Section **76-9-1601**, which is renumbered from Section 76-10-1902 is renumbered  
16081 and amended to read:

16082 **Part 16. Money Laundering and Currency Transaction Reporting**

16083 ~~[76-10-1902]~~**76-9-1601 (Effective 05/07/25). Definitions.**

16084 As used in this part:

16085 (1) "Bank" means an agent, agency, or office in this state of a person doing business in [any-]  
16086 one of the following capacities:

16087 (a) a commercial bank or trust company organized under the laws of this state or of the  
16088 United States;

16089 (b) a private bank;

16090 (c) a savings and loan association or a building and loan association organized under the  
16091 laws of the United States;

16092 (d) an insured institution as defined in Section 401 of the National Housing Act;

16093 (e) a savings bank, industrial bank, or other thrift institution;

16094 (f) a credit union organized under the laws of this state or of the United States; or

16095 (g) any other organization chartered under Title 7, Financial Institutions Act, and subject  
16096 to the supervisory authority set forth in that title.

16097 (2) "Conducts" includes initiating, concluding, or participating in initiating or concluding a  
16098 transaction.

16099 (3)(a) "Currency" means the coin and paper money of the United States or of another  
16100 country that is designated as legal tender, that circulates, and is customarily used and  
16101 accepted as a medium of exchange in the country of issuance.

16102 (b) "Currency" includes United States silver certificates, United States notes, Federal  
16103 Reserve notes, and foreign bank notes customarily used and accepted as a medium of  
16104 exchange in a foreign country.

16105 (4) "Financial institution" means an agent, agency, branch, or office within this state of a  
16106 person doing business, whether or not on a regular basis or as an organized business  
16107 concern, in one or more of the following capacities:

16108 (a) a bank, except bank credit card systems;

16109 (b) a broker or dealer in securities;

16110 (c) a currency dealer or exchanger, including a person engaged in the business of check  
16111 cashing;

16112 (d) an issuer, seller, or redeemer of travelers checks or money orders, except as a selling  
16113 agent exclusively who does not sell more than \$150,000 of the instruments within  
16114 any 30-day period;

16115 (e) a licensed transmitter of funds or other person engaged in the business of  
16116 transmitting funds;

16117 (f) a telegraph company;

- 16118 (g) a person subject to supervision by a state or federal supervisory authority; or  
 16119 (h) the United States Postal Service regarding the sale of money orders.
- 16120 (5) "Financial transaction" means a transaction:
- 16121 (a) involving the movement of funds by wire or other means or involving one or more  
 16122 monetary instruments, which in any way or degree affects commerce; or  
 16123 (b) involving the use of a financial institution that is engaged in, or its activities affect  
 16124 commerce in any way or degree.
- 16125 ~~[(6) The phrase "knows that the property involved represents the proceeds of some form of~~  
 16126 ~~unlawful activity" means that the person knows or it was represented to the person that~~  
 16127 ~~the property involved represents proceeds from a form of activity, although the person~~  
 16128 ~~does not necessarily know which form of activity, that constitutes a crime under state or~~  
 16129 ~~federal law, regardless of whether or not the activity is specified in Subsection (12).]~~
- 16130 ~~[(7)]~~ (6) "Monetary instruments" means coins or currency of the United States or of another  
 16131 country, travelers checks, personal checks, bank checks, money orders, and investment  
 16132 securities or negotiable instruments in bearer form or in other form so that title passes  
 16133 upon delivery.
- 16134 ~~[(8)]~~ (7) "Person" means an individual, corporation, partnership, trust or estate, joint stock  
 16135 company, association, syndicate, joint venture, or other unincorporated organization or  
 16136 group, and all other entities cognizable as legal personalities.
- 16137 ~~[(9)]~~ (8) "Proceeds" means property acquired or derived directly or indirectly from,  
 16138 produced through, realized through, or caused by an act or omission and includes  
 16139 property of any kind.
- 16140 ~~[(10)]~~ (9) "Property" means anything of value, and includes an interest in property,  
 16141 including a benefit, privilege, land, or right with respect to anything of value, whether  
 16142 real or personal, tangible or intangible.
- 16143 ~~[(11)]~~ (10) "Prosecuting agency" means the office of the attorney general or the office of the  
 16144 county attorney, including an attorney on the staff whether acting in a civil or criminal  
 16145 capacity.
- 16146 ~~[(12) "Specified unlawful activity" means an unlawful activity defined as an unlawful~~  
 16147 ~~activity in Section 76-10-1602, except an illegal act under Title 18, Section 1961(1)(B),~~  
 16148 ~~(C), and (D), United States Code, and includes activity committed outside this state~~  
 16149 ~~which, if committed within this state, would be unlawful activity.]~~
- 16150 ~~[(13)]~~ (11) "Transaction" means a purchase, sale, loan, pledge, gift, transfer, delivery, or  
 16151 other disposition. With respect to a financial institution, "transaction" includes a

16152 deposit, withdrawal, transfer between accounts, exchange of currency, loan, extension of  
 16153 credit, purchase or sale of a stock, bond, certificate of deposit, or other monetary  
 16154 instrument, or any other payment, transfer, or delivery by, through, or to a financial  
 16155 institution, by whatever means effected.

16156 ~~[(14)]~~ (12) "Transaction in currency" means a transaction involving the physical transfer of  
 16157 currency from one person to another. A transaction that is a transfer of funds by means  
 16158 of bank check, bank draft, wire transfer, or other written order that does not include the  
 16159 physical transfer of currency is not a transaction in currency under this chapter.

16160 (13)(a) "Unlawful activity" means the same as that term is defined in Section 76-17-401.

16161 (b) "Unlawful activity" includes activity committed outside this state which, if  
 16162 committed within this state, would be unlawful activity.

16163 (c) "Unlawful activity" does not include an illegal act under 18 U.S.C. Sec. 1961(1)(B),  
 16164 (C), and (D).

16165 Section 320. Section **76-9-1602**, which is renumbered from Section 76-10-1903 is renumbered  
 16166 and amended to read:

16167 **[76-10-1903] 76-9-1602 (Effective 05/07/25). Money laundering.**

16168 (1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.

16169 (2) [A person] An actor commits [the offense of] money laundering [who] if the actor:

16170 (a)(i) transports, receives, or acquires [the] property [which] that is [in fact] the  
 16171 proceeds of [the specified] unlawful activity[;] ; and

16172 (ii) [knowing] knows that the property [involved] represents the proceeds of [some  
 16173 form of] unlawful activity;

16174 (b)(i) makes proceeds of unlawful activity available to another person by transaction,  
 16175 transportation, or other means[;] ; and

16176 (ii) [knowing] knows that the proceeds are intended to be used for the purpose of  
 16177 continuing or furthering the commission of [specified] unlawful activity; or

16178 (c)(i) conducts a transaction involving property;

16179 (ii) [knowing] knows that the property [involved in the transaction] represents the  
 16180 proceeds of [some form of] unlawful activity; and

16181 (iii) conducts the transaction with the intent:

16182 [(i)] (A) to promote the unlawful activity;

16183 [(ii)] (B) to conceal or disguise the nature, location, source, ownership, or control  
 16184 of the property; or

16185 [(iii)] (C) to avoid a transaction reporting requirement under this [chapter] part or

- 16186 under federal law[; or] .
- 16187 [(d) knowingly accepts or receives property which is represented to be proceeds of
- 16188 unlawful activity.]
- 16189 [(2) Under Subsection (1)(d), knowledge that the property represents the proceeds of
- 16190 unlawful activity may be established by proof that a law enforcement officer or an
- 16191 individual acting at the request of a law enforcement officer made the representations
- 16192 and the person's subsequent statements or actions indicate that the person believed those
- 16193 representations to be true.]
- 16194 (3) A violation of Subsection (2) is a second degree felony.
- 16195 (4) Each act committed in violation of Subsection (2) that involves the movement of funds
- 16196 in excess of \$10,000 is a separate violation under this section.
- 16197 (5) Under Subsection (2)(a)(ii), the phrase "knows that the property involved represents the
- 16198 proceeds of unlawful activity" means that the actor knows, or it was represented to the
- 16199 actor, that the property involved represents proceeds from a form of unlawful activity,
- 16200 although the actor does not necessarily know which form of activity, that constitutes a
- 16201 crime under state or federal law, regardless of whether or not the activity is specified in
- 16202 the definition of unlawful activity.

16203 Section 321. Section **76-9-1603** is enacted to read:

16204 **76-9-1603 (Effective 05/07/25). Accepting the proceeds of unlawful activity.**

- 16205 (1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.
- 16206 (2) An actor commits accepting the proceeds of unlawful activity if the actor knowingly
- 16207 accepts or receives property that is represented to the actor to be the proceeds of
- 16208 unlawful activity.
- 16209 (3) A violation of Subsection (2) is a third degree felony.
- 16210 (4) Each act committed in violation of Subsection (2) that involves the movement of funds
- 16211 in excess of \$10,000 is a separate violation under this section.
- 16212 (5) Under Subsection (2), knowledge that the property represents the proceeds of unlawful
- 16213 activity may be established by proof that a law enforcement officer or an individual
- 16214 acting at the request of a law enforcement officer made the representations and the
- 16215 actor's subsequent statements or actions indicate that the actor believed those
- 16216 representations to be true.

16217 Section 322. Section **76-9-1604**, which is renumbered from Section 76-10-1906 is renumbered

16218 and amended to read:

16219 **[76-10-1906]76-9-1604 (Effective 05/07/25). Failure to report a financial transaction of**

16220 **more than \$10,000.**

16221 ~~[(1)(a) A person engaged in a trade or business, except a financial institution, who~~  
 16222 ~~receives more than \$10,000 as described in Subsection (1)(b) shall complete and file~~  
 16223 ~~with the State Bureau of Investigation the information required by 26 U.S.C. Sec. 6050I,~~  
 16224 ~~concerning returns relating to currency received in trade or business.]~~

16225 ~~[(b) Subsection (1)(a) applies if the person described in Subsection (1) receives more than~~  
 16226 ~~\$10,000 in domestic or foreign currency:]~~

16227 ~~[(i) in one transaction; or]~~

16228 ~~[(ii) through two or more related transactions during one business day.]~~

16229 ~~[(c) A person who knowingly and intentionally fails to comply with the reporting~~  
 16230 ~~requirements of this Subsection (1) is:]~~

16231 ~~[(i) on a first conviction, guilty of a class C misdemeanor; and]~~

16232 ~~[(ii) on a second or subsequent conviction, guilty of a class A misdemeanor.]~~

16233 ~~[(d) A person is guilty of a third degree felony who knowingly and intentionally violates~~  
 16234 ~~this Subsection (1) and the violation is committed either:]~~

16235 ~~[(i) in furtherance of the commission of any other violation of state law; or]~~

16236 ~~[(ii) as part of a pattern of illegal activity involving transactions exceeding \$100,000 in any~~  
 16237 ~~12-month period.]~~

16238 (1) Terms defined in Sections 76-1-101.5 and 76-9-1601 apply to this section.

16239 (2) An actor commits failure to report a financial transaction of more than \$10,000 if the  
 16240 actor:

16241 (a) is engaged in a trade or business;

16242 (b) receives more than \$10,000 in domestic or foreign currency:

16243 (i) in one transaction; or

16244 (ii) through two or more related transactions during one business day; and

16245 (c) intentionally or knowingly fails to complete and file with the State Bureau of  
 16246 Investigation the information required by 26 U.S.C. Sec. 6050I, concerning returns  
 16247 relating to currency received in trade or business.

16248 (3)(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is  
 16249 a class C misdemeanor.

16250 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A  
 16251 misdemeanor if the actor has previously been convicted of violating this section.

16252 (c) A violation of Subsection (2) is a third degree felony if the violation is committed:  
 16253 (i) in furtherance of the commission of any other violation of state law; or

16254 (ii) as part of a pattern of illegal activity involving transactions exceeding \$100,000  
 16255 in any 12-month period.

16256 ~~[(2)]~~ (4)(a) The State Bureau of Investigation and the Office of the Attorney General:

16257 (i) shall enforce compliance with Subsection ~~[(1)]~~ (2); and

16258 (ii) are custodians of and have access to all information and documents filed under  
 16259 Subsection ~~[(1)]~~ (2).

16260 (b) ~~[The information]~~ Information filed by a trade or business in compliance with this  
 16261 section is confidential, except a law enforcement agency, county attorney, or district  
 16262 attorney, when establishing a clear need for the information for investigative  
 16263 purposes, shall have access to the information and shall maintain the information in a  
 16264 confidential manner except as otherwise provided by the Utah Rules of Criminal  
 16265 Procedure.

16266 (5) Under this section, each failure by an actor to file a report required under Subsection (2)  
 16267 is a separate violation.

16268 (6) This section does not apply to a financial institution.  
 16269 Section 323. Section **76-9-1701** is enacted to read:

16270 **Part 17. Unlawful Use of a Laser Pointer**

16271 **76-9-1701 (Effective 05/07/25). Definitions.**

16272 As used in this part:

16273 (1) "Aircraft" means the same as that term is defined in Section 72-10-102.

16274 (2) "Laser light" means light that is amplified by stimulated emission of radiation.

16275 (3) "Laser pointer" means any portable device that emits a visible beam of laser light that  
 16276 may be directed at an individual.

16277 (4) "Law enforcement officer" means an officer under Section 53-13-103.

16278 Section 324. Section **76-9-1702**, which is renumbered from Section 76-10-2501 is renumbered  
 16279 and amended to read:

16280 ~~[76-10-2501]~~ **76-9-1702 (Effective 05/07/25). Unlawful use of a laser pointer against a motor**  
 16281 **vehicle.**

16282 ~~[(1) As used in this section:]~~

16283 ~~[(a) "Aircraft" means the same as that term is defined in Section 72-10-102.]~~

16284 ~~[(b) "Laser light" means light that is amplified by stimulated emission of radiation.]~~

16285 ~~[(c) "Laser pointer" means any portable device that emits a visible beam of laser light that~~  
 16286 ~~may be directed at an individual.]~~



- 16287 [(d) "Law enforcement officer" means an officer under Section 53-13-103.]
- 16288 (1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.
- 16289 (2) An actor commits unlawful use of a laser pointer against a motor vehicle if the actor
- 16290 directs a beam of laser light from a laser pointer at~~[:]~~ a moving motor vehicle or the
- 16291 occupants of a moving motor vehicle.
- 16292 [~~(a) a moving motor vehicle or the occupants of a moving motor vehicle;~~]
- 16293 [~~(b) one whom the actor knows or has reason to know is a law enforcement officer; or]~~
- 16294 [~~(c) an aircraft or the occupants of an aircraft.]~~
- 16295 [~~(3) It is an affirmative defense to a charge under Subsection (2)(b) that:~~]
- 16296 [~~(a) the law enforcement officer was:~~]
- 16297 [~~(i) not in uniform;~~]
- 16298 [~~(ii) not traveling in a vehicle identified as a law enforcement vehicle; and]~~
- 16299 [~~(iii) not otherwise engaged in an activity that would give the actor reason to know the law~~
- 16300 ~~enforcement officer to be a law enforcement officer; and]~~
- 16301 [~~(b) the law enforcement officer was not otherwise known by the actor to be a law~~
- 16302 ~~enforcement officer.]~~
- 16303 [~~(4)(a) A violation of Subsection (2)(a) is an infraction.]~~
- 16304 [~~(b) A violation of Subsection (2)(b) is a class C misdemeanor.]~~
- 16305 [~~(c)(i) Except as provided in Subsection (4)(c)(ii) or (4)(c)(iii), a violation of Subsection~~
- 16306 ~~(2)(c) is a class B misdemeanor.]~~
- 16307 [~~(ii) Except as provided in Subsection (4)(c)(iii), a violation of Subsection (2)(c) is a class~~
- 16308 ~~A misdemeanor if the actor previously has been convicted of a violation of Subsection~~
- 16309 ~~(2)(c).]~~
- 16310 [~~(iii) A violation of Subsection (2)(c) is a third degree felony if the actor's conduct causes~~
- 16311 ~~an aircraft to crash or perform an emergency landing.]~~
- 16312 (3) A violation of Subsection (2) is an infraction.
- 16313 [~~(5)] (4) If the violation of this section constitutes an offense subject to a greater penalty~~
- 16314 ~~under another provision of this title than is provided under this section, this section does~~
- 16315 ~~not prohibit the prosecution and sentencing for the offense subject to a greater penalty.~~
- 16316 Section 325. Section **76-9-1703** is enacted to read:
- 16317 **76-9-1703 (Effective 05/07/25). Unlawful use of a laser pointer against an**
- 16318 **aircraft.**
- 16319 (1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.
- 16320 (2) An actor commits unlawful use of a laser pointer against an aircraft if the actor directs a

- 16321 beam of laser light from a laser pointer at an aircraft or the occupants of an aircraft.
- 16322 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 16323 misdemeanor.
- 16324 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) is a class A
- 16325 misdemeanor if the actor previously has been convicted of a violation of Subsection
- 16326 (2).
- 16327 (c) A violation of Subsection (2) is a third degree felony if the actor's conduct causes an
- 16328 aircraft to crash or perform an emergency landing.
- 16329 (4) If the violation of this section constitutes an offense subject to a greater penalty under
- 16330 another provision of this title than is provided under this section, this section does not
- 16331 prohibit the prosecution and sentencing for the offense subject to a greater penalty.
- 16332 Section 326. Section **76-9-1704** is enacted to read:
- 16333 **76-9-1704 (Effective 05/07/25). Unlawful use of a laser pointer against a law**
- 16334 **enforcement officer.**
- 16335 (1) Terms defined in Sections 76-1-101.5 and 76-9-1701 apply to this section.
- 16336 (2) An actor commits unlawful use of a laser pointer against a law enforcement officer if
- 16337 the actor directs a beam of laser light from a laser pointer at an individual who the actor
- 16338 knows or has reason to know is a law enforcement officer.
- 16339 (3) A violation of Subsection (2) is a class C misdemeanor.
- 16340 (4) It is an affirmative defense to a charge under Subsection (2) that:
- 16341 (a) the law enforcement officer was:
- 16342 (i) not in uniform;
- 16343 (ii) not traveling in a vehicle identified as a law enforcement vehicle; and
- 16344 (iii) not otherwise engaged in an activity that would give the actor reason to know the
- 16345 law enforcement officer to be a law enforcement officer; and
- 16346 (b) the law enforcement officer was not otherwise known by the actor to be a law
- 16347 enforcement officer.
- 16348 (5) If the violation of this section constitutes an offense subject to a greater penalty under
- 16349 another provision of this title than is provided under this section, this section does not
- 16350 prohibit the prosecution and sentencing for the offense subject to a greater penalty.

16351 Section 327. Section **76-9-1801** is enacted to read:

16352 **Part 18. Litter and Recycling Violations**

16353 **76-9-1801 (Effective 05/07/25). Definitions.**

16354 Reserved.

16355 Section 328. Section **76-9-1802**, which is renumbered from Section 76-10-2701 is renumbered  
16356 and amended to read:

16357 ~~[76-10-2701]~~**76-9-1802 (Effective 05/07/25). Unlawful littering on land or waterway.**

16358 (1)(a) As used in this section, "litter" includes a glass bottle, glass, a nail, tack, wire,  
16359 can, barbed wire, board, trash or garbage, paper or paper products, or any other  
16360 substance that would or could mar or impair the scenic aspect or beauty of the land.

16361 (b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

16362 ~~(2) [A person may not throw, deposit, or discard, or permit to be dropped, thrown,~~  
16363 ~~deposited, or discarded on any] An actor commits unlawful littering on land or waterway~~  
16364 ~~if the actor drops, throws, deposits, or discards, or permits to be dropped, thrown,~~  
16365 ~~deposited, or discarded, litter in a park, recreation area, or other public or private land, or~~  
16366 ~~waterway, [ any glass bottle, glass, nails, tacks, wire, cans, barbed wire, boards, trash or~~  
16367 ~~garbage, paper or paper products, or any other substance which would or could mar or~~  
16368 ~~impair the scenic aspect or beauty of the land in the state whether under private, state,~~  
16369 ~~county, municipal, or federal ownership] without the permission of the owner or person~~  
16370 ~~having control or custody of the land or waterway.~~

16371 ~~(3)(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum~~  
16372 ~~fine of \$100 for each violation.~~

16373 ~~(b) The court may require the actor to participate in at least four hours of cleaning up:~~

16374 ~~(i) litter caused by the actor's offense; and~~

16375 ~~(ii) existing litter from a safe area designated by the court.~~

16376 ~~[(2) A person who drops, throws, deposits, or discards, or permits to be dropped, thrown,~~  
16377 ~~deposited, or discarded, on any park, recreation area, or other public or private land or~~  
16378 ~~waterway any destructive, injurious, or unsightly material shall:]~~

16379 ~~[(a) immediately remove the material or cause it to be removed; and]~~

16380 ~~[(b) deposit the material in a receptacle designed to receive the material.]~~

16381 ~~[(3) A person distributing commercial handbills, leaflets, or other advertising shall take~~  
16382 ~~whatever measures are reasonably necessary to keep the material from littering public or~~  
16383 ~~private property.]~~

16384 ~~[(4) A person removing a wrecked or damaged vehicle from a park, recreation area, or~~  
16385 ~~other public or private land shall remove any glass or other injurious substance dropped~~  
16386 ~~from the vehicle in the park, recreation area, or other public or private land.]~~

16387 ~~[(5) A person in charge of a construction or demolition site shall take reasonable steps to~~

- 16388 prevent the accumulation of litter at the construction or demolition site.]
- 16389 [(6) A law enforcement officer as defined in Section 53-13-103, within the law
- 16390 enforcement officer's jurisdiction:]
- 16391 [(a) shall enforce the provisions of this section;]
- 16392 [(b) may issue citations to a person who violates any of the provisions of this section; and]
- 16393 [(c) may serve and execute all warrants, citations, and other processes issued by any court
- 16394 in enforcing this section.]
- 16395 [(7) An operator of a park, campground, trailer park, drive-in restaurant, gasoline service
- 16396 station, shopping center, grocery store parking lot, tavern parking lot, parking lots of
- 16397 industrial firms, marina, boat launching area, boat moorage and fueling station, public
- 16398 and private pier, beach, and bathing area shall maintain sufficient litter receptacles on
- 16399 the premises to accommodate the litter that accumulates.]
- 16400 [(8)] (4) A municipality within [its] the municipality's corporate limits and a county outside
- 16401 of incorporated municipalities may enact local ordinances to carry out the provisions of
- 16402 this section.

16403 Section 329. Section **76-9-1803** is enacted to read:

16404 **76-9-1803 (Effective 05/07/25). Unlawful failure to prevent advertising materials**

16405 **from becoming litter.**

- 16406 (1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.
- 16407 (2) An actor commits unlawful failure to prevent advertising materials from becoming litter
- 16408 if the actor:
- 16409 (a) distributes commercial handbills, leaflets, or other advertising materials; and
- 16410 (b) fails take measures that are reasonably necessary to keep the commercial handbills,
- 16411 leaflets, or other advertising materials from littering public or private property.
- 16412 (3)(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum
- 16413 fine of \$100 for each violation.
- 16414 (b) The court may require the actor to participate in at least four hours of cleaning up:
- 16415 (i) litter caused by the actor's offense; and
- 16416 (ii) existing litter from a safe area designated by the court.
- 16417 (4) A municipality within the municipality's corporate limits and a county outside of
- 16418 incorporated municipalities may enact local ordinances to carry out the provisions of this
- 16419 section.

16420 Section 330. Section **76-9-1804** is enacted to read:

16421 **76-9-1804 (Effective 05/07/25). Unlawful failure to remove injurious substance**

16422 **while removing a vehicle.**

16423 (1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

16424 (2) An actor commits unlawful failure to remove injurious substance while removing a  
 16425 vehicle if the actor:

16426 (a) removes a wrecked or damaged vehicle from a park, recreation area, or other public  
 16427 or private land; and

16428 (b) fails to remove glass or other injurious substance dropped from the vehicle in the  
 16429 park, recreation area, or other private or public land.

16430 (3)(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum  
 16431 fine of \$100 for each violation.

16432 (b) The court may require the actor to participate in at least four hours of cleaning up:

16433 (i) the glass or other injurious substance dropped from the vehicle; and

16434 (ii) existing litter from a safe area designated by the court.

16435 (4) A municipality within the municipality's corporate limits and a county outside of  
 16436 incorporated municipalities may enact local ordinances to carry out the provisions of this  
 16437 section.

16438 Section 331. Section **76-9-1805** is enacted to read:

16439 **76-9-1805 (Effective 05/07/25). Unlawful failure to prevent accumulation of**  
 16440 **litter at a construction or demolition site.**

16441 (1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

16442 (2) An actor commits unlawful failure to prevent accumulation of litter at a construction or  
 16443 demolition site if the actor:

16444 (a) is in charge of a construction or demolition site; and

16445 (b) fails to take reasonable steps to prevent the accumulation of litter at the construction  
 16446 or demolition site.

16447 (3)(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum  
 16448 fine of \$100 for each violation.

16449 (b) The court may require the actor to participate in at least four hours of cleaning up:

16450 (i) the litter caused by the actor's offense; and

16451 (ii) existing litter from a safe area designated by the court.

16452 (4) A municipality within the municipality's corporate limits and a county outside of  
 16453 incorporated municipalities may enact local ordinances to carry out the provisions of this  
 16454 section.

16455 Section 332. Section **76-9-1806** is enacted to read:

16456 **76-9-1806 (Effective 05/07/25). Unlawful failure to provide sufficient litter**  
 16457 **receptacles.**

16458 (1) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

16459 (2) An actor commits unlawful failure to provide sufficient litter receptacles if the actor:

16460 (a) is an operator of a park, campground, trailer park, drive-in restaurant, gasoline  
 16461 service station, shopping center, grocery store parking lot, tavern parking lot, parking  
 16462 lot of an industrial firm, marina, boat launching area, boat moorage and fueling  
 16463 station, public or private pier, beach, or bathing area; and

16464 (b) fails to maintain sufficient litter receptacles on the premises to accommodate the  
 16465 litter that accumulates on the premises.

16466 (3)(a) A violation of Subsection (2) is a class C misdemeanor and subject to a minimum  
 16467 fine of \$100 for each violation.

16468 (b) The court may require the actor to participate in at least four hours of cleaning up:

16469 (i) the litter caused by the actor's offense; and

16470 (ii) existing litter from a safe area designated by the court.

16471 (4) A municipality within the municipality's corporate limits and a county outside of  
 16472 incorporated municipalities may enact local ordinances to carry out the provisions of this  
 16473 section.

16474 Section 333. Section **76-9-1807**, which is renumbered from Section 76-10-2101 is renumbered  
 16475 and amended to read:

16476 **~~76-10-2101~~76-9-1807 (Effective 05/07/25). Unlawful misuse of a recycling bin.**

16477 (1)(a) As used in this section:

16478 [(a)] (i) "Recycling" means the process of collecting materials diverted from the waste  
 16479 stream for reuse.

16480 [(b)] (ii) "Recycling bin" means any receptacle made available to the public by a  
 16481 governmental entity or private business for the collection of any source-separated  
 16482 item for recycling purposes.

16483 (b) Terms defined in Sections 76-1-101.5 and 76-9-1801 apply to this section.

16484 (2) ~~[It is an infraction to place any]~~ An actor commits unlawful misuse of a recycling bin if:

16485 (a) the actor places a prohibited item or substance in a recycling bin; and

16486 (b) ~~[if the]~~ the recycling bin is posted with the following information printed legibly in  
 16487 basic English:

16488 [(a)] (i) a descriptive list of the items that may be deposited in the recycling bin,  
 16489 entitled in boldface capital letters: "ITEMS YOU MAY DEPOSIT IN THIS

16490 RECYCLING BIN:";

16491 [(b)] (ii) at the end of the list in Subsection [(2)(a);] (2)(b)(i), the following statement

16492 in boldface capital letters: "REMOVING FROM THIS BIN ANY ITEM THAT IS

16493 LISTED ABOVE AND THAT YOU DID NOT PLACE IN THE CONTAINER

16494 IS THE CRIMINAL OFFENSE OF THEFT, PUNISHABLE BY LAW.";

16495 [(e)] (iii) the following statement in boldface capital letters: "DEPOSIT OF ANY

16496 OTHER ITEM IN THIS RECYCLING BIN IS AGAINST THE LAW.";

16497 [(d)] (iv) the following statement in boldface capital letters, posted on the recycling

16498 collection container in close proximity to the other notices required under [

16499 Subsections (2)(a), (b), and (c)] Subsection (2)(b): "PLACING ANY ITEM OR

16500 SUBSTANCE IN THIS RECYCLING BIN OTHER THAN THOSE ALLOWED

16501 IN THE LIST POSTED ON THIS BIN IS AN INFRACTION, PUNISHABLE

16502 BY A MAXIMUM FINE OF \$750."; and

16503 [(e)] (v) the name and telephone number of the entity that owns the recycling bin or is

16504 responsible for its placement and maintenance.

16505 (3) A violation of Subsection (2) is an infraction.

16506 Section 334. Section **76-9-1901** is enacted to read:

16507

### **Part 19. Unlawful Contraband Compartment in a Vehicle**

16508 **76-9-1901 (Effective 05/07/25). Definitions.**

16509 As used in this part:

16510 (1)(a) "Compartment" means any box, container, space, or enclosure:

16511 (i) that is intended or designed to conceal, hide, or otherwise prevent the discovery of

16512 contraband; and

16513 (ii) that is within a vehicle or attached to a vehicle.

16514 (b) "Compartment" includes:

16515 (i) false, altered, or modified fuel tanks;

16516 (ii) original factory equipment of a vehicle that is modified, altered, or changed to

16517 accommodate or contain contraband; and

16518 (iii) a box, container, space, or enclosure that is fabricated, made, created from, or

16519 added to the existing structure of a vehicle.

16520 (2)(a) "Contraband" means any property, item, or substance that is unlawful to produce

16521 or possess under state or federal law.

16522 (b) "Contraband" includes any cash or monetary instrument that is the proceeds of an

16523 unlawful activity under Subsection 76-17-401(4).

16524 (3) "Motor vehicle" means the same as that term is defined in Section 41-6a-102.

16525 (4) "Semitrailer" means the same as that term is defined in Section 41-6a-102.

16526 (5) "Trailer" means the same as that term is defined in Section 41-1a-102.

16527 (6) "Vehicle" means a motor vehicle, a trailer, or a semitrailer.

16528 Section 335. Section **76-9-1902**, which is renumbered from Section 76-10-2801 is renumbered  
16529 and amended to read:

16530 ~~[76-10-2801]~~ **76-9-1902 (Effective 05/07/25). Vehicle compartment for contraband --**

16531 **Penalties.**

16532 [(1) As used in this section:]

16533 [(a)(i) "Compartment" means any box, container, space, or enclosure:]

16534 [(A) that is intended or designed to conceal, hide, or otherwise prevent the discovery of  
16535 contraband; and]

16536 [(B) that is within a vehicle or attached to a vehicle.]

16537 [(ii) "Compartment" includes:]

16538 [(A) false, altered, or modified fuel tanks;]

16539 [(B) original factory equipment of a vehicle that is modified, altered, or changed to  
16540 accommodate or contain contraband; and]

16541 [(C) a box, container, space, or enclosure that is fabricated, made, created from, or added  
16542 to the existing structure of a vehicle.]

16543 [(b)(i) "Contraband" means any property, item, or substance which is unlawful to produce  
16544 or possess under state or federal law.]

16545 [(ii) "Contraband" includes any cash or monetary instrument that is the proceeds of an  
16546 unlawful activity under Subsection 76-10-1602(4).]

16547 [(e) "Motor vehicle" has the same meaning as in Section 41-6a-102.]

16548 [(d) "Semitrailer" has the same meaning as in Section 41-6a-102.]

16549 [(e) "Trailer" has the same meaning as in Section 41-1a-102.]

16550 [(f) "Vehicle" means a motor vehicle, a trailer, and a semitrailer.]

16551 (1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

16552 (2) [It is a class A misdemeanor for a person to-] An actor commits unlawful possession,  
16553 use, or control of a vehicle with a contraband compartment if the actor knowingly [  
16554 possess, use, or control] possesses, uses, or controls a vehicle [which] that has a  
16555 compartment with the intent to store, conceal, or transport contraband in the  
16556 compartment.



16557 [(3) It is a third degree felony for a person to facilitate the storage, concealment, or  
 16558 transportation of contraband by:]  
 16559 [(a) designing, constructing, building, altering, or fabricating a compartment for a vehicle;]  
 16560 [(b) installing or creating a compartment in a vehicle; or]  
 16561 [(c) attaching a compartment to a vehicle.]

16562 (3) A violation of Subsection (2) is a class A misdemeanor.

16563 (4) The trier of fact may infer that [a person] an actor intended to store, conceal, or transport  
 16564 contraband if:

16565 (a) the [person] actor possesses, uses, or controls a vehicle that has a compartment[;] ; and

16566 (b) the compartment contains:

16567 [(a)] (i) contraband; or

16568 [(b)] (ii) evidence of prior storage, concealment, or transportation of contraband.

16569 Section 336. Section **76-9-1903** is enacted to read:

16570 **76-9-1903 (Effective 05/07/25). Unlawful creation, installation, or attachment of**  
 16571 **a contraband compartment.**

16572 (1) Terms defined in Sections 76-1-101.5 and 76-9-1901 apply to this section.

16573 (2) An actor commits unlawful creation, installation, or attachment of a contraband  
 16574 compartment if the actor facilitates the storage, concealment, or transportation of  
 16575 contraband by:

16576 (a) designing, constructing, building, altering, or fabricating a compartment for a vehicle;

16577 (b) installing or creating a compartment in a vehicle; or

16578 (c) attaching a compartment to a vehicle.

16579 (3) A violation of Subsection (2) is a third degree felony.

16580 (4) The trier of fact may infer that an actor intends to store, conceal, or transport contraband  
 16581 if:

16582 (a) the actor possesses, uses, or controls a vehicle that has a compartment; and

16583 (b) the compartment contains:

16584 (i) contraband; or

16585 (ii) evidence of prior storage, concealment, or transportation of contraband.

16586 Section 337. Section **76-9-2001** is enacted to read:

16587 **Part 20. Unlawful Tattooing or Body Piercing of a Minor**

16588 **76-9-2001 (Effective 05/07/25). Definitions.**

16589 As used in this part:

16590 (1) "Body piercing" means the creation of an opening in the body, excluding the ear, for the  
 16591 purpose of inserting jewelry or other decoration.

16592 (2) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal  
 16593 guardian during the performance of tattooing or body piercing upon the minor after the  
 16594 parent or legal guardian has provided:

16595 (a) reasonable proof of personal identity and familial relationship; and

16596 (b) written permission signed by the parent or legal guardian authorizing the  
 16597 performance of tattooing or body piercing upon the minor.

16598 (3) "Minor" means a person younger than 18 years old who:

16599 (a) is not married; and

16600 (b) has not been declared emancipated by a court of law.

16601 (4) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment  
 16602 under the skin or by producing scars.

16603 Section 338. Section **76-9-2002**, which is renumbered from Section 76-10-2201 is renumbered  
 16604 and amended to read:

16605 **[76-10-2201] 76-9-2002 (Effective 05/07/25). Unlawful tattooing of a minor.**

16606 [(1) As used in this section:]

16607 [(a) "Body piercing" means the creation of an opening in the body, excluding the ear, for  
 16608 the purpose of inserting jewelry or other decoration.]

16609 [(b) "Consent of a minor's parent or legal guardian" means the presence of a parent or legal  
 16610 guardian during the performance of body piercing or tattooing upon the minor after the  
 16611 parent or legal guardian has provided:]

16612 [(i) reasonable proof of personal identity and familial relationship; and]

16613 [(ii) written permission signed by the parent or legal guardian authorizing the performance  
 16614 of body piercing or tattooing upon the minor.]

16615 [(c) "Minor" means a person younger than 18 years of age who:]

16616 [(i) is not married; and]

16617 [(ii) has not been declared emancipated by a court of law.]

16618 [(d) "Tattoo" means to fix an indelible mark or figure upon the body by inserting a pigment  
 16619 under the skin or by producing scars.]

16620 [(2) A person is guilty of unlawful body piercing of a minor if the person performs or  
 16621 offers to perform a body piercing:]

16622 [(a) upon a minor;]

16623 [(b) without receiving the consent of the minor's parent or legal guardian; and]

- 16624 ~~[(e) for remuneration or in the course of a business or profession.]~~
- 16625 ~~[(3)] (1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.~~
- 16626 ~~(2) [A person is guilty of] Except as provided in Subsection (5), an actor commits unlawful~~
- 16627 ~~tattooing of a minor if the ~~[person]~~ actor performs or offers to perform a tattooing:~~
- 16628 ~~(a) upon a minor;~~
- 16629 ~~(b) without receiving the consent of the minor's parent or legal guardian; and~~
- 16630 ~~(c) for remuneration or in the course of a business or profession.~~
- 16631 ~~(3) A violation of Subsection (2) is a class B misdemeanor.~~
- 16632 ~~(4) The owner or operator of a business in which a violation of Subsection (2) occurs is~~
- 16633 ~~subject to a civil penalty of \$1,000 for each violation.~~
- 16634 ~~[(4)] (5) [A person] An actor is not guilty of violating Subsection (2) ~~[or (3),]~~ if the ~~[person]~~~~
- 16635 ~~actor:~~
- 16636 ~~(a) has no actual knowledge of the minor's age; and~~
- 16637 ~~(b) reviews, photocopies, and retains the photocopy of an apparently valid driver license~~
- 16638 ~~or other government-issued picture identification for the minor that expressly~~
- 16639 ~~purports that the minor is 18 years ~~[of age]~~ old or older before the ~~[person]~~ actor~~
- 16640 ~~performs the ~~[body piercing or]~~ tattooing.~~
- 16641 ~~[(5)(a) A person who violates Subsection (2) or (3) is guilty of a class B misdemeanor.]~~
- 16642 ~~[(b) The owner or operator of a business in which a violation of Subsection (2) or (3)~~
- 16643 ~~occurs is subject to a civil penalty of \$1,000 for each violation.]~~
- 16644 Section 339. Section **76-9-2003** is enacted to read:
- 16645 **76-9-2003 (Effective 05/07/25). Unlawful body piercing of a minor.**
- 16646 (1) Terms defined in Sections 76-1-101.5 and 76-9-2001 apply to this section.
- 16647 (2) Except as provided in Subsection (5), an actor commits unlawful body piercing of a
- 16648 minor if the actor performs or offers to perform a body piercing:
- 16649 (a) upon a minor;
- 16650 (b) without receiving the consent of the minor's parent or legal guardian; and
- 16651 (c) for remuneration or in the course of a business or profession.
- 16652 (3) A violation of Subsection (2) is a class B misdemeanor.
- 16653 (4) The owner or operator of a business in which a violation of Subsection (2) occurs is
- 16654 subject to a civil penalty of \$1,000 for each violation.
- 16655 (5) An actor is not guilty of violating Subsection (2) if the actor:
- 16656 (a) has no actual knowledge of the minor's age; and
- 16657 (b) reviews, photocopies, and retains the photocopy of an apparently valid driver license

16658 or other government-issued picture identification for the minor that expressly  
 16659 purports that the minor is 18 years old or older before the actor performs the body  
 16660 piercing.

16661 Section 340. Section **76-11-101**, which is renumbered from Section 76-10-501 is renumbered  
 16662 and amended to read:

16663 **CHAPTER 11. WEAPONS**

16664 **Part 1. General Provisions**

16665 **~~76-10-501~~76-11-101 (Effective 05/07/25). Definitions.**

16666 As used in this ~~[part]~~ chapter:

16667 (1)(a) "Antique firearm" means:

16668 (i) any firearm, including any firearm with a matchlock, flintlock, percussion cap, or  
 16669 similar type of ignition system, manufactured in or before 1898;

16670 (ii) a firearm that is a replica of any firearm described in this Subsection (1)(a), if the  
 16671 replica:

16672 (A) is not designed or redesigned for using rimfire or conventional centerfire fixed  
 16673 ammunition; or

16674 (B) uses rimfire or centerfire fixed ammunition which is:

16675 (I) no longer manufactured in the United States; and

16676 (II) is not readily available in ordinary channels of commercial trade; or

16677 (iii)(A) that is a muzzle loading rifle, shotgun, or pistol; and

16678 (B) is designed to use black powder, or a black powder substitute, and cannot use  
 16679 fixed ammunition.

16680 (b) "Antique firearm" does not include:

16681 (i) a weapon that incorporates a firearm frame or receiver;

16682 (ii) a firearm that is converted into a muzzle loading weapon; or

16683 (iii) a muzzle loading weapon that can be readily converted to fire fixed ammunition  
 16684 by replacing the:

16685 (A) barrel;

16686 (B) bolt;

16687 (C) breechblock; or

16688 (D) any combination of Subsection (1)(b)(iii)(A), (B), or (C).

16689 (2) "Bureau" means the Bureau of Criminal Identification created in Section 53-10-201  
 16690 within the Department of Public Safety.

- 16691 (3)(a) "Concealed firearm" means a firearm that is:
- 16692 (i) covered, hidden, or secreted in a manner that the public would not be aware of its
- 16693 presence; and
- 16694 (ii) readily accessible for immediate use.
- 16695 (b) A firearm that is unloaded and securely encased is not a concealed firearm for the
- 16696 purposes of this part.
- 16697 [~~(4) "Criminal history background check" means a criminal background check conducted~~
- 16698 ~~by a licensed firearms dealer on every purchaser of a handgun, except a Federal~~
- 16699 ~~Firearms Licensee, through the bureau or the local law enforcement agency where the~~
- 16700 ~~firearms dealer conducts business.]~~
- 16701 [(~~5~~)] (4) "Curio or relic firearm" means a firearm that:
- 16702 (a) is of special interest to a collector because of a quality that is not associated with
- 16703 firearms intended for:
- 16704 (i) sporting use;
- 16705 (ii) use as an offensive weapon; or
- 16706 (iii) use as a defensive weapon;
- 16707 (b)(i) was manufactured at least 50 years before the current date; and
- 16708 (ii) is not a replica of a firearm described in Subsection [(~~5~~)(b)(i)] (4)(b)(i);
- 16709 (c) is certified by the curator of a municipal, state, or federal museum that exhibits
- 16710 firearms to be a curio or relic of museum interest;
- 16711 (d) derives a substantial part of its monetary value:
- 16712 (i) from the fact that the firearm is:
- 16713 (A) novel;
- 16714 (B) rare; or
- 16715 (C) bizarre; or
- 16716 (ii) because of the firearm's association with an historical:
- 16717 (A) figure;
- 16718 (B) period; or
- 16719 (C) event; and
- 16720 (e) has been designated as a curio or relic firearm by the director of the United States
- 16721 Treasury Department Bureau of Alcohol, Tobacco, and Firearms under 27 C.F.R.
- 16722 Sec. 478.11.
- 16723 [(~~6~~)] (5)(a) "Dangerous weapon" means:
- 16724 (i) a firearm; or

- 16725 (ii) an object that in the manner of its use or intended use is capable of causing death  
 16726 or serious bodily injury.
- 16727 (b) The following factors are used in determining whether any object, other than a  
 16728 firearm, is a dangerous weapon:
- 16729 (i) the location and circumstances in which the object was used or possessed;  
 16730 (ii) the primary purpose for which the object was made;  
 16731 (iii) the character of the wound, if any, produced by the object's unlawful use;  
 16732 (iv) the manner in which the object was unlawfully used;  
 16733 (v) whether the manner in which the object is used or possessed constitutes a  
 16734 potential imminent threat to public safety; and  
 16735 (vi) the lawful purposes for which the object may be used.
- 16736 (c) "Dangerous weapon" does not include an explosive, chemical, or incendiary device  
 16737 as defined by Section ~~[76-10-306]~~ 76-15-210.
- 16738 ~~[(7)(a) "Dating relationship" means a romantic or intimate relationship between  
 16739 individuals.]~~
- 16740 ~~[(b) "Dating relationship" does not include a casual acquaintanceship or ordinary  
 16741 fraternization in a business or social context.]~~
- 16742 [(8) "Dealer" means a person who is:]
- 16743 [(a) licensed under 18 U.S.C. Sec. 923; and]
- 16744 [(b) engaged in the business of selling, leasing, or otherwise transferring a handgun,  
 16745 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.]
- 16746 [(9) "Domestic violence" means the same as that term is defined in Section 77-36-1.]
- 16747 [(10) "Enter" means intrusion of the entire body.]
- 16748 [(11) "Federal Firearms Licensee" means a person who:]
- 16749 [(a) holds a valid Federal Firearms License issued under 18 U.S.C. Sec. 923; and]
- 16750 [(b) is engaged in the activities authorized by the specific category of license held.]
- 16751 ~~[(12)]~~ (6)[(a)] "Firearm" means a pistol, revolver, shotgun, short barreled shotgun, rifle  
 16752 or short barreled rifle, or a device that could be used as a dangerous weapon from  
 16753 which is expelled a projectile by action of an explosive.
- 16754 [(b) As used in Sections ~~76-10-526 and 76-10-527~~, "firearm" does not include an  
 16755 antique firearm.]
- 16756 [(13) "Firearms transaction record form" means a form created by the bureau to be  
 16757 completed by a person purchasing, selling, or transferring a handgun from a dealer in the  
 16758 state.]

- 16759 ~~[(14) "Fully automatic weapon" means a firearm which fires, is designed to fire, or can be~~  
 16760 ~~readily restored to fire, automatically more than one shot without manual reloading by a~~  
 16761 ~~single function of the trigger.]~~
- 16762 [(15)] ~~(7)~~[(a)] "Handgun" means a pistol, revolver, or other firearm of any description,  
 16763 loaded or unloaded, from which a shot, bullet, or other missile can be discharged, the  
 16764 length of which, not including any revolving, detachable, or magazine breech, does  
 16765 not exceed 12 inches.
- 16766 [(b) As used in Sections 76-10-520, 76-10-521, and 76-10-522, "handgun" and "pistol  
 16767 or revolver" do not include an antique firearm.]
- 16768 [(16) "House of worship" means a church, temple, synagogue, mosque, or other building  
 16769 set apart primarily for the purpose of worship in which religious services are held and  
 16770 the main body of which is kept for that use and not put to any other use inconsistent with  
 16771 its primary purpose.]
- 16772 [(17) "Machinegun firearm attachment" means any part or combination of parts added to a  
 16773 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.]
- 16774 [(18)] (8) "Prohibited area" means a place where it is unlawful to discharge a firearm.
- 16775 [(19) "Readily accessible for immediate use" means that a firearm or other dangerous  
 16776 weapon is carried on the person or within such close proximity and in such a manner  
 16777 that it can be retrieved and used as readily as if carried on the person.]
- 16778 [(20)] (9) "Residence" means an improvement to real property used or occupied as a  
 16779 primary or secondary residence.
- 16780 [(21) "Securely encased" means not readily accessible for immediate use, such as held in a  
 16781 gun rack, or in a closed case or container, whether or not locked, or in a trunk or other  
 16782 storage area of a motor vehicle, not including a glove box or console box.]
- 16783 (10)(a) "Short barreled rifle" means a rifle that has a barrel or barrels of fewer than 16  
 16784 inches in length.
- 16785 (b) "Short barreled rifle" includes a dangerous weapon made from a rifle by alteration,  
 16786 modification, or otherwise, if the weapon as modified has an overall length of fewer  
 16787 than 26 inches.
- 16788 [(22)] (11)(a) "Short barreled shotgun" [or "~~short barreled rifle~~"] means a shotgun [  
 16789 ~~having] that has a barrel or barrels of fewer than 18 inches in length[, or in the case of~~  
 16790 ~~a rifle, having a barrel or barrels of fewer than 16 inches in length,] .~~
- 16791 (b) [or] "Short barreled shotgun" includes a dangerous weapon made from a [rifle or]  
 16792 shotgun by alteration, modification, or otherwise, if the weapon as modified has an

16793 overall length of fewer than 26 inches.

16794 ~~[(23)]~~ (12) "Shotgun" means a smooth bore firearm designed to fire cartridges containing  
16795 pellets or a single slug.

16796 ~~[(24) "Shoulder arm" means a firearm that is designed to be fired while braced against the  
16797 shoulder.]~~

16798 ~~[(25) "Single criminal episode" means the same as that term is defined in Section 76-1-401.]~~

16799 ~~[(26)]~~ (13) "Slug" means a single projectile discharged from a shotgun shell.

16800 ~~[(27) "State entity" means a department, commission, board, council, agency, institution,  
16801 officer, corporation, fund, division, office, committee, authority, laboratory, library, unit,  
16802 bureau, panel, or other administrative unit of the state.]~~

16803 ~~[(28)]~~ (14) "Violent felony" means the same as that term is defined in Section 76-3-203.5.

16804 Section 341. Section **76-11-102**, which is renumbered from Section 76-10-502 is renumbered  
16805 and amended to read:

16806 ~~[76-10-502]~~ **76-11-102 (Effective 05/07/25). When a weapon is deemed to be loaded.**

16807 (1) For the purpose of this chapter, ~~[any pistol, revolver, shotgun, rifle, or other weapon  
16808 described in this part shall be deemed to be]~~ a firearm is considered to be loaded when  
16809 there is an unexpended cartridge, shell, or projectile in the firing position.

16810 (2) ~~[Pistols and revolvers shall also be deemed to be]~~ Handguns are also considered to be  
16811 loaded when an unexpended cartridge, shell, or projectile is in a position whereby the  
16812 manual operation of any mechanism once would cause the unexpended cartridge, shell,  
16813 or projectile to be fired.

16814 (3) A muzzle loading firearm ~~[shall be deemed to be]~~ is considered loaded when ~~[it]~~ the  
16815 muzzle loading firearm is capped or primed and has a powder charge and ball or shot in  
16816 the barrel or cylinders.

16817 Section 342. Section **76-11-201** is enacted to read:

16818

## Part 2. General Weapons Violations

16819 **76-11-201 (Effective 05/07/25). Definitions.**

16820 As used in this part:

16821 (1) "Enter" means intrusion of the entire body.

16822 (2) "Fully automatic weapon" means a firearm that fires, is designed to fire, or can be  
16823 readily restored to fire, automatically more than one shot without manual reloading by a  
16824 single function of the trigger.

16825 (3) "House of worship" means a church, temple, synagogue, mosque, or other building set



16826 apart primarily for the purpose of worship in which religious services are held and the  
 16827 main body of which is kept for that use and not put to any other use inconsistent with its  
 16828 primary purpose.

16829 (4) "Machinegun firearm attachment" means any part or combination of parts added to a  
 16830 semiautomatic firearm that allows the firearm to fire as a fully automatic weapon.

16831 (5) "Readily accessible for immediate use" means that a firearm or other dangerous weapon  
 16832 is carried on the person or within such close proximity and in such a manner that it can  
 16833 be retrieved and used as readily as if carried on the person.

16834 (6) "Securely encased" means not readily accessible for immediate use, such as held in a  
 16835 gun rack, or in a closed case or container, whether or not locked, or in a trunk or other  
 16836 storage area of a motor vehicle, not including a glove box or console box.

16837 Section 343. Section **76-11-202**, which is renumbered from Section 76-10-504 is renumbered  
 16838 and amended to read:

16839 **[76-10-504]76-11-202 (Effective 05/07/25). Carrying a concealed firearm.**

16840 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

16841 ~~[(1)] (2) [Except as provided in Sections 76-10-503 and 76-10-523 and in Subsections (2),~~  
 16842 ~~(3), and (4), a person who] An actor commits carrying a concealed firearm if the actor:~~  
 16843 ~~(a)(i) carries a concealed loaded or unloaded firearm[, as defined in Section~~

16844 ~~76-10-501, including an unloaded firearm on his or her] on the actor's person; or [~~  
 16845 ~~one] has a loaded or unloaded firearm that is readily accessible for immediate use~~  
 16846 ~~which is not securely encased[, as defined in this part,] ; and~~

16847 ~~(b) is in or on a place other than the [person's] actor's residence, property, a vehicle in the [~~  
 16848 ~~person's] actor's lawful possession, or a vehicle, with the consent of the individual~~  
 16849 ~~who is lawfully in possession of the vehicle, or business under the [person's] actor's~~  
 16850 ~~control[ is guilty of a class B misdemeanor].~~

16851 ~~[(2)] (3)(a) Except as provided in Subsections (3)(b) and (c), a violation of Subsection (2)~~  
 16852 ~~is a class B misdemeanor.~~

16853 ~~(b) [A person who carries a] Except as provided in Subsection (3)(c), a violation of~~  
 16854 ~~Subsection (2) is a class A misdemeanor if the concealed firearm [that]is[~~a~~] loaded [~~  
 16855 ~~firearm in] at the time of the violation[~~of Subsection (1) is guilty of a class A~~~~  
 16856 ~~misdemeanor].~~

16857 ~~[(3)] (c) [A person who carries concealed an-] A violation of Subsection (2) is a second~~  
 16858 ~~degree felony if:~~

16859 ~~(i) the concealed firearm is an unlawfully possessed short barreled shotgun or a short~~

16860                   barreled rifle~~[ is guilty of a second degree felony.] ; or~~  
 16861                   ~~[(4)]~~ (ii) ~~[If the concealed]~~ the firearm that is concealed is used in the commission of a  
 16862                   violent felony~~[ as defined in Section 76-3-203.5]~~, and the ~~[person]~~ actor is a party  
 16863                   to the offense~~[, the person is guilty of a second degree felony].~~

16864 ~~[(5)]~~ (4) ~~[Nothing in Subsection (1) or (2) prohibits]~~ This section does not:

16865                   (a) ~~[a person]~~ prohibit an individual engaged in the lawful taking of protected or  
 16866                   unprotected wildlife as defined in Title 23A, Wildlife Resources Act, from carrying a  
 16867                   concealed firearm ~~[as long as]~~ if the taking of wildlife does not occur:

16868                   ~~[(a)]~~ (i) within the limits of a municipality in violation of that municipality's  
 16869                   ordinances; or

16870                   ~~[(b)]~~ (ii) upon the highways of the state as defined in Section 41-6a-102~~[-]~~ ; or

16871                   (b) apply to an individual who is a restricted person under Section 76-11-302 and may  
 16872                   not possess a firearm in any manner or location and is subject to the penalties  
 16873                   described in Part 3, Persons Restricted Regarding Dangerous Weapons.

16874                   Section 344. Section **76-11-203**, which is renumbered from Section 76-10-505 is renumbered  
 16875 and amended to read:

16876                   ~~[76-10-505]~~ **76-11-203 (Effective 05/07/25). Carrying a loaded firearm in a vehicle or on a**  
 16877 **street.**

16878 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

16879 ~~[(1)]~~ (2) ~~[Unless otherwise authorized by law, a person may not carry a loaded firearm]~~ An  
 16880 actor commits carrying a loaded firearm in a vehicle or on a street if the actor carries a  
 16881 loaded firearm:

16882                   (a) in or on a vehicle, unless:

16883                   (i) the vehicle is in the person's lawful possession; or

16884                   (ii) the ~~[person]~~ actor is carrying the loaded firearm in a vehicle with the consent of  
 16885                   the ~~[person]~~ individual lawfully in possession of the vehicle;

16886                   (b) on a public street; or

16887                   (c) in a posted prohibited area.

16888 (3) A violation of Subsection (2) is a class B misdemeanor.

16889 ~~[(2)]~~ (4) Subsection ~~[(1)(a)]~~ (2)(a) does not apply to a minor under 18 years ~~[of age]~~ old,  
 16890                   since a minor under 18 years ~~[of age]~~ old may not carry a loaded firearm in or on a  
 16891                   vehicle.

16892 ~~[(3)]~~ (5) Notwithstanding Subsections ~~[(1)(a)(i) and (ii)]~~ (2)(a)(i) and (ii), and Subsection [  
 16893                   ~~76-10-523(5), a person]~~ 53-5a-108(5), an actor may not possess a loaded rifle, shotgun,

16894 or muzzle-loading rifle in a vehicle.

16895 [~~(4)~~ A violation of this section is a class B misdemeanor.]

16896 Section 345. Section **76-11-204**, which is renumbered from Section 76-10-505.5 is renumbered  
16897 and amended to read:

16898 **[76-10-505.5] 76-11-204 (Effective 05/07/25). Possession of a dangerous weapon on or about**  
16899 **school premises.**

16900 (1)(a) As used in this section, "on or about school premises" means:

16901 [~~(a)~~] (i)[~~(i)~~] (A) in a public or private elementary or secondary school; or

16902 [~~(i)~~] (B) on the grounds of any of those schools;

16903 [~~(b)~~] (ii)[~~(i)~~] (A) in a public or private institution of higher education; or

16904 [~~(i)~~] (B) on the grounds of a public or private institution of higher education; or

16905 [~~(e)~~] (iii)[~~(i)~~] (A) inside the building where a preschool or child care is being held,

16906 if the entire building is being used for the operation of the preschool or child  
16907 care; or

16908 [~~(i)~~] (B) if only a portion of a building is being used to operate a preschool or

16909 child care, in that room or rooms where the preschool or child care operation is  
16910 being held.

16911 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
16912 section.

16913 (2) An actor [~~who~~] commits possession of a dangerous weapon on or about school premises  
16914 if the actor:

16915 (a) is 18 years old or older; and

16916 (b) [~~may not possess~~] possesses a dangerous weapon[~~, firearm, or short barreled shotgun~~]

16917 at a place that the actor knows, or has reasonable cause to believe, is on or about  
16918 school premises.

16919 (3)(a) [~~Possession of a dangerous weapon on or about school premises~~] Except as  
16920 provided in Subsection (3)(b), a violation of Subsection (2) is a class B misdemeanor.

16921 (b) [~~Possession of a firearm or short barreled shotgun on or about school premises~~] A  
16922 violation of Subsection (2) is a class A misdemeanor if the dangerous weapon  
16923 possessed by the actor is a firearm.

16924 (4) This section does not apply if:

16925 (a) the actor is authorized to possess a firearm as described in Section 53-5-704,

16926 53-5-705, [~~76-10-511~~] 53-5a-102.3, or [~~76-10-523~~] 53-5a-108, or as otherwise

16927 authorized by law;

16928 (b) the actor is authorized to possess a firearm as described in Section 53-5-704.5, unless  
 16929 the actor is in a location where the actor is prohibited from carrying a firearm under  
 16930 Subsection 53-5-710(2);

16931 (c) the possession is approved by the responsible school administrator;

16932 (d) the item is present or to be used in connection with a lawful, approved activity and is  
 16933 in the possession or under the control of the actor responsible for the item's  
 16934 possession or use;

16935 (e) the actor is an armed school security guard as described in Section 53G-8-704; or

16936 (f) the possession is:

16937 (i) at the actor's place of residence or on the actor's property; or

16938 (ii) in any vehicle lawfully under the actor's control, other than a vehicle owned by  
 16939 the school or used by the school to transport students.

16940 (5) This section does not[-]:

16941 (a) prohibit prosecution of a more serious weapons offense that may occur on or about  
 16942 school premises;

16943 (b) prevent an actor from securely storing a firearm on the grounds of a school if the  
 16944 actor:

16945 (i) participates in:

16946 (A) the school guardian program created in Section 53-22-105; [~~and~~] or

16947 (B) the Educator-Protector Program created in Section 53-22-107; and

16948 (ii) complies with the requirements for securely storing the firearm described in  
 16949 Subsection 53-22-107(5)(a); or

16950 (c) prohibit the prosecution of possession of a dangerous weapon by a minor, as  
 16951 described in Section [~~76-10-509.4~~] 76-11-209, that occurs on or about school  
 16952 premises.

16953 Section 346. Section **76-11-205**, which is renumbered from Section 76-10-506 is renumbered  
 16954 and amended to read:

16955 **[~~76-10-506~~]76-11-205 (Effective 05/07/25). Threatening with or using a dangerous weapon**  
 16956 **in a fight or a quarrel.**

16957 (1)(a) As used in this section:

16958 [~~(a)~~] (i) "Dangerous weapon" means an item that in the manner of its use or intended  
 16959 use is capable of causing death or serious bodily injury. The following factors  
 16960 shall be used in determining whether an item, object, or thing is a dangerous  
 16961 weapon:

16962            [(i)] (A) the character of the instrument, object, or thing;  
 16963            [(ii)] (B) the character of the wound produced, if any; and  
 16964            [(iii)] (C) the manner in which the instrument, object, or thing was exhibited or  
 16965            used.

16966            [(b)] (ii) "Threatening manner" does not include:

16967            [(i)] (A) the possession of a dangerous weapon, whether visible or concealed,  
 16968            without additional behavior which is threatening; or

16969            [(ii)] (B) informing another of the actor's possession of a deadly weapon to prevent  
 16970            what the actor reasonably perceives as a possible use of unlawful force by the  
 16971            other and the actor is not engaged in any activity described in Subsection  
 16972            76-2-402(3)(a).

16973            (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 16974            section.

16975            (2) [~~Except as otherwise provided in Section 76-2-402 and for an individual described in~~  
 16976            ~~Section 76-10-503, an individual who, in the presence of two or more individuals, and~~  
 16977            ~~not amounting to a violation of Section 76-5-103,]~~ An actor commits threatening with or  
 16978            using a dangerous weapon in a fight or a quarrel if the actor:

16979            (a) draws or exhibits a dangerous weapon in an angry and threatening manner; or

16980            (b) unlawfully uses a dangerous weapon in a fight or quarrel[~~is guilty of a class A~~  
 16981            ~~misdemeanor~~].

16982            (3) A violation of Subsection (2) is a class A misdemeanor.

16983            (4) This section does not apply to:

16984            (a) an individual who, reasonably believing the action to be necessary in compliance  
 16985            with Section 76-2-402, with purpose to prevent another's use of unlawful force:

16986            [(a)] (i) threatens the use of a dangerous weapon; or

16987            [(b)] (ii) draws or exhibits a dangerous weapon[-];

16988            [(4) This section does not apply to]

16989            (b) an individual listed in Subsections [~~76-10-523(1)(a) through (f)~~] 53-5a-108(1)(a)  
 16990            through (f) in performance of the individual's duties; or

16991            (c) an individual who is a restricted person under Section 76-11-302 and may not  
 16992            possess a firearm in any manner or location and is subject to the penalties described  
 16993            in Part 3, Persons Restricted Regarding Dangerous Weapons.

16994            Section 347. Section **76-11-206**, which is renumbered from Section 76-10-507 is renumbered  
 16995            and amended to read:

16996 ~~[76-10-507]~~**76-11-206 (Effective 05/07/25). Possession of a dangerous weapon with criminal**  
 16997 **intent.**

16998 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

16999 (2) ~~[Every person having upon his person any]~~ An actor commits possession of a  
 17000 dangerous weapon with criminal intent if the actor possesses a dangerous weapon with  
 17001 the intent to use [it] the dangerous weapon to commit a criminal offense.

17002 (3) ~~[ is guilty of]~~ A violation of Subsection (2) is a class A misdemeanor.

17003 Section 348. Section **76-11-207**, which is renumbered from Section 76-10-508 is renumbered  
 17004 and amended to read:

17005 ~~[76-10-508]~~**76-11-207 (Effective 05/07/25). Improper discharging of a dangerous weapon.**

17006 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17007 (2) An actor commits improper discharging of a dangerous weapon if the actor discharges a  
 17008 dangerous weapon:

17009 ~~[(a) An individual may not discharge a dangerous weapon or firearm:]~~

17010 ~~[(i) (a) from [an automobile or other] a vehicle;~~

17011 ~~[(ii) (b) from, upon, or across a highway;~~

17012 ~~[(iii) (c) at a road sign placed [upon a highway of the] on a state highway;~~

17013 ~~[(iv) (d) at communications equipment or property of public utilities including facilities,~~  
 17014 ~~lines, poles, or devices of transmission or distribution;~~

17015 ~~[(v) (e) at railroad equipment or facilities including a sign or signal;~~

17016 ~~[(vi) (f) within a Utah State Park building, designated camp or picnic sites, overlooks,~~  
 17017 ~~golf courses, boat ramps, and developed beaches; or~~

17018 ~~[(vii) (g) without written permission to discharge the dangerous weapon from the owner~~  
 17019 ~~or person in charge of the property within 600 feet of:~~

17020 ~~[(A) (i) a house, dwelling, or [any] other building; or~~

17021 ~~[(B) (ii) [any] a structure in which a domestic animal is kept or fed, including a barn,~~  
 17022 ~~poultry yard, corral, feeding pen, or stockyard.~~

17023 ~~[(b) It is a defense to any charge for violating this section that the individual being~~

17024 ~~accused had actual permission of the owner or person in charge of the property at the~~  
 17025 ~~time in question.]~~

17026 ~~[(2) (3) A violation of [any provision] of Subsection [(1)] (2) is a class B misdemeanor.~~

17027 ~~[(3) (4) In addition to any other penalties, the court shall:~~

17028 (a) notify the Driver License Division of the conviction for purposes of any revocation,  
 17029 denial, suspension, or disqualification of a driver license under Subsection

- 17030 53-3-220(1)(a)(xi); and
- 17031 (b) specify in court at the time of sentencing the length of the revocation under
- 17032 Subsection 53-3-225(1)(c).
- 17033 ~~[(4)]~~ (5) This section does not apply to an ~~[individual]~~ actor who:
- 17034 (a) discharges a firearm ~~[when that individual is]~~ in the lawful defense of ~~[self]~~ the actor
- 17035 or ~~[others]~~ other individuals;
- 17036 (b) is performing official duties as provided in Section 23A-5-202 and Subsections [
- 17037 ~~76-10-523(1)(a)]~~ 53-5a-108(1)(a) through (f) and as otherwise provided by law; or
- 17038 (c) discharges a dangerous weapon or firearm from an automobile or other vehicle, if:
- 17039 (i) the discharge occurs at a firing range or training ground;
- 17040 (ii) at no time after the discharge does the projectile that is discharged cross over or
- 17041 stop at a location other than within the boundaries of the firing range or training
- 17042 ground described in Subsection ~~[(4)(e)(i);]~~ (5)(c)(i);
- 17043 (iii) the discharge is made as practice or training for a lawful purpose;
- 17044 (iv) the discharge and the location, time, and manner of the discharge are approved
- 17045 by the owner or operator of the firing range or training ground before the
- 17046 discharge; and
- 17047 (v) the discharge is not made in violation of Subsection ~~[(4)]~~ (2).
- 17048 (d) It is a defense to a charge for violating this section that the actor had actual
- 17049 permission of the person in charge of the property at the time the actor discharged the
- 17050 dangerous weapon as described in Subsection (2).
- 17051 Section 349. Section **76-11-208**, which is renumbered from Section 76-10-508.1 is renumbered
- 17052 and amended to read:
- 17053 **~~[76-10-508.1]~~ 76-11-208 (Effective 05/07/25). Felony discharge of a firearm.**
- 17054 (1)(a) As used in this section, "habitable structure" means the same as that term is
- 17055 defined in Section 76-6-101.
- 17056 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this
- 17057 section.
- 17058 ~~[(4)]~~ (2) ~~[Except as provided under Subsection (2) or (3), an individual who discharges a~~
- 17059 ~~firearm is guilty of a third degree felony punishable by imprisonment for a term of not~~
- 17060 ~~less than three years nor more than five years]~~ An actor commits felony discharge of a
- 17061 firearm if:
- 17062 (a) the actor discharges a firearm in the direction of ~~[one or more individuals]~~ an
- 17063 individual, knowing or having reason to believe that ~~[any]~~ an individual may be

- 17064 endangered by the discharge of the firearm;
- 17065 (b) the actor, with intent to intimidate or harass another individual or with intent to
- 17066 damage a habitable structure[~~as defined in Section 76-6-101~~], discharges a firearm in
- 17067 the direction of [~~any~~] an individual or habitable structure; or
- 17068 (c) the actor, with intent to intimidate or harass another individual, discharges a firearm
- 17069 in the direction of [~~any~~] a vehicle.
- 17070 [~~(2) A violation of Subsection (1) that causes bodily injury to any individual is a second~~
- 17071 ~~degree felony punishable by imprisonment for a term of not less than three years nor~~
- 17072 ~~more than 15 years.]~~
- 17073 [~~(3) A violation of Subsection (1) that causes serious bodily injury to any individual is a~~
- 17074 ~~first degree felony.]~~
- 17075 (3)(a) Except as provided in Subsection (3)(b) or (3)(c), a violation of Subsection (2) is
- 17076 a third degree felony punishable by a term of imprisonment of not less than three
- 17077 years nor more than five years.
- 17078 (b) Except as provided in Subsection (3)(c), a violation of Subsection (2) that causes
- 17079 bodily injury to any individual is a second degree felony punishable by imprisonment
- 17080 for a term of not less than three years nor more than 15 years.
- 17081 (c) A violation of Subsection (2) that causes serious bodily injury to an individual is a
- 17082 first degree felony.
- 17083 (4) In addition to any other penalties for a violation of this section, the court shall:
- 17084 (a) notify the Driver License Division of the conviction for purposes of any revocation,
- 17085 denial, suspension, or disqualification of a driver license under Subsection
- 17086 53-3-220(1)(a)(xi); and
- 17087 (b) specify in court at the time of sentencing the length of the revocation under
- 17088 Subsection 53-3-225(1)(c).
- 17089 (5) This section does not apply to an [~~individual~~] actor:
- 17090 (a) who discharges a firearm [~~when that individual is~~]in the lawful defense of [self] the
- 17091 actor or [others] another individual;
- 17092 (b) who is performing official duties as provided in Section 23A-5-202 or Subsections [~~76-10-523(1)(a) through (f)~~] 53-5a-108(1)(a) through (f) or as otherwise authorized
- 17093 by law; or
- 17094 (c) who discharges a dangerous weapon or firearm from an automobile or other vehicle,
- 17095 if:
- 17096 (i) the discharge occurs at a firing range or training ground;
- 17097



- 17098 (ii) at no time after the discharge does the projectile that is discharged cross over or  
 17099 stop at a location other than within the boundaries of the firing range or training  
 17100 ground described in Subsection (5)(c)(i);
- 17101 (iii) the discharge is made as practice or training for a lawful purpose;
- 17102 (iv) the discharge and the location, time, and manner of the discharge are approved  
 17103 by the owner or operator of the firing range or training ground before the  
 17104 discharge; and
- 17105 (v) the discharge is not made in violation of Subsection ~~[(+)]~~ (2).

17106 Section 350. Section **76-11-209**, which is renumbered from Section 76-10-509.4 is renumbered  
 17107 and amended to read:

17108 ~~[76-10-509.4]~~ **76-11-209 (Effective 05/07/25). Possession of a dangerous weapon by a minor.**

17109 (1)(a) As used in this section, "responsible adult" means an individual:

17110 ~~[(a)]~~ (i) who is 18 years old or older; and

17111 ~~[(b)]~~ (ii) who may lawfully possess a dangerous weapon.

17112 (b) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this  
 17113 section.

17114 (2) An actor ~~[who is under 18 years old may not possess a dangerous weapon.]~~ commits  
 17115 possession of a dangerous weapon by a minor if the actor:

17116 (a) is under 18 years old; and

17117 (b) possesses a dangerous weapon.

17118 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is:

17119 (i) a class B misdemeanor for a first offense; and

17120 (ii) a class A misdemeanor for each subsequent offense.

17121 (b) A violation of Subsection (2) is a third degree felony if the dangerous weapon is:

17122 (i) a handgun;

17123 (ii) a short barreled rifle;

17124 (iii) a short barreled shotgun;

17125 (iv) a fully automatic weapon; or

17126 (v) a machinegun firearm attachment.

17127 (4) For an actor who is younger than 14 years old, this section does not apply if the actor:

17128 (a) possesses a dangerous weapon;

17129 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;

17130 (c) is accompanied by the actor's parent or guardian, or a responsible adult, while the

17131 actor has the dangerous weapon in the actor's possession; and

- 17132 (d) does not use the dangerous weapon in the commission of a crime.
- 17133 (5) For an actor who is 14 years old or older but younger than 18 years old, this section
- 17134 does not apply if the actor:
- 17135 (a) possesses a dangerous weapon;
- 17136 (b) has permission from the actor's parent or guardian to possess the dangerous weapon;
- 17137 and
- 17138 (c) does not use the dangerous weapon in the commission of a crime.
- 17139 (6) This section does not apply to the following minors who are otherwise complying with
- 17140 Subsection (4) or (5):
- 17141 (a) a minor who is a patron at an amusement park, pier, or similar location and is
- 17142 possessing a firearm to participate in lawfully operated target concessions if the
- 17143 firearm to be used is firmly chained or affixed to the counters;
- 17144 (b) a minor attending a hunter's safety course or a firearms safety course and possessing
- 17145 a weapon as part of the course;
- 17146 (c) a minor using a firearm at an established range or other area where the discharge of a
- 17147 firearm is not prohibited by state or local law;
- 17148 (d) a minor participating in an organized competition involving the use of a firearm, or
- 17149 practicing for the competition;
- 17150 (e) a minor who is on real property with the permission of the owner, licensee, or lessee
- 17151 of the property and who has the permission of a parent or legal guardian or the
- 17152 owner, licensee, or lessee to possess a firearm not otherwise in violation of law;
- 17153 (f) a minor who has a valid hunting license and is possessing a firearm to lawfully
- 17154 engage in hunting; or
- 17155 (g) a minor traveling to or from an activity described in Subsections (6)(a) through (f)
- 17156 with an unloaded firearm in the minor's possession.

17157 Section 351. Section **76-11-210**, which is renumbered from Section 76-10-509.5 is renumbered

17158 and amended to read:

17159 **[76-10-509.5] 76-11-210 (Effective 05/07/25). Providing an illegal weapon to a minor.**

17160 ~~[(1) Any person who provides a handgun to a minor when the possession of the handgun~~

17161 ~~by the minor is a violation of Section 76-10-509.4 is guilty of:]~~

17162 ~~[(a) a class B misdemeanor upon the first offense; and]~~

17163 ~~[(b) a class A misdemeanor for each subsequent offense.]~~

17164 ~~[(2) Any person who transfers in violation of applicable state or federal law a short~~

17165 ~~barreled rifle, short barreled shotgun, or fully automatic weapon to a minor is guilty of a~~

17166 ~~third degree felony.]~~

17167 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17168 (2) An actor commits providing an illegal weapon to a minor if:

17169 (a) the actor provides a handgun to a minor and the minor's possession of the handgun  
 17170 would be a violation of Section 76-11-209, Possession of a dangerous weapon by a  
 17171 minor; or

17172 (b) the actor transfers or provides, in violation of applicable state or federal law, a short  
 17173 barreled rifle, short barreled shotgun, or fully automatic weapon to a minor.

17174 (3)(a) A violation of Subsection (2)(a) is:

17175 (i) a class B misdemeanor upon the first offense; and

17176 (ii) a class A misdemeanor for each subsequent offense.

17177 (b) A violation of Subsection (2)(b) is a third degree felony.

17178 Section 352. Section **76-11-211**, which is renumbered from Section 76-10-509.6 is renumbered  
 17179 and amended to read:

17180 ~~[76-10-509.6]~~ **76-11-211 (Effective 05/07/25). Parent or guardian providing a firearm to a**  
 17181 **violent minor.**

17182 [(1) A parent or guardian may not intentionally or knowingly provide a firearm to, or  
 17183 permit the possession of a firearm by, any minor who has been convicted of a violent  
 17184 felony as defined in Section 76-3-203.5 or any minor who has been adjudicated in  
 17185 juvenile court for an offense which would constitute a violent felony if the minor were  
 17186 an adult.]

17187 [(2) Any person who violates this section is guilty of:]

17188 [(a) a class A misdemeanor upon the first offense; and]

17189 [(b) a third degree felony for each subsequent offense.]

17190 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17191 (2) An actor commits the offense of a parent or guardian providing a firearm to a violent  
 17192 minor if:

17193 (a) the actor intentionally or knowingly provides a firearm to, or permits the possession  
 17194 of a firearm by, a minor;

17195 (b) the minor is the actor's biological or adopted child or the actor is the legal guardian  
 17196 of the minor; and

17197 (c) the minor has previously been:

17198 (i) convicted of a violent felony; or

17199 (ii) adjudicated in juvenile court for an offense which would constitute a violent

17200 felony if the minor were an adult.

17201 (3) A violation of Subsection (2) is:

17202 (a) a class A misdemeanor upon the first offense; and

17203 (b) a third degree felony for each subsequent offense.

17204 Section 353. Section **76-11-212**, which is renumbered from Section 76-10-509.7 is renumbered  
17205 and amended to read:

17206 **[76-10-509.7]76-11-212 (Effective 05/07/25). Parent or guardian knowing a minor is in**  
17207 **possession of a dangerous weapon.**

17208 ~~[Any parent or guardian of a minor who knows that the minor is in~~  
17209 ~~possession of a dangerous weapon in violation of Section 76-10-509.4 and fails to make~~  
17210 ~~reasonable efforts to remove the dangerous weapon from the minor's possession is guilty of a~~  
17211 ~~class B misdemeanor.]~~

17212 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17213 (2) An actor commits the offense of a parent or guardian knowing a minor is in possession  
17214 of a dangerous weapon if:

17215 (a) the actor knows a minor is in possession of a deadly weapon in violation of Section  
17216 76-11-209, Possession of a dangerous weapon by a minor;

17217 (b) the minor is the actor's biological or adopted child or the actor is the legal guardian  
17218 of the minor; and

17219 (c) the actor fails to make reasonable efforts to remove the dangerous weapon from the  
17220 minor's possession.

17221 (3) A violation of Subsection (2) is a class B misdemeanor.

17222 Section 354. Section **76-11-213**, which is renumbered from Section 76-10-509.9 is renumbered  
17223 and amended to read:

17224 **[76-10-509.9]76-11-213 (Effective 05/07/25). Selling a firearm to a minor.**

17225 ~~[(1) A person may not sell any firearm to a minor under 18 years of age unless the minor is~~  
17226 ~~accompanied by a parent or guardian.]~~

17227 ~~[(2) Any person who violates this section is guilty of a third degree felony.]~~

17228 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17229 (2) An actor commits selling a firearm to a minor if:

17230 (a) the actor sells a firearm to a minor; and

17231 (b) at the time the actor sells the weapon to minor, the minor is not accompanied by a  
17232 parent of the minor or a legal guardian of the minor.

17233 (3) A violation of Subsection (2) is a third degree felony.

17234 Section 355. Section **76-11-214**, which is renumbered from Section 76-10-528 is renumbered  
 17235 and amended to read:

17236 ~~[76-10-528]~~ **76-11-214 (Effective 05/07/25). Carrying a dangerous weapon while under**  
 17237 **influence of alcohol or drugs.**

17238 (1) Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17239 (2) ~~[It is a class B misdemeanor for an actor to carry]~~ An actor commits carrying a  
 17240 dangerous weapon while under the influence of alcohol or drugs if the actor:

17241 (a) carries a dangerous weapon; and

17242 (b) is under the influence of:

17243 ~~[(a)]~~ (i) alcohol as determined by the actor's blood or breath alcohol concentration in  
 17244 accordance with Subsections 41-6a-502(1)(a) through (c); or

17245 ~~[(b)]~~ (ii) a controlled substance as defined in Section 58-37-2.

17246 ~~[(2)]~~ (3) A violation of Subsection (2) is a class B misdemeanor.

17247 (4) This section does not apply to:

17248 (a) an actor carrying a dangerous weapon that is either securely encased, as defined in  
 17249 this part, or not within such close proximity and in such a manner that [it] the  
 17250 dangerous weapon can be retrieved and used as readily as if carried on the person;

17251 (b) an actor who uses or threatens to use force in compliance with Section 76-2-402;

17252 (c) an actor carrying a dangerous weapon in the actor's residence or the residence of  
 17253 another individual with the consent of the individual who is lawfully in possession of  
 17254 the residence;

17255 (d) an actor under the influence of cannabis or a cannabis product, as those terms are  
 17256 defined in Section 26B-4-201, if the actor's use of the cannabis or cannabis product  
 17257 complies with Title 26B, Chapter 4, Part 2, Cannabinoid Research and Medical  
 17258 Cannabis; or

17259 (e) an actor who:

17260 (i) has a valid prescription for a controlled substance;

17261 (ii) takes the controlled substance described in Subsection ~~[(2)(e)(i)]~~ (4)(e)(i) as  
 17262 prescribed; and

17263 (iii) after taking the controlled substance, the actor:

17264 (A) is not a danger to the actor or another individual; or

17265 (B) is capable of safely handling a dangerous weapon.

17266 ~~[(3)]~~ (5) It is not a defense to prosecution under this section that the actor:

17267 (a) is licensed in the pursuit of wildlife of any kind; or

17268 (b) has a valid permit to carry a concealed firearm.

17269 Section 356. Section **76-11-215**, which is renumbered from Section 76-10-529 is renumbered  
17270 and amended to read:

17271 ~~[76-10-529]~~**76-11-215 (Effective 05/07/25). Possession of a dangerous weapon in an airport**  
17272 **secure area -- Reporting requirements.**

17273 (1)(a) As used in this section:

17274 (i) "Airport authority" has the same meaning as defined in Section 72-10-102.

17275 (ii) "Explosive" is the same as defined for "explosive, chemical, or incendiary  
17276 device" in Section ~~[76-10-306]~~ 76-15-210.

17277 (iii) "Law enforcement officer" means the same as that term is defined in Section  
17278 53-13-103.

17279 (b) ~~[Terms defined in Sections 76-1-101.5 and 76-10-501 apply to this section]~~ Terms  
17280 defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17281 ~~[(2)(a) Within a secure area of an airport established pursuant to this section, an actor,~~  
17282 ~~including an actor licensed to carry a concealed firearm under Title 53, Chapter 5, Part~~  
17283 ~~7, Concealed Firearm Act, is guilty of:]~~

17284 ~~[(i) a class A misdemeanor if the actor knowingly or intentionally possesses a firearm or~~  
17285 ~~other dangerous weapon;]~~

17286 ~~[(ii) subject to Subsection (5), an infraction if the actor recklessly or with criminal~~  
17287 ~~negligence possesses a firearm or other dangerous weapon; or]~~

17288 ~~[(iii) a violation of Section 76-10-306 if the actor transports, possesses, distributes, or sells~~  
17289 ~~an explosive, chemical, or incendiary device.]~~

17290 ~~[(b) Subsection (2)(a) does not apply to:]~~

17291 ~~[(i) individuals exempted under Section 76-10-523; and]~~

17292 ~~[(ii) a member of the state or federal military forces while engaged in the performance of~~  
17293 ~~the member's official duties.]~~

17294 (2) Except as provided in Subsection (4), an actor commits possession of a dangerous  
17295 weapon in an airport secure area if the actor, including an actor who has a concealed  
17296 firearm permit issued under Title 53, Chapter 5, Part 7, Concealed Firearm Act:

17297 (a) knowingly or intentionally possesses a dangerous weapon within the secure area of  
17298 an airport established under Subsection (5); or

17299 (b) recklessly or with criminal negligence possesses a dangerous weapon within the  
17300 secure area of an airport established under Subsection (5).

17301 (3)(a) A violation of Subsection (2)(a) is a class A misdemeanor.

- 17302 (b) Subject to Subsection (6), a violation of Subsection (2)(b) is an infraction.
- 17303 (4) Subsection (2) does not apply to:
- 17304 (a) an individual exempted from certain weapons laws as described in Section 53-5a-108;
- 17305 or
- 17306 (b) a member of the state or federal military forces while engaged in the performance of
- 17307 the member's official duties.
- 17308 [(3)](5) An airport authority, county, municipality, or other entity regulating an airport
- 17309 may:
- 17310 (a) establish a secure area located beyond the main area where the public generally buys
- 17311 tickets, checks and retrieves luggage; and
- 17312 (b) use reasonable means, including mechanical, electronic, x-ray, or another device, to
- 17313 detect firearms, other dangerous weapons, or explosives concealed in baggage or
- 17314 upon the person of an individual attempting to enter the secure area.
- 17315 [(4)] (6) At least one notice shall be prominently displayed at each entrance to a secure area
- 17316 in which a firearm, other dangerous weapon, or explosive is restricted.
- 17317 (7) An actor who transports, possesses, distributes, or sells an explosive, chemical, or
- 17318 incendiary device within the secure area of an airport commits a violation of Section
- 17319 76-15-210.
- 17320 [(5)] (8)(a) An actor who violates Subsection [(2)(a)(ii)] (2)(b) on a first offense may
- 17321 receive a written warning for the offense and may not receive a citation or any other
- 17322 form of punishment.
- 17323 (b) An actor who violates Subsection [(2)(a)(ii)] (2)(b) on a second or subsequent offense
- 17324 may receive a written warning or a citation.
- 17325 [(6)] (9)(a) Except as provided in Subsection [(6)(d)] (7)(d), if a law enforcement officer
- 17326 issues a citation to an actor for an infraction as a result of the actor's conduct
- 17327 described in Subsection [(2)(a)(ii)] (2)(b), or provides an oral or written warning for
- 17328 that conduct, the law enforcement officer shall:
- 17329 (i) if the law enforcement officer is able to confirm that the actor may lawfully
- 17330 possess the [~~firearm or other~~]dangerous weapon, allow the actor, at the actor's
- 17331 option, to:
- 17332 (A) temporarily surrender custody of the [~~firearm or other~~]dangerous weapon into
- 17333 the custody of the law enforcement agency so that the [~~firearm or other~~]
- 17334 dangerous weapon may be retrieved by the actor at a later date; or
- 17335 (B) exit the secure area of the airport with the [~~firearm or other~~]dangerous

- 17336                    weapon; or
- 17337                    (ii) if the law enforcement officer is unable to confirm that the actor may lawfully
- 17338                    possess the [~~firearm or other~~]dangerous weapon, or the airport authority under
- 17339                    Subsection [~~(6)(d)~~] (7)(d) prohibits the procedure described in Subsection [~~(6)(a)(i);~~]
- 17340                    (7)(a)(i), take temporary custody of the [~~firearm or other~~]dangerous weapon so
- 17341                    that the [~~firearm or other~~]dangerous weapon may be retrieved by the actor at a
- 17342                    later date if legally permitted to do so.
- 17343                    (b) If a law enforcement officer takes temporary custody of a [~~firearm or other~~]
- 17344                    dangerous weapon under Subsection [~~(6)(a)~~] (7)(a):
- 17345                    (i) at the time the [~~firearm or other~~]dangerous weapon is obtained from the actor, the
- 17346                    law enforcement officer, or another law enforcement officer, or an employee who
- 17347                    works in the secure area of the airport, shall provide the actor with written
- 17348                    instructions on how, when, and where the actor may retrieve the actor's [~~firearm or~~
- 17349                    ~~other~~]dangerous weapon; and
- 17350                    (ii) within three business days from the time when the law enforcement officer
- 17351                    receives the [~~firearm or other~~]dangerous weapon, the law enforcement agency
- 17352                    shall determine whether the actor is legally permitted to possess the [~~firearm or~~
- 17353                    ~~other~~]dangerous weapon, and if so, ensure that the [~~firearm or other~~]dangerous
- 17354                    weapon is available for the actor to retrieve.
- 17355                    (c) An unclaimed [~~firearm or other~~]dangerous weapon that is surrendered into the
- 17356                    custody of a law enforcement agency under this Subsection (6) may be disposed of
- 17357                    pursuant to Section 77-11d-105, disposition of unclaimed property.
- 17358                    (d) An airport authority may implement a policy that prohibits the law enforcement
- 17359                    agency with jurisdiction over the airport from utilizing the procedure described in
- 17360                    Subsection [~~(6)(a)(i);~~] (7)(a)(i).
- 17361                    [~~(7)~~] (10)(a) An actor's firearm that is confiscated based on a violation of Subsection [~~(2)(a)(i)~~]
- 17362                    (2)(a) shall be returned to the actor in accordance with Subsection
- 17363                    77-11a-402(1)(b)[~~-~~].
- 17364                    (b) In accordance with Subsection 77-11b-102(5), a firearm seized under Subsection [~~(2)(a)(i)~~]
- 17365                    (2)(a) is not subject to forfeiture if the actor may lawfully possess the
- 17366                    firearm.
- 17367                    (c) In a prosecution brought under this section, a prosecutor may not condition a plea on
- 17368                    the forfeiture of a firearm.
- 17369                    [~~(8)~~] (11) An airport authority, county, municipality, or other entity regulating an airport or



17370 with local jurisdiction over an airport may not:

17371 (a) charge, cite, or prosecute an actor with a different offense under the Utah Code, local

17372 ordinance, or another state or local law or regulation for conduct described in

17373 Subsection [~~(2)~~(a)(ii)] (2)(b);

17374 (b) assess a civil penalty for conduct described in Subsection [~~(2)~~(a)(i) or (ii)] (2); or

17375 (c) enact a regulation, ordinance, or law covering conduct described in Subsection (2).

17376 [~~(9)~~] (12) A law enforcement agency that issues a written warning, citation, or referral for

17377 prosecution under this section shall record and report the information as required under

17378 Section 53-25-103.

17379 Section 357. Section **76-11-216**, which is renumbered from Section 76-10-530 is renumbered

17380 and amended to read:

17381 **[76-10-530]76-11-216 (Effective 05/07/25). Trespass with a firearm in a house of worship or**

17382 **a private residence.**

17383 (1) ~~[A person, including a person licensed to carry a concealed firearm pursuant to Title 53,~~

17384 ~~Chapter 5, Part 7, Concealed Firearm Act, after notice has been given as provided in~~

17385 ~~Subsection (2) that firearms are prohibited, may not knowingly and intentionally:]~~

17386 [(a) transport a firearm into:]

17387 [(i) a house of worship; or]

17388 [(ii) a private residence; or]

17389 [(b) while in possession of a firearm, enter or remain in:]

17390 [(i) a house of worship; or]

17391 [(ii) a private residence.]

Terms defined in Sections 76-1-101.5, 76-11-101, and 76-11-201 apply to this section.

17392 (2) An actor, including an actor licensed to carry a concealed firearm pursuant to Title 53,

17393 Chapter 5, Part 7, Concealed Firearm Act, commits trespass with a firearm in a house of

17394 worship or a private residence if the actor:

17395 (a) has been given notice as described in Subsection (4) that firearms are prohibited in a

17396 house or worship or a private residence; and

17397 (b) knowingly and intentionally:

17398 (i) transports a firearm into the house of worship or private residence; or

17399 (ii) while in possession of a firearm, enters or remains in the house of worship or

17400 private residence.

17401 (3) A violation of Subsection (2) is an infraction.

17402 [~~(2)~~] (4) Notice that firearms are prohibited may be given by:

- 17403 (a) personal communication to the actor by:
- 17404 (i) the church or organization operating the house of worship;
- 17405 (ii) the owner, lessee, or person with lawful right of possession of the private
- 17406 residence; or
- 17407 (iii) a person with authority to act for the person or entity in Subsections [~~(2)~~(a)(i)]
- 17408 (4)(a)(i) and (ii);
- 17409 (b) posting of signs reasonably likely to come to the attention of persons entering the
- 17410 house of worship or private residence;
- 17411 (c) announcement, by a person with authority to act for the church or organization
- 17412 operating the house of worship, in a regular congregational meeting in the house of
- 17413 worship;
- 17414 (d) publication in a bulletin, newsletter, worship program, or similar document generally
- 17415 circulated or available to the members of the congregation regularly meeting in the
- 17416 house of worship; or
- 17417 (e) publication:
- 17418 (i) in a newspaper of general circulation in the county in which the house of worship
- 17419 is located or the church or organization operating the house of worship has its
- 17420 principal office in this state; and
- 17421 (ii) as required in Section 45-1-101.
- 17422 [~~(3)~~] (5) A church or organization operating a house of worship and giving notice that
- 17423 firearms are prohibited may:
- 17424 (a) revoke the notice, with or without supersedure, by giving further notice in any
- 17425 manner provided in Subsection [~~(2)~~] (4); and
- 17426 (b) provide or allow exceptions to the prohibition as the church or organization
- 17427 considers advisable.
- 17428 [~~(4)~~] (6)(a)(i) Within 30 days of giving or revoking any notice pursuant to
- 17429 Subsection [~~(2)~~(e)] (4)(c), (d), or (e), a church or organization operating a house of
- 17430 worship shall notify the division on a form and in a manner as the division shall
- 17431 prescribe.
- 17432 (ii) The division shall post on [~~its~~] the division's website a list of the churches and
- 17433 organizations operating houses of worship who have given notice under
- 17434 Subsection [~~(4)~~(a)(i)] (6)(a)(i).
- 17435 (b) Any notice given pursuant to Subsection [~~(2)~~(e)] (4)(c), (d), or (e) shall remain in
- 17436 effect until revoked or for a period of one year from the date the notice was originally

17437 given, whichever occurs first.

17438 ~~[(5)] (7) [Nothing in this section permits]~~ This section does not permit an owner who has  
 17439 granted the lawful right of possession to a renter or lessee to restrict the renter or lessee  
 17440 from lawfully possessing a firearm in the residence.

17441 ~~[(6) A violation of this section is an infraction.]~~

17442 Section 358. Section **76-11-301** is enacted to read:

17443

### **Part 3. Persons Restricted Regarding Dangerous Weapons**

17444 **76-11-301 (Effective 05/07/25). Definitions.**

17445 As used in this part:

17446 (1) "Adjudicated" means a judgment has been entered against a minor for an offense by a  
 17447 juvenile court under Section 80-6-701.

17448 (2) "Controlled substance" means the same as that term is defined in Section 58-37-2.

17449 (3)(a) "Dating relationship" means a romantic or intimate relationship between  
 17450 individuals.

17451 (b) "Dating relationship" does not include a casual acquaintanceship or ordinary  
 17452 fraternization in a business or social context.

17453 (4) "Dealer" means a person who is:

17454 (a) licensed under 18 U.S.C. Sec. 923; and

17455 (b) engaged in the business of selling, leasing, or otherwise transferring a firearm,  
 17456 whether the person is a retail or wholesale dealer, pawnbroker, or otherwise.

17457 (5) "Domestic violence" means the same as that term is defined in Section 77-36-1.

17458 (6) "Single criminal episode" means the same as that term is defined in Section 76-1-401.

17459 Section 359. Section **76-11-302**, which is renumbered from Section 76-10-503 is renumbered  
 17460 and amended to read:

17461 ~~[76-10-503]~~ **76-11-302 (Effective 05/07/25). Restrictions on possession, purchase, transfer,**  
 17462 **and ownership of dangerous weapons by certain persons -- Exceptions.**

17463 (1) For purposes of this section:

17464 (a) A Category I restricted person is a person who:

17465 (i) has been convicted of a violent felony;

17466 (ii) is on probation or parole for a felony;

17467 (iii) is on parole from secure care, as defined in Section 80-1-102;

17468 (iv) within the last 10 years has been adjudicated ~~[under Section 80-6-701]~~ for an  
 17469 offense which if committed by an adult would have been a violent felony[- as

- 17470 defined in ~~Section 76-3-203.5~~];
- 17471 (v) is an alien who is illegally or unlawfully in the United States; or
- 17472 (vi) is on probation for a conviction of possessing:
- 17473 (A) a [~~substance classified in Section 58-37-4 as a~~]Schedule I or II controlled
- 17474 substance;
- 17475 (B) a controlled substance analog; or
- 17476 (C) a substance listed in Section 58-37-4.2.
- 17477 (b) A Category II restricted person is a person who:
- 17478 (i) has been convicted of:
- 17479 (A) a domestic violence offense that is a felony;
- 17480 (B) a felony that is not a domestic violence offense or a violent felony and within
- 17481 seven years after completing the sentence for the conviction, has been
- 17482 convicted of or charged with another felony or class A misdemeanor;
- 17483 (C) multiple felonies that are part of a single criminal episode and are not
- 17484 domestic violence offenses or violent felonies and within seven years after
- 17485 completing the sentence for the convictions, has been convicted of or charged
- 17486 with another felony or class A misdemeanor; or
- 17487 (D) multiple felonies that are not part of a single criminal episode;
- 17488 (ii)(A) within the last seven years has completed a sentence for:
- 17489 (I) a conviction for a felony that is not a domestic violence offense or a violent
- 17490 felony; or
- 17491 (II) convictions for multiple felonies that are part of a single criminal episode
- 17492 and are not domestic violence offenses or violent felonies; and
- 17493 (B) within the last seven years and after the completion of a sentence for a
- 17494 conviction described in Subsection (1)(b)(ii)(A), has not been convicted of or
- 17495 charged with another felony or class A misdemeanor;
- 17496 (iii) within the last seven years has been adjudicated delinquent for an offense which
- 17497 if committed by an adult would have been a felony;
- 17498 (iv) is an unlawful user of a controlled substance[~~as defined in Section 58-37-2~~];
- 17499 (v) is in possession of a dangerous weapon and is knowingly and intentionally in
- 17500 unlawful possession of a Schedule I or II controlled substance[~~as defined in~~
- 17501 ~~Section 58-37-2~~];
- 17502 (vi) has been found not guilty by reason of insanity for a felony offense;
- 17503 (vii) has been found mentally incompetent to stand trial for a felony offense;

- 17504 (viii) has been adjudicated as mentally defective as provided in the Brady Handgun  
17505 Violence Prevention Act, Pub. L. No. 103-159, 107 Stat. 1536 (1993), or has been  
17506 committed to a mental institution;
- 17507 (ix) has been dishonorably discharged from the armed forces;
- 17508 (x) has renounced the individual's citizenship after having been a citizen of the  
17509 United States;
- 17510 (xi) is a respondent or defendant subject to a protective order or child protective order  
17511 that is issued after a hearing for which the respondent or defendant received actual  
17512 notice and at which the respondent or defendant has an opportunity to participate,  
17513 that restrains the respondent or defendant from harassing, stalking, threatening, or  
17514 engaging in other conduct that would place an intimate partner, as defined in 18  
17515 U.S.C. Sec. 921, or a child of the intimate partner, in reasonable fear of bodily  
17516 injury to the intimate partner or child of the intimate partner, and that:
- 17517 (A) includes a finding that the respondent or defendant represents a credible threat  
17518 to the physical safety of an individual who meets the definition of an intimate  
17519 partner in 18 U.S.C. Sec. 921 or the child of the individual; or
- 17520 (B) explicitly prohibits the use, attempted use, or threatened use of physical force  
17521 that would reasonably be expected to cause bodily harm against an intimate  
17522 partner or the child of an intimate partner; or
- 17523 (xii) except as provided in Subsection (1)(d), has been convicted of the commission  
17524 or attempted commission of misdemeanor assault under Section 76-5-102 or  
17525 aggravated assault under Section 76-5-103 against an individual:
- 17526 (A) who is a current or former spouse, parent, or guardian;
- 17527 (B) with whom the restricted person shares a child in common;
- 17528 (C) who is cohabitating or has cohabitated with the restricted person as a spouse,  
17529 parent, or guardian;
- 17530 (D) involved in a dating relationship with the restricted person within the last five  
17531 years; or
- 17532 (E) similarly situated to a spouse, parent, or guardian of the restricted person.
- 17533 (c)(i) As used in this section, a conviction of a felony or adjudication of delinquency  
17534 for an offense which would be a felony if committed by an adult does not include:
- 17535 (A) a conviction or an adjudication under Section 80-6-701 for an offense  
17536 pertaining to antitrust violations, unfair trade practices, restraint of trade, or  
17537 other similar offenses relating to the regulation of business practices not

- 17538 involving theft or fraud; or
- 17539 (B) a conviction or an adjudication under Section 80-6-701 which, in accordance
- 17540 with the law of the jurisdiction in which the conviction or adjudication
- 17541 occurred, has been expunged, set aside, reduced to a misdemeanor by court
- 17542 order, pardoned or regarding which the person's civil rights have been restored
- 17543 unless the pardon, reduction, expungement, or restoration of civil rights
- 17544 expressly provides that the person may not ship, transport, possess, or receive
- 17545 firearms.
- 17546 (ii) As used in this section, a conviction for misdemeanor assault under Subsection
- 17547 (1)(b)(xii), does not include a conviction which, in accordance with the law of the
- 17548 jurisdiction in which the conviction occurred, has been expunged, set aside,
- 17549 reduced to an infraction by court order, pardoned, or regarding which the person's
- 17550 civil rights have been restored, unless the pardon, reduction, expungement, or
- 17551 restoration of civil rights expressly provides that the person may not ship,
- 17552 transport, possess, or receive firearms.
- 17553 (iii) It is the burden of the defendant in a criminal case to provide evidence that a
- 17554 conviction or an adjudication under Section 80-6-701 is subject to an exception
- 17555 provided in this Subsection (1)(c), after which it is the burden of the state to prove
- 17556 beyond a reasonable doubt that the conviction or the adjudication is not subject to
- 17557 that exception.
- 17558 (d) A person is not a restricted person for a conviction under Subsection (1)(b)(xii)(D) if:
- 17559 (i) five years have elapsed from the later of:
- 17560 (A) the day on which the conviction is entered;
- 17561 (B) the day on which the person is released from incarceration following the
- 17562 conviction; or
- 17563 (C) the day on which the person's probation for the conviction is successfully
- 17564 terminated;
- 17565 (ii) the person only has a single conviction for misdemeanor assault as described in
- 17566 Subsection (1)(b)(xii)(D); and
- 17567 (iii) the person is not otherwise a restricted person under Subsection (1)(a) or (b).
- 17568 (2) A Category I restricted person who intentionally or knowingly agrees, consents, offers,
- 17569 or arranges to purchase, transfer, possess, use, or have under the person's custody or
- 17570 control, or who intentionally or knowingly purchases, transfers, possesses, uses, or has
- 17571 under the person's custody or control:

- 17572 (a) a firearm is guilty of a second degree felony; or  
17573 (b) a dangerous weapon other than a firearm is guilty of a third degree felony.
- 17574 (3) A Category II restricted person who intentionally or knowingly purchases, transfers,  
17575 possesses, uses, or has under the person's custody or control:  
17576 (a) a firearm is guilty of a third degree felony; or  
17577 (b) a dangerous weapon other than a firearm is guilty of a class A misdemeanor.
- 17578 (4) A person may be subject to the restrictions of both categories at the same time.
- 17579 (5) A Category I or Category II restricted person may not use an antique firearm for an  
17580 activity regulated under Title 23A, Wildlife Resources Act.
- 17581 (6) If a higher penalty than is prescribed in this section is provided in another section for  
17582 one who purchases, transfers, possesses, uses, or has under this custody or control a  
17583 dangerous weapon, the penalties of that section control.
- 17584 (7) It is an affirmative defense to a charge based on the definition in Subsection (1)(b)(v)  
17585 that the person was:  
17586 (a) in possession of a controlled substance pursuant to a lawful order of a practitioner for  
17587 use of a member of the person's household or for administration to an animal owned  
17588 by the person or a member of the person's household; or  
17589 (b) otherwise authorized by law to possess the substance.
- 17590 (8)(a) It is an affirmative defense to transferring a firearm or other dangerous weapon  
17591 by a person restricted under Subsection (2) or (3) that the firearm or dangerous  
17592 weapon:  
17593 (i) was possessed by the person or was under the person's custody or control before  
17594 the person became a restricted person;  
17595 (ii) was not used in or possessed during the commission of a crime or subject to  
17596 disposition under Section Title 77, Chapter 11a, Part 4, Disposal of Seized  
17597 Property and Contraband;  
17598 (iii) is not being held as evidence by a court or law enforcement agency;  
17599 (iv) was transferred to a person not legally prohibited from possessing the weapon;  
17600 and  
17601 (v) unless a different time is ordered by the court, was transferred within 10 days of  
17602 the person becoming a restricted person.
- 17603 (b) Subsection (8)(a) is not a defense to the use, purchase, or possession on the person of  
17604 a firearm or other dangerous weapon by a restricted person.
- 17605 (9)(a) A person may not sell, transfer, or otherwise dispose of a firearm or dangerous

- 17606 weapon to a person, knowing that the recipient is a person described in Subsection  
 17607 (1)(a) or (b).
- 17608 (b) A person who violates Subsection (9)(a) when the recipient is:
- 17609 (i) a person described in Subsection (1)(a) and the transaction involves a firearm, is  
 17610 guilty of a second degree felony;
- 17611 (ii) a person described in Subsection (1)(a) and the transaction involves a dangerous  
 17612 weapon other than a firearm, and the transferor has knowledge that the recipient  
 17613 intends to use the weapon for any unlawful purpose, is guilty of a third degree  
 17614 felony;
- 17615 (iii) a person described in Subsection (1)(b) and the transaction involves a firearm, is  
 17616 guilty of a third degree felony; or
- 17617 (iv) a person described in Subsection (1)(b) and the transaction involves a dangerous  
 17618 weapon other than a firearm, and the transferor has knowledge that the recipient  
 17619 intends to use the weapon for an unlawful purpose, is guilty of a class A  
 17620 misdemeanor.
- 17621 (10)(a) A person may not knowingly solicit, persuade, encourage or entice a dealer or  
 17622 other person to sell, transfer or otherwise dispose of a firearm or dangerous weapon  
 17623 under circumstances which the person knows would be a violation of the law.
- 17624 (b) A person may not provide to a dealer or other person information that the person  
 17625 knows to be materially false information with intent to deceive the dealer or other  
 17626 person about the legality of a sale, transfer or other disposition of a firearm or  
 17627 dangerous weapon.
- 17628 (c) "Materially false information" means information that portrays an illegal transaction  
 17629 as legal or a legal transaction as illegal.
- 17630 (d) A person who violates this Subsection (10) is guilty of:
- 17631 (i) a third degree felony if the transaction involved a firearm; or
- 17632 (ii) a class A misdemeanor if the transaction involved a dangerous weapon other than  
 17633 a firearm.
- 17634 (11)(a) It is not a violation of Subsection (2) or (3) for an actor who is a restricted  
 17635 person to own, possess, or have under the actor's custody or control, archery  
 17636 equipment, including crossbows, for the purpose of lawful hunting and lawful target  
 17637 shooting.
- 17638 (b) Notwithstanding Subsection (11)(a), this section applies if the owning, possessing, or  
 17639 having under the actor's custody or control of archery equipment, including



17640 crossbows, is prohibited by:

17641 (i) a court, as a condition of pre-trial release or probation; or

17642 (ii) the Board of Pardons and Parole, as a condition of parole.

17643 Section 360. Section **76-11-309**, which is renumbered from Section 76-10-503.1 is renumbered  
17644 and amended to read:

17645 **~~[76-10-503.1]~~76-11-309 (Effective 05/07/25). Firearm restriction notification requirement**  
17646 **for restricted persons.**

17647 (1) As used in this section:

17648 (a) "Peace officer" means an officer described Section 53-13-102.

17649 (b) "Possess" means actual physical possession, actual or purported ownership, or  
17650 exercising control of an item.

17651 (c) "Restricted person" means an individual who is restricted from possessing,  
17652 purchasing, transferring, or owning a firearm under Section ~~[76-10-503]~~ 76-11-302.

17653 (2) A defendant intending to plead guilty or no contest to a criminal charge that will, upon  
17654 conviction, cause the defendant to become a restricted person shall, before entering a  
17655 plea before a court, sign an acknowledgment that states:

17656 (a) the defendant's attorney or the prosecuting attorney has informed the defendant:

17657 (i) that conviction of the charge will classify the defendant as a restricted person;

17658 (ii) that a restricted person may not possess a firearm; and

17659 (iii) of the criminal penalties associated with possession of a firearm by a restricted  
17660 person of the same category the defendant will become upon entering a plea for  
17661 the criminal charge; and

17662 (b) the defendant acknowledges and understands that, by pleading guilty or no contest to  
17663 the criminal charge, the defendant:

17664 (i) will be a restricted person;

17665 (ii) upon conviction, shall forfeit possession of each firearm currently possessed by  
17666 the defendant; and

17667 (iii) will be in violation of federal and state law if the defendant possesses a firearm.

17668 (3) The prosecuting attorney or the defendant's attorney shall provide the acknowledgment  
17669 described in Subsection (2) to the court before the defendant's entry of a plea, if the  
17670 defendant pleads guilty or no contest.

17671 (4) A defendant who is convicted by trial of a criminal charge resulting in the defendant  
17672 becoming a restricted person shall, at the time of sentencing:

17673 (a) be verbally informed by the court, prosecuting attorney, or defendant's attorney:

- 17674 (i) that the defendant is a restricted person;
- 17675 (ii) that, as a restricted person, the defendant may not possess a firearm; and
- 17676 (iii) of the criminal penalties associated with possession of a firearm by a restricted
- 17677 person of the defendant's category; and
- 17678 (b) sign an acknowledgment in the presence of the court attesting that the defendant
- 17679 acknowledges and understands that the defendant:
- 17680 (i) is a restricted person;
- 17681 (ii) shall forfeit possession of each firearm; and
- 17682 (iii) will be in violation of federal and state law if the defendant possesses a firearm.
- 17683 (5) The prosecuting attorney and the defendant's attorney shall inform the court at the
- 17684 preliminary hearing if a charge filed against the defendant would qualify the defendant
- 17685 as a restricted person if the defendant is convicted of the charge.
- 17686 (6) The failure to inform or obtain a signed acknowledgment from the defendant may not
- 17687 render the plea invalid, form the basis for withdrawal of the plea, or create a basis to
- 17688 challenge a conviction or sentence.
- 17689 (7) An individual who becomes a restricted person as a result of being served with a pretrial
- 17690 protective order in accordance with Section 78B-7-803, a sentencing protective order in
- 17691 accordance with Section 77-36-5, or a continuous protective order in accordance with
- 17692 Section 77-36-5, shall, at the time of service of the protective order:
- 17693 (a) be verbally informed by the court, prosecuting attorney, defendant's attorney, or, if a
- 17694 peace officer is serving the protective order, the peace officer:
- 17695 (i) that the individual is a restricted person;
- 17696 (ii) that, as a restricted person, the individual may not possess a firearm; and
- 17697 (iii) of the criminal penalties associated with possession of a firearm by a restricted
- 17698 person of the individual's category; and
- 17699 (b) sign, in the presence of the court or, if a peace officer serves the protective order, in
- 17700 the presence of the peace officer, an acknowledgment contained within the protective
- 17701 order document attesting that the individual acknowledges and understands that the
- 17702 individual:
- 17703 (i) is a restricted person;
- 17704 (ii) is required to relinquish possession of each firearm;
- 17705 (iii) will be in violation of federal and state law if the individual possesses a firearm;
- 17706 and
- 17707 (iv) may be eligible for an affirmative defense to a state-law prosecution for

17708 possession of a firearm under Section ~~[76-10-503]~~ 76-11-302 if the individual  
 17709 lawfully transfers the individual's firearms within 10 days of becoming a restricted  
 17710 person.

17711 Section 361. Section **76-11-310**, which is renumbered from Section 76-10-532 is renumbered  
 17712 and amended to read:

17713 ~~[76-10-532]~~ **76-11-310** (Effective 05/07/25). **Removal from National Instant Check System**  
 17714 **database for certain restricted persons.**

17715 (1) A person who is subject to the restrictions in Subsection ~~[76-10-503(1)(b)(vi), (vii), or~~  
 17716 ~~(viii)]~~ 76-11-302(1)(b)(vi), (vii), or (viii), or 18 U.S.C. 922(d)(4) and (g)(4) based on a  
 17717 commitment, finding, or adjudication that occurred in this state may petition the district  
 17718 court in the county in which the commitment, finding, or adjudication occurred to  
 17719 remove the disability imposed.

17720 (2) The petition shall be filed in the district court in the county where the commitment,  
 17721 finding, or adjudication occurred. The petition shall include:

17722 (a) a listing of facilities, with their addresses, where the petitioner has ever received  
 17723 mental health treatment;

17724 (b) a release signed by the petitioner to allow the prosecutor or county attorney to obtain  
 17725 the petitioner's mental health records;

17726 (c) a verified report of a mental health evaluation conducted by a licensed psychiatrist  
 17727 occurring within 30 days prior to the filing of the petition, which shall include a  
 17728 statement regarding:

17729 (i) the nature of the commitment, finding, or adjudication that resulted in the  
 17730 restriction on the petitioner's ability to purchase or possess a dangerous weapon;

17731 (ii) the petitioner's previous and current mental health treatment;

17732 (iii) the petitioner's previous violent behavior, if any;

17733 (iv) the petitioner's current mental health medications and medication management;

17734 (v) the length of time the petitioner has been stable;

17735 (vi) external factors that may influence the petitioner's stability;

17736 (vii) the ability of the petitioner to maintain stability with or without medication; and

17737 (viii) whether the petitioner is dangerous to public safety; and

17738 (d) a copy of the petitioner's state and federal criminal history record.

17739 (3) The petitioner shall serve the petition on the prosecuting entity that prosecuted the case  
 17740 or, if the disability is not based on a criminal case, on the county or district attorney's  
 17741 office having jurisdiction where the petition was filed and the individual who filed the

- 17742 original action which resulted in the disability.
- 17743 (4)(a) The court shall schedule a hearing as soon as practicable[~~.-The~~] in which the  
 17744 petitioner may present evidence and subpoena witnesses to appear at the hearing.
- 17745 (b) The prosecuting, county attorney, or the individual who filed the original action  
 17746 which resulted in the disability may object to the petition and present evidence in  
 17747 support of the objection.
- 17748 (5) The court shall consider the following evidence:
- 17749 (a) the facts and circumstances that resulted in the commitment, finding, or adjudication;  
 17750 (b) the [person's] petitioner's mental health and criminal history records; and  
 17751 (c) the [person's] petitioner's reputation, including the testimony of character witnesses.
- 17752 (6) The court shall grant the relief if the court finds by clear and convincing evidence that:
- 17753 (a) the [person] petitioner is not a danger to the [person] petitioner or to [others] another  
 17754 individual;
- 17755 (b) the [person] petitioner is not likely to act in a manner dangerous to public safety; and  
 17756 (c) the requested relief would not be contrary to the public interest.
- 17757 (7) The court shall issue an order with its findings and send a copy to the bureau.
- 17758 (8)(a) The bureau, upon receipt of a court order removing a [person's] petitioner's  
 17759 disability under Subsection [76-10-503(1)(b)(viii)] 76-11-302(1)(b)(viii), shall send a  
 17760 copy of the court order to the National Instant Check System requesting removal of  
 17761 the [person's] petitioner's name from the database.
- 17762 (b) In addition to the action described in Subsection (8)(a), if the [person] petitioner is  
 17763 listed in a state database utilized by the bureau to determine eligibility for the  
 17764 purchase or possession of a firearm or to obtain a concealed firearm permit, the  
 17765 bureau shall remove the petitioner's name or send a copy of the court's order to the  
 17766 agency responsible for the database for removal of the petitioner's name.
- 17767 (9) If the court denies the petition, the petitioner may not petition again for relief until at  
 17768 least two years after the date of the court's final order.
- 17769 (10) The petitioner may appeal a denial of the requested relief[~~.-The~~] and the review on  
 17770 appeal shall be de novo.

17771 Section 362. Section **76-12-101** is enacted to read:

17772 **CHAPTER 12. OFFENSES RELATED TO PRIVACY,  
 INFORMATION, AND COMMUNICATION**

17774

## Part 1. General Provisions

17775 **76-12-101 (Effective 05/07/25). Definitions.**

17776 Reserved.

17777 Section 363. Section **76-12-201** is enacted to read:

17778

## Part 2. Electronic Communication Abuse

17779 **76-12-201 (Effective 05/07/25). Definitions.**

17780 As used in this part:

17781 (1)(a) "Adult" means an individual 18 years old or older.

17782 (b) "Adult" does not include an individual who is 18 years old and enrolled in high  
17783 school.

17784 (2)(a) "Electronic communication" means a communication by electronic,

17785 electro-mechanical, or electro-optical communication device for the transmission and  
17786 reception of audio, image, or text.

17787 (b) "Electronic communication" does not include a broadcast transmission or a similar  
17788 communication that is not targeted at a specific individual.

17789 (3) "Electronic communication device" includes a telephone, a facsimile machine,

17790 electronic mail, a pager, a computer, or another device or medium that can be used to  
17791 communicate electronically.

17792 (4)(a) "Minor" means an individual who is younger than 18 years old.

17793 (b) "Minor" includes an individual who is 18 years old and enrolled in high school.

17794 Section 364. Section **76-12-202**, which is renumbered from Section 76-9-201 is renumbered  
17795 and amended to read:

17796 **~~[76-9-201]~~76-12-202 (Effective 05/07/25). **Electronic communication harassment.****

17797 (1) ~~[As used in this section:]~~

17798 ~~[(a)(i) "Adult" means an individual 18 years old or older.]~~

17799 ~~[(ii) "Adult" does not include an individual who is 18 years old and enrolled in high~~  
17800 ~~school.]~~

17801 ~~[(b) "Electronic communication" means a communication by electronic,~~

17802 ~~electro-mechanical, or electro-optical communication device for the transmission and~~  
17803 ~~reception of audio, image, or text but does not include broadcast transmissions or~~  
17804 ~~similar communications that are not targeted at a specific individual.]~~

17805 ~~[(e) "Electronic communication device" includes a telephone, a facsimile machine,~~

17806 ~~electronic mail, a pager, a computer, or another device or medium that can be used to~~

17807           communicate electronically.]  
 17808           ~~[(d)(i) "Minor" means an individual who is younger than 18 years old.]~~  
 17809           ~~[(ii) "Minor" includes an individual who is 18 years old and enrolled in high school.]~~  
 17810           [(e) "Minor victim" means a minor who is a victim of a violation of Subsection (4).]  
 17811           [(f) "Personal identifying information" means the same as that term is defined in  
 17812           Section ~~76-6-1101.~~ Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201  
 17813           apply to this section

17814           (2) Except to the extent ~~[the person's]~~ an actor's conduct constitutes an offense under  
 17815           Section ~~[76-9-203, a person is guilty of]~~ 76-12-206, an actor commits electronic  
 17816           communication harassment ~~[and subject to prosecution in the jurisdiction where the~~  
 17817           ~~communication originated or was received]~~ if, with intent to intimidate, abuse, threaten,  
 17818           harass, frighten, or disrupt the electronic communications of another, the ~~[person]~~ actor:

17819           (a)(i) makes repeated contact by means of electronic communications, regardless of  
 17820           whether a conversation ensues; or

17821           (ii) after the recipient has requested or informed the ~~[person]~~ actor not to contact the  
 17822           recipient, and the ~~[person]~~ actor repeatedly or continuously:

17823           (A) contacts the electronic communication device of the recipient; or

17824           (B) causes an electronic communication device of the recipient to ring or to  
 17825           receive other notification of attempted contact by means of electronic  
 17826           communication;

17827           (b) makes contact by means of electronic communication and insults, taunts, or  
 17828           challenges the recipient of the communication or any person at the receiving location  
 17829           in a manner likely to provoke a violent or disorderly response;

17830           (c) makes contact by means of electronic communication and threatens to inflict injury,  
 17831           physical harm, or damage to any person or the property of any person; or

17832           (d) causes disruption, jamming, or overload of an electronic communication system  
 17833           through excessive message traffic or other means utilizing an electronic  
 17834           communication device.

17835           ~~[(3) A person is guilty of electronic communication harassment if the person:]~~

17836           ~~[(a) electronically publishes, posts, or otherwise discloses personal identifying information~~  
 17837           ~~of another individual in a public online site or forum with the intent to abuse, threaten,~~  
 17838           ~~or disrupt the other individual's electronic communication and without the other~~  
 17839           ~~individual's permission; or]~~

17840        ~~[(b) sends a communication by electronic mail, instant message, or other similar means, if:]~~  
17841            ~~[(i) the communication references personal identifying information of another individual;]~~  
17842            ~~[(ii) the person sends the communication:]~~  
17843            ~~[(A) without the individual's consent; and]~~  
17844            ~~[(B) with the intent to cause a recipient of the communication to reasonably believe that~~  
17845            ~~the individual authorized or sent the communication; and]~~  
17846            ~~[(iii) with the intent to:]~~  
17847            ~~[(A) cause an individual physical, emotional, or economic injury or damage; or]~~  
17848            ~~[(B) defraud an individual.]~~  
17849        ~~[(4) A person is guilty of electronic communication harassment if:]~~  
17850            ~~[(a) the person:]~~  
17851            ~~[(i) is an adult;]~~  
17852            ~~[(ii) electronically publishes, posts, or otherwise discloses in a public online site or forum~~  
17853            ~~personal identifying information of a minor who is unrelated by blood, marriage, or~~  
17854            ~~adoption to the person; and]~~  
17855            ~~[(iii) knows of, but consciously disregards, a substantial and unjustifiable risk that~~  
17856            ~~performing the action described in Subsection (4)(a)(ii) will result in the minor being the~~  
17857            ~~victim of an offense described in Title 76, Chapter 5, Offenses Against the Individual;~~  
17858            ~~and]~~  
17859            ~~[(b) the minor described in Subsection (4)(a)(ii) is aware of the person's action described in~~  
17860            ~~Subsection (4)(a)(ii).]~~  
17861        ~~[(5)] (3)(a) Except as provided in Subsection ~~[(5)(b)] (3)(b), a violation of Subsection (2) [~~  
17862            ~~or (3)] is a class B misdemeanor.~~  
17863            ~~(b) A second or subsequent violation of Subsection (2) [or (3)] is a class A misdemeanor.~~  
17864            ~~[(e) A violation of Subsection (4) is a class A misdemeanor.]~~  
17865        ~~[(6)] (4)(a) Except as provided ~~[under] in~~ Subsection ~~[(6)(b)] (4)(b), a criminal~~  
17866            ~~prosecution under this section does not affect an individual's right to bring a civil~~  
17867            ~~action for damages suffered as a result of the commission of an offense under this~~  
17868            ~~section.~~  
17869            ~~(b) This section does not create a civil cause of action based on electronic~~  
17870            ~~communications made for a legitimate business ~~[purposes] purpose.~~~~  
17871        ~~[(7)(a) A minor victim has a civil right of action against an actor who violates Subsection~~  
17872            ~~(4).]~~  
17873            ~~[(b) A minor victim who brings a successful civil action under Subsection (7)(a) is entitled~~~~~~

17874 ~~to recover from the actor:]~~

17875 ~~[(i) damages resulting from the violation of Subsection (4);]~~

17876 ~~[(ii) reasonable attorney fees; and]~~

17877 ~~[(iii) court costs.]~~

17878 (5) A violation of this section is subject to prosecution in the jurisdiction in which the  
17879 electronic communication originated or was received.

17880 Section 365. Section **76-12-203** is enacted to read:

17881 **76-12-203 (Effective 05/07/25). Unlawful electronic disclosure of personal**  
17882 **identifying information.**

17883 (1)(a) As used in this section, "personal identifying information" means the same as that  
17884 term is defined in Section 76-6-1101.

17885 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this  
17886 section.

17887 (2) An actor commits unlawful electronic disclosure of personal identifying information if  
17888 the actor:

17889 (a)(i) electronically publishes, posts, or otherwise discloses personal identifying  
17890 information of another individual in a public online site or forum without the  
17891 permission of the other individual; and

17892 (ii) undertakes the action described in Subsection (2)(a)(i) with the intent to abuse,  
17893 threaten, or disrupt the other individual's electronic communication; or

17894 (b) sends a communication by electronic mail, instant message, or other similar means,  
17895 if:

17896 (i) the communication references personal identifying information of another  
17897 individual;

17898 (ii) the actor sends the communication:

17899 (A) without the individual's consent; and

17900 (B) with the intent to cause a recipient of the communication to reasonably believe  
17901 that the individual authorized or sent the communication; and

17902 (iii) with the intent to:

17903 (A) cause an individual physical, emotional, or economic injury or damage; or

17904 (B) defraud an individual.

17905 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B  
17906 misdemeanor.

17907 (b) A second or subsequent violation of Subsection (2) is a class A misdemeanor.



17908 (4)(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section  
 17909 does not affect an individual's right to bring a civil action for damages suffered as a  
 17910 result of the commission of an offense under this section.

17911 (b) This section does not create a civil cause of action based on an electronic  
 17912 communication made for a legitimate business purpose.

17913 Section 366. Section **76-12-204** is enacted to read:

17914 **76-12-204 (Effective 05/07/25). Unlawful electronic disclosure of a minor's**  
 17915 **personal information.**

17916 (1)(a) As used in this section:

17917 (i) "Minor victim" means a minor who is a victim of a violation of Subsection (2).

17918 (ii) "Personal identifying information" means the same as that term is defined in  
 17919 Section 76-6-1101.

17920 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this  
 17921 section.

17922 (2) An actor commits unlawful electronic disclosure of a minor's personal information if:

17923 (a) the actor:

17924 (i) is an adult;

17925 (ii) electronically publishes, posts, or otherwise discloses in a public online site or  
 17926 forum personal identifying information of a minor who is unrelated by blood,  
 17927 marriage, or adoption to the actor; and

17928 (iii) knows of, but consciously disregards, a substantial and unjustifiable risk that  
 17929 performing the action described in Subsection (2)(a)(ii) will result in the minor  
 17930 being the victim of an offense described in Title 76, Chapter 5, Offenses Against  
 17931 the Individual; and

17932 (b) the minor described in Subsection (2)(a)(ii) is aware of the actor's action described in  
 17933 Subsection (2)(a)(ii).

17934 (3) A violation of Subsection (2) is a class A misdemeanor.

17935 (4)(a) Except as provided in Subsection (4)(b), a criminal prosecution under this section  
 17936 does not affect an individual's right to bring a civil action for damages suffered as a  
 17937 result of the commission of an offense under this section.

17938 (b) This section does not create a civil cause of action based on an electronic  
 17939 communication made for a legitimate business purpose.

17940 (5)(a) A minor victim has a civil right of action against an actor who violates  
 17941 Subsection (2).

- 17942 (b) A minor victim who brings a successful civil action under Subsection (5)(a) is  
 17943 entitled to recover from the actor:
- 17944 (i) damages resulting from the violation of Subsection (2);  
 17945 (ii) reasonable attorney fees; and  
 17946 (iii) court costs.
- 17947 Section 367. Section **76-12-205**, which is renumbered from Section 76-6-703.1 is renumbered  
 17948 and amended to read:
- 17949 **[76-6-703.1]76-12-205 (Effective 05/07/25). Disclosure of personal information with intent**  
 17950 **to cause electronic communication harassment.**
- 17951 (1)(a) As used in this section[~~,"electronic"~~] :
- 17952 (i) "Adult" means an individual 18 years old or older.  
 17953 (ii) "Computer" means the same as that term is defined in Section 76-6-702.  
 17954 (iii) "Electronic communication harassment" means an offense under Section [  
 17955 76-9-201] 76-12-202, 76-12-203, or 76-12-204.  
 17956 (iv) "Identifying information" means the same as that term is defined in Section  
 17957 76-6-702.  
 17958 (v) "Interactive computer service" means the same as that term is defined in Section  
 17959 76-6-702.  
 17960 (vi) "Minor" means an individual who is younger than 18 years old.  
 17961 (vii) "Service provider" means the same as that term is defined in Section 76-6-702.  
 17962 (viii) "Software" means the same as that term is defined in Section 76-6-702.
- 17963 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and ~~[76-6-702]~~ 76-12-201 apply to  
 17964 this section.
- 17965 (2) An actor commits ~~[unlawful]~~disclosure of personal information with intent to cause  
 17966 electronic communication harassment if:
- 17967 (a) with intent that electronic communication harassment occur, the actor discloses or  
 17968 disseminates another person's identifying information with the expectation that others  
 17969 will further disseminate or use the person's identifying information; and
- 17970 (b) the disclosure or dissemination of the other person's identifying information results  
 17971 in electronic communication harassment.
- 17972 (3)(a) If the ~~[person]~~ individual whose identifying information is disseminated is an  
 17973 adult, a violation of Subsection (2) is:
- 17974 (i) a class B misdemeanor on the first offense;  
 17975 (ii) a class A misdemeanor on the second offense; or

- 17976 (iii) a third degree felony on a third or subsequent offense.
- 17977 (b) If the ~~[person]~~ individual whose identifying information is disseminated is a minor, a
- 17978 violation of Subsection (2) is:
- 17979 (i) a class A misdemeanor on the first offense; or
- 17980 (ii) a third degree felony on the second or subsequent offense.

17981 (4)(a) This section does not apply to an actor who provides information in conjunction

17982 with a report under Title 34A, Chapter 6, Utah Occupational Safety and Health Act,

17983 or Title 67, Chapter 21, Utah Protection of Public Employees Act.

17984 (b) In accordance with 47 U.S.C. Sec. 230, this section may not apply to, and ~~[nothing in~~

17985 ~~this section may be construed to]~~ does not impose liability or culpability on, an

17986 interactive computer service for content provided by another person.

17987 (c) This section does not affect, limit, or apply to any activity or conduct that is

17988 protected by the constitution or laws of this state, or by the constitution or laws of the

17989 United States.

17990 (5)(a) An interactive computer service ~~[is not guilty of violating this section]~~ does not

17991 commit a violation of Subsection (2) if an actor violates ~~[this section]~~ Subsection (2)

17992 using the interactive computer service and the interactive computer service did not

17993 knowingly assist the actor to commit the violation.

17994 (b) A service provider ~~[is not guilty of violating this section]~~ does not commit a violation

17995 of Subsection (2) for:

17996 (i) action taken in relation to a customer of the service provider, for a legitimate

17997 business purpose, to install software on, monitor, or interact with the customer's

17998 Internet or other network connection, service, or computer for network or

17999 computer security purposes, authentication, diagnostics, technical support,

18000 maintenance, repair, network management, updates of computer software or

18001 system firmware, or remote system management; or

18002 (ii) action taken, including scanning and removing computer software, to detect or

18003 prevent the following:

18004 (A) unauthorized or fraudulent use of a network, service, or computer software;

18005 (B) illegal activity; or

18006 (C) infringement of intellectual property rights.

18007 Section 368. Section **76-12-206**, which is renumbered from Section 76-9-203 is renumbered

18008 and amended to read:

18009 **[76-9-203]76-12-206 (Effective 05/07/25). Unlawful online impersonation.**

- 18010 (1)(a) As used in this section:
- 18011       ~~[(a)]~~ (i) "Commercial social networking website" means a person who operates a
- 18012               website that allows a person to register as a user for the purpose of:
- 18013               ~~[(i)]~~ (A) establishing a personal relationship with one or more other users through
- 18014               direct or real time communication with the other user; or
- 18015               ~~[(ii)]~~ (B) the creation of ~~[web pages or profiles]~~ a web page or a profile available to
- 18016               the public or to other users.
- 18017       ~~[(b)]~~ (ii) "Commercial social networking website" does not include an electronic mail
- 18018               program or a message board program.
- 18019       (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this
- 18020               section.
- 18021 (2) ~~[It is a criminal offense for a person to use]~~ An actor commits unlawful online
- 18022       impersonation if the actor uses the name or persona of an individual:
- 18023       (a) without the individual's consent;
- 18024       (b)(i) to create a web page on a commercial social networking website or other
- 18025               website; or
- 18026       (ii) to post or send a message on or through a commercial social networking website
- 18027               or other website, other than on or through an electronic mail program or message
- 18028               board program;
- 18029       (c) with the intent to cause an individual to reasonably believe that the individual whose
- 18030               name or persona is used authorized or performed the applicable action described in
- 18031               Subsection (2)(b); and
- 18032       (d) with the intent to harm, defraud, intimidate, or threaten any individual.
- 18033 (3)(a) ~~[An offense under this section is]~~ Except as provided in Subsection (3)(b), a
- 18034       violation of Subsection (2) is a class A misdemeanor.
- 18035       (b) A second or subsequent offense ~~[under this section]~~ of Subsection (2) is a third
- 18036               degree felony.
- 18037 (4) It is a defense to prosecution under this section that the ~~[person]~~ actor is one of the
- 18038       following entities or that the ~~[person's]~~ actor's conduct consisted solely of action taken as
- 18039       an employee of one of the following entities:
- 18040       (a) a commercial social networking website;
- 18041       (b) an Internet service provider;
- 18042       (c) an interactive computer service, as defined in 47 U.S.C. Sec. 230;
- 18043       (d) a telecommunications provider, as defined in Section 10-1-402;

- 18044 (e) a cable television service;
- 18045 (f) an entity that provides cable television service, as defined in Section 10-18-102; or
- 18046 (g) a law enforcement agency engaged in lawful practices.

18047 Section 369. Section **76-12-207**, which is renumbered from Section 76-10-1802 is renumbered  
 18048 and amended to read:

18049 **[76-10-1802] 76-12-207 (Effective 05/07/25). Misrepresentation of a call or text**  
 18050 **communication identification.**

18051 (1)(a) As used in this section:

18052 ~~[(a)]~~ (i) "Caller or text message identification information" means information  
 18053 provided by a caller identification service or text message service regarding the  
 18054 telephone number or other information regarding the origination of a call or text  
 18055 message made using a telecommunications service or VoIP voice service.

18056 ~~[(b)]~~ (ii) "Caller or text message identification service" means ~~[any]~~ a service or device  
 18057 designed to provide the user of the service or device with the telephone number  
 18058 of, or other information regarding, the origination of a call or text message made  
 18059 using a telecommunications service or VoIP voice service, including automatic  
 18060 number identification services.

18061 ~~[(c)]~~ (iii) "Text message":

18062 ~~[(i)]~~ (A) means a real-time or near real-time message consisting of text, images,  
 18063 sounds, or other information transmitted from or received by a device  
 18064 identified by a telephone number; and

18065 ~~[(ii)]~~ (B) does not include a real-time, two-way voice or video communication.

18066 ~~[(d)]~~ (iv) "VoIP" means a technology that allows telephone calls to be made over  
 18067 computer networks, including the Internet.

18068 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-201 apply to this  
 18069 section.

18070 (2) ~~[It is unlawful for any person or individual]~~ An actor commits misrepresentation of a call  
 18071 or text communication identification if the actor, in connection with ~~[any]~~ a  
 18072 telecommunications service or VoIP voice service, ~~[to-]~~knowingly ~~[cause any]~~ causes a  
 18073 caller identification service or text message service to transmit false, misleading, or  
 18074 inaccurate caller or text message identification information:

18075 (a) with the intent to harm the recipient of the call or text message; or

18076 (b) to a public safety answering point when reporting an emergency.

18077 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class C

18078 misdemeanor.

18079 (b) A violation of Subsection (2) is a class B misdemeanor on a second or subsequent  
 18080 violation.

18081 (c) Each separate call or text message is a violation of this section.

18082 ~~[(3)]~~ (4) This section does not prevent or restrict [any person or individual] a person from  
 18083 blocking the capability of [any] a caller or text message identification service to transmit  
 18084 caller or text message identification information.

18085 ~~[(4)]~~ (5) The following are exempt from this section:

18086 (a) the lawful investigative, protective, or intelligence activity of a law enforcement  
 18087 agency; and

18088 (b) a court order that specifically authorizes the use of caller or text message  
 18089 identification manipulation.

18090 ~~[(5) Each separate call or text message transmitted in violation of this section is:]~~

18091 ~~[(a) for a first violation, a class C misdemeanor; and]~~

18092 ~~[(b) for a second or subsequent violation, a class B misdemeanor.]~~

18093 ~~(6) [Violations]~~ A violation of this section may be enforced in a civil action initiated by the  
 18094 recipient of a call, message, or text message made in violation of this section, a criminal  
 18095 action initiated by a prosecuting attorney, or both.

18096 (7) This section does not apply to an Internet service provider or hosting company, a  
 18097 provider of public telecommunications services, or a text message service by reason of  
 18098 the fact that the Internet service provider, hosting company, text message service, or  
 18099 provider of public telecommunications services:

18100 (a) transmits, routes, or provides connections for material without selecting the material;

18101 (b) stores or delivers the material at the direction of a user; or

18102 (c) provides a caller or text message identification service.

18103 Section 370. Section **76-12-301**, which is renumbered from Section 76-9-401 is renumbered  
 18104 and amended to read:

18105 **Part 3. Privacy Offenses**

18106 **[76-9-401]76-12-301 (Effective 05/07/25). Definitions.**

18107 For purposes of this part:

18108 (1) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral  
 18109 communication of another without the consent of at least one party thereto by means of  
 18110 an electronic, mechanical, or other device.

18111 (2) "Private place" means a place where one may reasonably expect to be safe from casual  
18112 or hostile intrusion or surveillance.

18113 [~~(2) "Eavesdrop" means to overhear, record, amplify, or transmit any part of a wire or oral~~  
18114 ~~communication of others without the consent of at least one party thereto by means of~~  
18115 ~~any electronic, mechanical, or other device.]~~

18116 (3) "Public" includes any professional or social group of which the victim of a defamation  
18117 is a member.

18118 Section 371. Section **76-12-302**, which is renumbered from Section 76-9-402 is renumbered  
18119 and amended to read:

18120 ~~[76-9-402]~~ **76-12-302 (Effective 05/07/25). Unlawful privacy violation.**

18121 (1)(a) ~~[A property owner has an]~~ For purposes of this section, "expectation of privacy"  
18122 means a property owner's expectation of privacy ~~[regarding characteristics, data, or~~  
18123 ~~information pertaining to the owner's property that:]~~ described in Subsection (6).

18124 ~~[(i) is not immediately apparent through routine visual observation of the property;~~  
18125 ~~and]~~

18126 ~~[(ii) requires ground-penetrating technology to detect, observe, measure, map, or~~  
18127 ~~otherwise capture information or data about the property or characteristics of the~~  
18128 ~~property.]~~

18129 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this  
18130 section.

18131 (2) ~~[A person is guilty of]~~ An actor commits unlawful privacy violation if, except as  
18132 authorized by law, the ~~[person]~~ actor:

18133 (a) trespasses on property with intent to subject anyone to eavesdropping or other  
18134 surveillance in a private place;

18135 (b) installs, or uses after unauthorized installation in a private place, without the consent  
18136 of the person or persons entitled to privacy in the private place, ~~[any]~~ a device for  
18137 observing, photographing, hearing, recording, amplifying, or broadcasting sounds or  
18138 events in the private place;

18139 (c) installs or uses outside of a private place a device for observing, photographing,  
18140 hearing, recording, amplifying, or broadcasting sounds or events originating in the  
18141 private place ~~[which]~~ that would not ordinarily be audible, visible, or comprehensible  
18142 outside the private place, without the consent of the person or persons entitled to  
18143 privacy in the private place; or

18144 (d) uses ground-penetrating technology, without the consent of the property owner, to

18145 detect, observe, measure, map, or otherwise capture information or data about the  
 18146 property or characteristics of the property of another for which the property owner  
 18147 has an expectation of privacy~~[-as described in Subsection (1)].~~

18148 (3) A violation of Subsection (2) is a class B misdemeanor.

18149 (4) A court may order an actor who commits a violation of Subsection (2) to remove or  
 18150 destroy any data collected by the actor in the commission of the violation of Subsection  
 18151 (2).

18152 (5) ~~[A person]~~ An actor is not guilty of a violation of this section if:

18153 (a) the device used is an unmanned aircraft;

18154 (b) the ~~[person]~~ actor is operating the unmanned aircraft for legitimate commercial or  
 18155 educational purposes in a manner consistent with applicable Federal Aviation  
 18156 Administration rules, exemptions, or other authorizations; and

18157 (c) any conduct described in Subsection (2) that occurs via the unmanned aircraft is  
 18158 solely incidental to the lawful commercial or educational use of the unmanned  
 18159 aircraft.

18160 ~~[(4) For a person who commits a violation of Subsection (2), a court may order the person~~  
 18161 ~~to remove and destroy any data collected by the person in the commission of the~~  
 18162 ~~violation of Subsection (2).]~~

18163 ~~[(5) Privacy violation is a class B misdemeanor.]~~

18164 (6) A property owner has an expectation of property privacy regarding characteristics, data,  
 18165 or information pertaining to the owner's property that:

18166 (a) is not immediately apparent through routine visual observation of the property; and

18167 (b) requires ground-penetrating technology to detect, observe, measure, map, or  
 18168 otherwise capture information or data about the property or characteristics of the  
 18169 property.

18170 ~~[(6)]~~ (7)(a) This section does not apply to lawful practices of:

18171 (i) a law enforcement agency; or

18172 (ii) another government entity.

18173 (b) Subsection (2)(d) does not apply to a land surveyor if:

18174 (i) the land surveyor is performing a survey service in good faith pursuant to a bona  
 18175 fide contract; and

18176 (ii) for any data pertaining to property not owned by a party to the contract described  
 18177 in Subsection ~~[(6)(b)(i)]~~ (7)(b)(i) that is captured incidentally by the land surveyor,  
 18178 the land surveyor:



- 18179 (A) does not share, publish, sell, or distribute any incidentally captured data  
 18180 pertaining to property that is not relevant to the contract described in  
 18181 Subsection [(6)(b)(i)] (7)(b)(i); and  
 18182 (B) upon completion of the contract, deletes or destroys any data pertaining to  
 18183 property that is not the subject of the contract.

18184 (8)(a) A person, or the heirs of a deceased person, who has been injured by a violation  
 18185 of this section may bring an action against the actor who committed the violation.

18186 (b) If in the action described in Subsection (8)(a) the court finds the defendant is  
 18187 violating or has violated any of the provisions of this section, the court shall enjoin  
 18188 the defendant from a continued violation.

18189 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if  
 18190 damages are alleged and proved, the plaintiff in the action is entitled to recover from  
 18191 the defendant the actual damages sustained, if any, in addition to injunctive relief.

18192 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an  
 18193 award of reasonable attorney fees.

18194 (e) Exemplary damages may be awarded when the violation is found to be malicious.

18195 Section 372. Section **76-12-303**, which is renumbered from Section 76-9-403 is renumbered  
 18196 and amended to read:

18197 **[76-9-403] 76-12-303 (Effective 05/07/25). Unlawful interception or disclosure of a private**  
 18198 **communication.**

18199 (1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this section.

18200 (2) [A person commits communication abuse if, except as authorized by law, he] An actor  
 18201 commits unlawful interception or disclosure of a private communication if, except as  
 18202 authorized by law, the actor:

18203 (a) [Intercepts] intercepts, without the consent of the sender or receiver, a message by  
 18204 telephone, telegraph, letter, or other means of communicating privately; [this  
 18205 paragraph does not extend to:] or

18206 [(i) Overhearing of messages through a regularly installed instrument on a telephone  
 18207 party line or on an extension; or]

18208 [(ii) Interception by the telephone company or subscriber incident to enforcement of  
 18209 regulations limiting use of the facilities or to other normal operation and use; or]

18210 (b) [Divulges] divulges, without consent of the sender or receiver, the existence or  
 18211 contents of [any such] a message described in Subsection (2)(a), if the actor:

18212 (i) knows that the message described in Subsection (2)(a) was illegally intercepted;

18213 or  
 18214 (ii) [if he-]learned of the message described in Subsection (2)(a) in the course of  
 18215 employment with an agency engaged in [transmitting it] the transmission of the  
 18216 message.

18217 ~~[(2)] (3) [Communication abuse]~~ A violation of Subsection (2) is a class B misdemeanor.

18218 (4) Subsection (2)(a) does not apply to:

18219 (a) overhearing a message through a regularly installed instrument on a telephone party  
 18220 line or on an extension; or

18221 (b) intercepting a message by a telephone company or subscriber incident to  
 18222 enforcement of regulations limiting use of the facilities or to other normal operation  
 18223 and use.

18224 (5)(a) A person, or the heirs of a deceased person, who has been injured by a violation  
 18225 of this section may bring an action against the actor who committed the violation.

18226 (b) If in the action described in Subsection (5)(a) the court finds the defendant is  
 18227 violating or has violated any of the provisions of this section, the court shall enjoin  
 18228 the defendant from a continued violation.

18229 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if  
 18230 damages are alleged and proved, the plaintiff in the action is entitled to recover from  
 18231 the defendant the actual damages sustained, if any, in addition to injunctive relief.

18232 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an  
 18233 award of reasonable attorney fees.

18234 (e) Exemplary damages may be awarded when the violation is found to be malicious.

18235 Section 373. Section **76-12-304**, which is renumbered from Section 76-9-407 is renumbered  
 18236 and amended to read:

18237 **[76-9-407]76-12-304 (Effective 05/07/25). Unlawful use of another's personal identity in an**  
 18238 **advertisement.**

18239 (1) ~~[The definitions in Section]~~ Terms defined in Sections 45-3-2, 76-1-101.5, 76-12-101,  
 18240 and 76-12-301 apply to this section.

18241 (2) ~~[Any person is guilty of a class B misdemeanor who]~~ An actor commits unlawful use of  
 18242 another's personal identity in an advertisement if the actor knowingly or intentionally  
 18243 causes the publication of an advertisement in which the personal identity of an  
 18244 individual is used in a manner [which] that expresses or implies that the individual  
 18245 approves, endorses, has endorsed, or will endorse the specific subject matter of the  
 18246 advertisement without the consent for such use by the individual.

18247 (3) A violation of Subsection (2) is a class B misdemeanor.

18248 [~~(3)~~] (4) It is an affirmative defense that the [person-causing] actor who caused the  
 18249 publication of the advertisement reasonably believed that the [person] individual whose  
 18250 personal identity was to be used had consented to [its] the use of the individual's personal  
 18251 identity.

18252 [~~(4)~~] (5)(a) Upon conviction of an offense under this section, unless waived by the  
 18253 victim, the court shall order that, within 30 days of the conviction, the [person] actor  
 18254 convicted shall issue a public apology or retraction to whomever received the  
 18255 advertisement.

18256 (b) The apology or retraction described in Subsection (5)(a) shall be of similar size and  
 18257 placement as the original advertisement.

18258 [~~(5)~~] (6) Nothing in this section prohibits a civil action under Title 45, Chapter 3, Abuse of  
 18259 Personal Identity Act.

18260 (7)(a) A person, or the heirs of a deceased person, who has been injured by a violation  
 18261 of this section may bring an action against the actor who committed the violation.

18262 (b) If in the action described in Subsection (7)(a) the court finds the defendant is  
 18263 violating or has violated any of the provisions of this section, the court shall enjoin  
 18264 the defendant from a continued violation.

18265 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if  
 18266 damages are alleged and proved, the plaintiff in the action is entitled to recover from  
 18267 the defendant the actual damages sustained, if any, in addition to injunctive relief.

18268 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an  
 18269 award of reasonable attorney fees.

18270 (e) Exemplary damages may be awarded when the violation is found to be malicious.

18271 Section 374. Section **76-12-305**, which is renumbered from Section 76-9-408 is renumbered  
 18272 and amended to read:

18273 **~~[76-9-408]~~76-12-305 (Effective 05/07/25). Unlawful installation of a tracking device.**

18274 (1)(a) As used in this section:

18275 [~~(a)~~] (i) "Motor vehicle" means the same as that term is defined in Subsection  
 18276 41-12a-103(4).

18277 [~~(b)~~] (ii) "Private investigator" means an individual who is:

18278 [(i)] (A) licensed as a private investigator under Title 53, Chapter 9, Private  
 18279 Investigator Regulation Act; and

18280 [(ii)] (B) acting in the capacity of a private investigator.

- 18281            ~~[(e)]~~ (iii) "Protective order" means a protective order, stalking injunction, or  
18282            restraining order issued by a court of any jurisdiction.
- 18283            ~~[(d)]~~ (iv)~~[(i)]~~ (A) "Tracking device" means a device used for the primary purpose  
18284            of revealing the device's location or movement by the transmission or  
18285            recording of an electronic signal.
- 18286            ~~[(i)]~~ (B) "Tracking device" does not include location technology installed on a  
18287            vehicle by the vehicle manufacturer or a commercial vehicle dealer that  
18288            transmits electronic signals for the purpose of data collection, if the data  
18289            collection is anonymized.
- 18290            (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this  
18291            section.
- 18292            (2) Except as provided in Subsection ~~[(3), a person is guilty of]~~ (4), an actor commits  
18293            unlawful installation of a tracking device if the ~~[person]~~ actor knowingly installs, or  
18294            directs another to install, a tracking device on a motor vehicle owned or leased by  
18295            another person, without the permission of the owner or lessee of the vehicle.
- 18296            (3) A violation of Subsection (2) is a class A misdemeanor.
- 18297            ~~[(3)]~~ (4) ~~[A person is not guilty of unlawful installation of a tracking device]~~ An actor does  
18298            not commit a violation of Subsection (2) if the [person] actor:
- 18299            (a)(i) is a licensed private investigator installing the tracking device for a legitimate  
18300            business purpose; and
- 18301            (ii) installs the tracking device on a motor vehicle that is not:
- 18302            (A) owned or leased by an individual under the protection of a protective order; or  
18303            (B) operated by an individual under the protection of a protective order who  
18304            resides with, or is an immediate family member of, the owner or lessee of the  
18305            motor vehicle; or
- 18306            (b) installs the tracking device pursuant to a court order.
- 18307            ~~[(4) Unlawful installation of a tracking device is a class A misdemeanor.]~~
- 18308            (5) This section does not apply to a peace officer, acting in the peace officer's official  
18309            capacity, who installs a tracking device on a motor vehicle in the course of a criminal  
18310            investigation or pursuant to a court order.
- 18311            (6) Before installing a tracking device on a motor vehicle under Subsection ~~[(3)]~~ (4), a  
18312            private investigator shall request confirmation from a state entity with access to updated  
18313            protective order records, that:
- 18314            (a) the owner or lessee of the vehicle is not under the protection of a protective order; and

- 18315 (b) an individual who resides with, or is an immediate family member of, the owner or  
 18316 lessee of the motor vehicle is not under the protection of a protective order.
- 18317 (7) On request from a licensed private investigator, a state entity, including a law  
 18318 enforcement agency, with access to protective order records shall confirm or deny the  
 18319 existence of a protective order, disclosing only whether an individual named by the  
 18320 private investigator is under the protection of a protective order issued in any  
 18321 jurisdiction.
- 18322 (8) A private investigator may not disclose the information obtained under Subsection (7) to  
 18323 any person, except as permitted by law.
- 18324 (9) On request from the Bureau of Criminal Identification, a private investigator who  
 18325 installs a tracking device on a motor vehicle shall disclose the purpose of the tracking  
 18326 device to the Bureau of Criminal Identification.
- 18327 (10)(a) A person, or the heirs of a deceased person, who has been injured by a violation  
 18328 of this section may bring an action against the actor who committed the violation.
- 18329 (b) If in the action described in Subsection (10)(a) the court finds the defendant is  
 18330 violating or has violated any of the provisions of this section, the court shall enjoin  
 18331 the defendant from a continued violation.
- 18332 (c) It is not necessary that actual damages to the plaintiff be alleged or proved, but if  
 18333 damages are alleged and proved, the plaintiff in the action is entitled to recover from  
 18334 the defendant the actual damages sustained, if any, in addition to injunctive relief.
- 18335 (d) A finding that the defendant is in violation of this section entitles the plaintiff to an  
 18336 award of reasonable attorney fees.
- 18337 (e) Exemplary damages may be awarded when the violation is found to be malicious.
- 18338 Section 375. Section **76-12-306** is enacted to read:  
 18339 **76-12-306 (Effective 05/07/25). Voyeurism.**
- 18340 (1)(a) As used in this section, "sex-designated privacy space" means the same as that  
 18341 term is defined in Section 76-12-309.
- 18342 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this  
 18343 section.
- 18344 (2) An actor commits voyeurism if:
- 18345 (a) the actor views, or attempts to view, an individual, with or without the use of an  
 18346 instrumentality:
- 18347 (i) with the intent of viewing any portion of the individual's body regarding which the  
 18348 individual has a reasonable expectation of privacy, whether or not that portion of

- 18349            the body is covered with clothing;
- 18350            (ii) without the knowledge or consent of the individual; and
- 18351            (iii) under circumstances in which the individual has a reasonable expectation of
- 18352            privacy; and
- 18353            (b) the actor's conduct described in Subsection (2)(a) does not amount to a violation of
- 18354            Section 76-12-307, Recorded or photographed voyeurism.
- 18355            (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 18356            misdemeanor.
- 18357            (b) A violation of Subsection (2) is a class A misdemeanor if the violation is committed:
- 18358            (i) against a child under 14 years old;
- 18359            (ii) in a sex-designated privacy space that is not designated for individuals of the
- 18360            actor's sex; or
- 18361            (iii) while also committing the offense of:
- 18362            (A) criminal trespass in a sex-designated changing room under Subsection
- 18363            76-6-206(2)(d);
- 18364            (B) lewdness under Section 76-5-419;
- 18365            (C) lewdness involving a child under Section 76-5-420; or
- 18366            (D) loitering in a privacy space under Section 76-12-309.
- 18367            (4) For purposes of this section, an individual has a reasonable expectation of privacy
- 18368            within a public restroom.
- 18369            Section 376. Section **76-12-307**, which is renumbered from Section 76-9-702.7 is renumbered
- 18370            and amended to read:
- 18371            **[76-9-702.7] 76-12-307 (Effective 05/07/25). Recorded or photographed voyeurism.**
- 18372            (1)(a) As used in this section, "sex-designated privacy space" means the same as that
- 18373            term is defined in Section 76-12-309.
- 18374            (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this
- 18375            section.
- 18376            (2) ~~[A person is guilty of voyeurism who]~~ An actor commits recorded or photographed
- 18377            voyeurism if the actor intentionally uses any type of technology to secretly or
- 18378            surreptitiously record, by video, photograph, or other means, an individual:
- 18379            (a) for the purpose of viewing any portion of the individual's body regarding which the
- 18380            individual has a reasonable expectation of privacy, whether or not that portion of the
- 18381            body is covered with clothing;
- 18382            (b) without the knowledge or consent of the individual; and

- 18383 (c) under circumstances in which the individual has a reasonable expectation of privacy.
- 18384 [~~(2)~~] (3)(a) Except as provided in Subsection [~~(2)~~](b), a violation of Subsection [(1)]
- 18385 (2) is a class A misdemeanor.
- 18386 (b) [~~The following is a third degree felony~~] A violation of Subsection (2) is a third degree
- 18387 felony if the violation is committed:
- 18388 (i) [~~a violation of Subsection (1) committed~~] against a child under 14 years [~~of age~~]
- 18389 old;
- 18390 (ii) in a sex-designated privacy space that is not designed for individuals of the actor's
- 18391 sex; or
- 18392 [(ii)] (iii) [~~a violation of Subsection (1) committed~~] while also committing the offense
- 18393 of:
- 18394 (A) criminal trespass in a sex-designated changing room under Subsection
- 18395 76-6-206(2)(d);
- 18396 (B) lewdness under Section [~~76-9-702~~] 76-5-419;
- 18397 (C) lewdness involving a child under Section [~~76-9-702.5~~] 76-5-420; or
- 18398 (D) loitering in a privacy space under Section [~~76-9-702.8; or~~] 76-12-309.
- 18399 [(iii) a violation of Subsection (1) in a sex-designated privacy space, as defined in
- 18400 Section 76-9-702.8, that is not designated for individuals of the actor's sex.]
- 18401 [(3) Distribution or sale of any images, including in print, electronic, magnetic, or digital
- 18402 format, obtained under Subsection (1) by transmission, display, or dissemination is a
- 18403 third degree felony, except that if the violation of this Subsection (3) includes images of
- 18404 a child under 14 years of age, the violation is a second degree felony.]
- 18405 [(4) A person is guilty of voyeurism who, under circumstances not amounting to a
- 18406 violation of Subsection (1), views or attempts to view an individual, with or without the
- 18407 use of any instrumentality:]
- 18408 [(a) with the intent of viewing any portion of the individual's body regarding which the
- 18409 individual has a reasonable expectation of privacy, whether or not that portion of the
- 18410 body is covered with clothing;]
- 18411 [(b) without the knowledge or consent of the individual; and]
- 18412 [(c) under circumstances in which the individual has a reasonable expectation of privacy.]
- 18413 [(5)(a) Except as provided in Subsection (5)(b), a violation of Subsection (4) is a class B
- 18414 misdemeanor.]
- 18415 [(b) The following is a class A misdemeanor:]
- 18416 [(i) a violation of Subsection (4) committed against a child under 14 years of age is a class

18417 A misdemeanor;]

18418 [(ii) a violation of Subsection (4) committed while also committing the offense of:]

18419 [(A) criminal trespass in a sex-designated changing room under Subsection 76-6-206(2)

(d);]

18420 [(B) lewdness under Section 76-9-702;]

18421 [(C) lewdness involving a child under Section 76-9-702.5; or]

18422 [(D) loitering in a privacy space under Section 76-9-702.8; or]

18423 [(iii) a violation of Subsection (4) committed in a sex-designated privacy space, as defined

18424 in Section 76-9-702.8, that is not designated for individuals of the actor's sex.]

18425 [(6)] (4) For purposes of this section, an individual has a reasonable expectation of privacy

18426 within a public restroom.

18427 Section 377. Section **76-12-308** is enacted to read:

18428 **76-12-308 (Effective 05/07/25). Distribution of images obtained through**

18429 **voyeurism.**

18430 (1)(a) As used in this section, "image" includes print, electronic, magnetic, or digital

18431 format.

18432 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this

18433 section.

18434 (2) An actor commits distribution of images obtained through voyeurism if the actor

18435 distributes or sells an image obtained by conduct in violation of Section 76-12-207,

18436 Recorded or photographed voyeurism, by transmission, display, or dissemination.

18437 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a third

18438 degree felony.

18439 (b) A violation of Subsection (2) is a second degree felony if the image is of a child

18440 under 14 years old.

18441 Section 378. Section **76-12-309**, which is renumbered from Section 76-9-702.8 is renumbered

18442 and amended to read:

18443 **[76-9-702.8]76-12-309 (Effective 05/07/25). Loitering in a privacy space.**

18444 (1)(a) As used in this section:

18445 [(a)] (i) "Privacy space" means the following in which an individual has a reasonable

18446 expectation of privacy:

18447 [(i)] (A) a restroom or any other space that includes a toilet;

18448 [(ii)] (B) a dressing room, fitting room, locker room, changing facility, or any other

18449 space designated for multiple individuals to dress or undress within the same



- 18450 space; or
- 18451 ~~[(iii)]~~ (C) any room or space that includes a shower.
- 18452 ~~[(b)]~~ (ii) "Sex-designated" means that a facility, program, or event is designated
- 18453 specifically for males or females and not the opposite sex.
- 18454 (b) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-301 apply to this
- 18455 section.
- 18456 (2) An actor commits the offense ~~[of unlawfully]~~ loitering in a privacy space if the actor
- 18457 intentionally or knowingly remains unlawfully in a privacy space.
- 18458 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 18459 misdemeanor.
- 18460 (b) A violation of Subsection ~~[(4)]~~ (2) is a class A misdemeanor if the actor commits the
- 18461 offense:
- 18462 (i) while also committing the offense of:
- 18463 (A) criminal trespass in a sex-designated changing room under Subsection
- 18464 76-6-206(2)(d);
- 18465 (B) lewdness under Section ~~[76-9-702]~~ 76-5-419;
- 18466 (C) lewdness involving a child under Section ~~[76-9-702.5]~~ 76-5-420; or
- 18467 (D) voyeurism under Section ~~[76-9-702.7; or]~~ 76-12-306;
- 18468 (E) recorded or photographed voyeurism under Section 76-12-307; or
- 18469 (F) distribution of images obtained through voyeurism under Section 76-12-308; or
- 18470 (ii) in a sex-designated privacy space that is not designated for individuals of the
- 18471 actor's sex.
- 18472 Section 379. Section **76-12-401**, which is renumbered from Section 76-10-601 is renumbered
- 18473 and amended to read:

#### 18474 **Part 4. Offenses Involving Charitable Solicitations**

##### 18475 **~~[76-10-601]~~76-12-401 (Effective 05/07/25). Definitions.**

18476 As used in this part:

- 18477 (1) "Person" means ~~[any]~~ an individual, organization, group, association, partnership,
- 18478 corporation, or any combination of ~~[them;]~~ an individual, organization, group,
- 18479 association, partnership, or corporation.
- 18480 (2)(a) "Professional fund raiser" means ~~[any]~~ a person:
- 18481 (i) who, for compensation or any other consideration, plans, conducts, or manages in
- 18482 this state, the solicitation of contributions for or on behalf of ~~[any]~~ a charitable

18483 organization or any other person[;] ; or  
 18484 (ii) who engages in the business of, or holds [himself] the person's self out to persons  
 18485 in this state as, independently engaged in the business of soliciting contributions  
 18486 for such purpose[; but shall not include a bona fide officer or employee of a  
 18487 charitable organization;] .

18488 (b) "Professional fund raiser" does not include a bona fide officer or employee of a  
 18489 charitable organization.

18490 (3) "Professional solicitor" means [any] a person who is employed or retained for  
 18491 compensation by a professional fund raiser to solicit contributions in this state for  
 18492 charitable purposes[;] .

18493 (4) "Charitable organization" means [any] an organization that is benevolent, philanthropic,  
 18494 patriotic, or eleemosynary or one purporting to be [such;] benevolent, philanthropic,  
 18495 patriotic, or eleemosynary.

18496 (5) "Contribution" means the promise or grant of [any] money or property of any kind or  
 18497 value.

18498 Section 380. Section **76-12-402**, which is renumbered from Section 76-10-602 is renumbered  
 18499 and amended to read:

18500 **[76-10-602]76-12-402 (Effective 05/07/25). Unlawful use of a person's name for soliciting**  
 18501 **contributions.**

18502 (1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this section.

18503 (2) An actor commits unlawful use of a person's name for soliciting contributions if the  
 18504 actor:

18505 (a) [~~No~~] is a charitable organization, professional fund raiser, or professional  
 18506 solicitor, seeking to raise funds for a charitable [~~purposes;~~] purpose; and

18507 (b) [~~shall use~~] uses the name of any other person for the purpose of soliciting [~~contributions;~~] a charitable contribution in this state[;] without the written consent of  
 18508 the person[; ~~provided that this section shall not apply to religious corporations or~~  
 18509 ~~organizations, charities, agencies, and organizations operated, supervised, or~~  
 18510 ~~controlled by or in connection with a religious corporation or organization].~~

18512 (3) A violation of Subsection (2) is a class B misdemeanor.

18513 (4) This section does not apply to:

18514 (a) a religious corporation, organization, charity, or agency; or

18515 (b) an organization operated, supervised, or controlled by or in connection with a  
 18516 religious corporation or organization.

18517 Section 381. Section **76-12-403**, which is renumbered from Section 76-10-603 is renumbered  
18518 and amended to read:

18519 ~~[76-10-603]~~**76-12-403 (Effective 05/07/25). Unlawful use of a person's name as a solicitation**  
18520 **endorsement.**

18521 (1) Terms defined in Sections 76-1-101.5, 76-12-101, and 76-12-401 apply to this  
18522 section.

18523 (2) ~~[It is a violation of this part to use]~~ An actor commits unlawful use of a person's name as  
18524 a solicitation endorsement if, without written consent[-] :

18525 (a) the actor uses the name of a person [for the purpose of soliciting contributions if the  
18526 person's name is listed-] on any stationery, advertisement, brochure, or  
18527 correspondence of a charitable organization[-] for the purpose of soliciting  
18528 contributions; or

18529 (b) ~~[his name is listed or referred to-]~~ the actor lists or refers to the person's name as [one]  
18530 a person who has contributed to, sponsored, or endorsed the charitable organization  
18531 or [its] the charitable organization's activities.

18532 (3) A violation of Subsection (2) is a class B misdemeanor.

18533 Section 382. Section **76-13-101** is enacted to read:

18534 **CHAPTER 13. OFFENSES INVOLVING CRUELTY TO ANIMALS**

18535 **Part 1. General Provisions**

18536 **76-13-101 (Effective 05/07/25). Definitions.**

18537 Reserved.

18538 Section 383. Section **76-13-102**, which is renumbered from Section 76-9-305 is renumbered  
18539 and amended to read:

18540 ~~[76-9-305]~~**76-13-102 (Effective 05/07/25). Officer's authority to take possession of an**  
**animal**

18541 **-- Lien for care -- Humane destruction.**

18542 (1) ~~[Any]~~ Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

18543 (2) A law enforcement officer may take possession of [any animals] an animal being treated  
18544 cruelly and, after reasonable efforts to notify the owner, may provide shelter and care for [  
18545 them] the animal or, upon permission from the owner, may destroy [them] the animal.

18546 ~~[(2)]~~ (3) ~~[Officers caring for animals pursuant to-]~~

18547 (a) An officer caring for an animal under this section [have] has a lien for the reasonable  
18548 value of the care [and/or destruction] provided to the animal and, if applicable, the

18549 reasonable value for the destruction of the animal.

18550 (b) ~~[Any]~~ A court, upon proof that the owner has been notified at least five days earlier  
 18551 of the lien and amount due, ~~[at least five days prior,]~~ shall order the animal sold at  
 18552 public auction or destroyed.

18553 ~~[(3)]~~ (4) ~~[Any]~~

18554 (a) A law enforcement officer may humanely destroy ~~[any]~~ an animal found suffering  
 18555 past recovery for any useful purpose.

18556 (b) Before destroying the animal under Subsection (4)(a), the officer shall obtain:

18557 (i) the judgment ~~[to the effect]~~ of a veterinarian~~;~~ or of two reputable citizens called  
 18558 by ~~[him]~~ the officer to view the animal in ~~[his]~~ the officer's presence, of the  
 18559 animal's nonrecoverable condition; or

18560 (ii) ~~[shall obtain]~~ consent to the destruction from the owner of the animal.

18561 Section 384. Section **76-13-103**, which is renumbered from Section 76-9-301.6 is renumbered  
 18562 and amended to read:

18563 ~~[76-9-301.6]~~ **76-13-103 (Effective 05/07/25). Officer's authority at a dog fighting exhibition**

--

18564 **Authority to arrest and take possession of dogs and property.**

18565 (1) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

18566 (2) A peace officer as defined in Title 53, Chapter 13, Peace Officer Classifications, may  
 18567 enter any place, building, or tenement where an exhibition of dog fighting is occurring,  
 18568 or where preparations are being made for such an exhibition and, without a warrant,  
 18569 arrest all persons present.

18570 ~~[(2)]~~ (3)(a) Notwithstanding the provisions of Section ~~[76-9-305]~~ 76-13-102, Officer's  
 18571 authority to take possession of an animal, any authorized officer who makes an arrest  
 18572 under~~[-Subsection (1)]~~ Subsection (2) may lawfully take possession of all dogs,  
 18573 paraphernalia, implements, or other property or things used or employed, or to be  
 18574 employed, in an exhibition of dog fighting prohibited by Subsection ~~[76-9-301(2)(e)]~~  
 18575 76-13-202(2)(e) or Section ~~[76-9-301.4]~~ 76-13-205, Dog fighting.

18576 (b) The officer, at the time of the taking of property pursuant to Subsection ~~[(2)(a)]~~ (3)(a),  
 18577 shall state ~~[his]~~ the officer's name and provide other identifying information to the  
 18578 person in charge of the dogs or property taken.

18579 ~~[(3)]~~ (4)(a) After taking possession of dogs, paraphernalia, implements, or other property  
 18580 or things under Subsection ~~[(2)]~~ (3), the officer shall file an affidavit with the judge or  
 18581 magistrate before whom a complaint has been made against any person arrested

18582 under this section.

18583 (b) The affidavit shall include:

18584 (i) the name of the person charged in the complaint;

18585 (ii) a description of all property taken;

18586 (iii) the time and place of the taking of the property;

18587 (iv) the name of the person from whom the property was taken;

18588 (v) the name of the person who claims to own the property, if known; and

18589 (vi) a statement that the officer has reason to believe and believes that the property

18590 taken was used or employed, or was to be used or employed, in violation of

18591 Section ~~[76-9-301 or 76-9-301.1]~~ 76-13-202, 76-13-203, 76-13-204, or 76-13-205,

18592 and the grounds for the belief.

18593 ~~[(4)]~~ (5)(a) The officer shall deliver the confiscated property to the judge or magistrate

18594 who shall, by order, place the property in the custody of the officer or any other

18595 person designated in the order, and that person shall keep the property until

18596 conviction or final discharge of the person against whom the complaint was made.

18597 (b) The person designated in Subsection ~~[(4)(a)]~~ (5)(a) shall assume immediate custody

18598 of the property, and retain the property until further order of the court.

18599 (c) Upon conviction of the person charged, all confiscated property shall be forfeited and

18600 destroyed or otherwise disposed of, as the court may order.

18601 (d) If the person charged is acquitted or discharged without conviction, the court shall,

18602 on demand, order the property to be returned to its owner.

18603 Section 385. Section **76-13-104**, which is renumbered from Section 76-9-301.7 is renumbered

18604 and amended to read:

18605 ~~[76-9-301.7]~~ **76-13-104 (Effective 05/07/25). Enhanced penalties for cruelty to animal**

18606 **offenses.**

18607 (1)(a) As used in this section, "conviction" means a conviction by plea or by verdict,

18608 including a plea of guilty or no contest that is held in abeyance under Title 77,

18609 Chapter 2a, Pleas in Abeyance, regardless of whether the charge was, or is,

18610 subsequently reduced or dismissed in accordance with the plea in abeyance

18611 agreement.

18612 (b) Terms defined in Sections 76-1-101.5 and 76-13-101 apply to this section.

18613 (2) Except as provided in Subsection (4), ~~[a person]~~ an actor who commits ~~[any]~~ a violation

18614 of Section ~~[76-9-301, Section 76-9-301.5, or Subsection 76-9-301.1(4)]~~ 76-13-202,

18615 76-13-203, 76-13-206, or 76-13-208 within the state and on at least one previous

18616 occasion has been convicted of violating Section ~~[76-9-301, Section 76-9-301.5, or~~  
 18617 ~~Subsection 76-9-301.1(4)]~~ 76-13-202, 76-13-203, 76-13-206, or 76-13-208 shall be  
 18618 subject to an enhanced penalty as provided in Subsection (3).

18619 (3) The enhanced degree of offense for offenses committed under this section are:

18620 (a) if the offense is a class C misdemeanor, it is a class B misdemeanor; and

18621 (b) if the offense is a class B misdemeanor, it is a class A misdemeanor.

18622 (4) The penalty enhancements described in this section do not apply to a conviction for the  
 18623 offense described in ~~[Subsection 76-9-301(6)]~~ Section 76-13-204, Torturing a companion  
 18624 animal.

18625 Section 386. Section **76-13-201** is enacted to read:

18626

## Part 2. Cruelty to Animal Offenses

18627 **76-13-201 (Effective 05/07/25). Definitions.**

18628 Reserved.

18629 Section 387. Section **76-13-202**, which is renumbered from Section 76-9-301 is renumbered  
 18630 and amended to read:

18631 ~~[76-9-301]~~**76-13-202 (Effective 05/07/25). Cruelty to an animal.**

18632 (1)(a) As used in this section:

18633 ~~[(a)]~~ ~~(i)~~~~(+)~~ ~~(A)~~ "Abandon" means to intentionally deposit, leave, or drop off any  
 18634 live animal:

18635 ~~[(A)]~~ ~~(I)~~ without providing for the care of that animal, in accordance with  
 18636 accepted animal husbandry practices or customary farming practices; or

18637 ~~[(B)]~~ ~~(II)~~ in a situation where conditions present an immediate, direct, and  
 18638 serious threat to the life, safety, or health of the animal.

18639 ~~[(+)]~~ ~~(B)~~ "Abandon" does not include returning wildlife to its natural habitat.

18640 ~~[(b)]~~ ~~(ii)~~~~(+)~~ ~~(A)~~ "Animal" means, except as provided in Subsection ~~[(+)(b)(ii)]~~  
 18641 ~~(1)(a)(ii)(B)~~, a live, nonhuman vertebrate creature.

18642 ~~[(+)]~~ ~~(B)~~ "Animal" does not include:

18643 ~~[(A)]~~ ~~(I)~~ a live, nonhuman vertebrate creature, if:

18644 ~~[(+)]~~ ~~(Aa)~~ the conduct toward the creature, and the care provided to the  
 18645 creature, is in accordance with accepted animal husbandry practices; and

18646 ~~[(+)]~~ ~~(Bb)~~ the creature is:

18647 ~~[(Aa)]~~ ~~(Ii)~~ owned or kept by a zoological park that is accredited by, or a  
 18648 member of, the American Zoo and Aquarium Association;



- 18683 domestic poultry, raised, kept, or used for agricultural purposes.
- 18684 ~~[(g)]~~ (vi) "Necessary food, water, care, or shelter" means the following, taking into
- 18685 account the species, age, and physical condition of the animal:
- 18686 ~~[(i)]~~ (A) appropriate and essential food and water;
- 18687 ~~[(ii)]~~ (B) adequate protection, including appropriate shelter, against extreme
- 18688 weather conditions; and
- 18689 ~~[(iii)]~~ (C) other essential care.
- 18690 ~~[(h)]~~ (vii) "Torture" means intentionally or knowingly causing or inflicting extreme
- 18691 physical pain to an animal in an especially heinous, atrocious, cruel, or
- 18692 exceptionally depraved manner.
- 18693 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this
- 18694 section.
- 18695 (2) Except as provided in Subsection ~~[(4) or (6), a person is guilty of]~~ (4), an actor commits
- 18696 cruelty to an animal if the [person] actor, without legal privilege to do so, intentionally,
- 18697 knowingly, recklessly, or with criminal negligence:
- 18698 (a) fails to provide necessary food, water, care, or shelter for an animal in the ~~[person's]~~
- 18699 actor's custody;
- 18700 (b) abandons an animal in the ~~[person's]~~ actor's custody;
- 18701 (c) injures an animal;
- 18702 (d) causes ~~[any]~~ an animal, not including a dog or game fowl, to fight with another
- 18703 animal of like kind for amusement or gain; or
- 18704 (e) causes ~~[any]~~ an animal, including a dog or game fowl, to fight with a different kind of
- 18705 animal or creature for amusement or gain.
- 18706 (3) ~~[Except as provided in Section 76-9-301.7, a]~~ A violation of Subsection (2) is:
- 18707 (a) a class B misdemeanor if committed intentionally or knowingly; ~~[and]~~ or
- 18708 (b) a class C misdemeanor if committed recklessly or with criminal negligence.
- 18709 (4) ~~[A person is guilty of aggravated cruelty to an animal if the person:]~~ If an actor's conduct
- 18710 in violation of this section also constitutes a violation of Section 76-13-203, Aggravated
- 18711 cruelty to an animal, or Section 76-13-204, Torturing a companion animal, the actor's
- 18712 conduct shall be prosecuted under either Section 76-13-203 or 76-13-204 as applicable.
- 18713 ~~[(a) tortures an animal;]~~
- 18714 ~~[(b) administers, or causes to be administered, poison or a poisonous substance to an~~
- 18715 ~~animal; or]~~
- 18716 ~~[(c) kills an animal or causes an animal to be killed without having a legal privilege to~~



- 18717 do so.]
- 18718 [~~(5)~~ Except as provided in Subsection (6) or Section 76-9-301.7, a violation of Subsection
- 18719 ~~(4)~~ is:]
- 18720 [(a) a class A misdemeanor if committed intentionally or knowingly;]
- 18721 [(b) a class B misdemeanor if committed recklessly; and]
- 18722 [(c) a class C misdemeanor if committed with criminal negligence.]
- 18723 [~~(6)~~ A person is guilty of a third degree felony if the person intentionally or knowingly
- 18724 tortures a companion animal.]
- 18725 [~~(7)~~ (5) It is a defense to prosecution under this section that the conduct of the actor
- 18726 towards the animal was:
- 18727 (a) by a licensed veterinarian using accepted veterinary practice;
- 18728 (b) directly related to bona fide experimentation for scientific research, provided that if
- 18729 the animal is to be destroyed, the manner employed will not be unnecessarily cruel
- 18730 unless directly necessary to the veterinary purpose or scientific research involved;
- 18731 (c) permitted under Section 18-1-3;
- 18732 (d) by ~~[a person]~~ an actor who humanely destroys ~~[any]~~ an animal found suffering past
- 18733 recovery for any useful purpose; or
- 18734 (e) by ~~[a person]~~ an actor who humanely destroys ~~[any]~~ an apparently abandoned animal
- 18735 found on the ~~[person's]~~ actor's property.
- 18736 [~~(8)~~ (6) For purposes of Subsection [~~(7)(d)~~] (5)(d), before destroying the suffering animal,
- 18737 the ~~[person]~~ actor who is not the owner of the animal shall obtain:
- 18738 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;
- 18739 (b) the judgment of two other persons called by the ~~[person]~~ actor to view the
- 18740 unrecoverable condition of the animal in the ~~[person's]~~ actor's presence;
- 18741 (c) the consent from the owner of the animal to the destruction of the animal; or
- 18742 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the [
- 18743 ~~person's]~~ actor's own observation, if the ~~[person]~~ actor is in a location or circumstance
- 18744 where the ~~[person]~~ actor is unable to contact another person.
- 18745 [~~(9)~~ (7) This section does not affect or prohibit:
- 18746 (a) the training, instruction, and grooming of animals, if the methods used are in
- 18747 accordance with accepted animal husbandry practices or customary farming practices;
- 18748 (b) the use of an electronic locating or training collar by the owner of an animal for the
- 18749 purpose of lawful animal training, lawful hunting practices, or protecting against loss
- 18750 of that animal; or

- 18751 (c) the lawful hunting of, fishing for, or trapping of, wildlife.
- 18752 ~~[(10)]~~ (8) County and municipal governments may not prohibit the use of an electronic
- 18753 locating or training collar.
- 18754 ~~[(11)]~~ (9) Upon conviction under this section, the court may in its discretion, in addition to
- 18755 other penalties:
- 18756 (a) order the defendant to be evaluated to determine the need for psychiatric or
- 18757 psychological counseling, to receive counseling as the court determines to be
- 18758 appropriate, and to pay the costs of the evaluation and counseling;
- 18759 (b) require the defendant to forfeit any rights the defendant has to the animal subjected
- 18760 to a violation of this section and to repay the reasonable costs incurred by any person
- 18761 or agency in caring for each animal subjected to violation of this section;
- 18762 (c) order the defendant to no longer possess or retain custody of any animal, as specified
- 18763 by the court, during the period of the defendant's probation or parole or other period
- 18764 as designated by the court; and
- 18765 (d) order the animal to be placed for the purpose of adoption or care in the custody of a
- 18766 county or municipal animal control agency or an animal welfare agency registered
- 18767 with the state to be sold at public auction or humanely destroyed.
- 18768 ~~[(12)]~~ (10) This section does not prohibit the use of animals in lawful training.
- 18769 ~~[(13)]~~ (11) A veterinarian who, acting in good faith, reports a violation of this section to law
- 18770 enforcement may not be held civilly liable for making the report.

18771 Section 388. Section **76-13-203** is enacted to read:

18772 **76-13-203 (Effective 05/07/25). Aggravated cruelty to an animal.**

18773 (1)(a) As used in this section:

18774 (i) "Animal" means the same as that term is defined in Section 76-13-202.

18775 (ii) "Custody" means the same as that term is defined in Section 76-13-202.

18776 (iii) "Legal privilege" means the same as that term is defined in Section 76-13-202.

18777 (iv) "Torture" means the same as that term is defined in Section 76-13-202.

18778 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this

18779 section.

18780 (2) Except as provided in Subsection (4), an actor commits aggravated cruelty to an animal

18781 if the actor:

18782 (a) tortures an animal;

18783 (b) administers, or causes to be administered, poison or a poisonous substance to an

18784 animal; or

18785 (c) kills an animal or causes an animal to be killed without having a legal privilege to do  
18786 so.

18787 (3) A violation of Subsection (2) is:

18788 (a) a class A misdemeanor if committed intentionally or knowingly;

18789 (b) a class B misdemeanor if committed recklessly; or

18790 (c) a class C misdemeanor if committed with criminal negligence.

18791 (4) If an actor's conduct in violation of this section also constitutes a violation of Section  
18792 76-13-204, Torturing a companion animal, the actor's conduct shall be prosecuted under  
18793 Section 76-13-204.

18794 (5) It is a defense to prosecution under this section that the conduct of the actor towards the  
18795 animal was:

18796 (a) performed by a licensed veterinarian using accepted veterinary practice;

18797 (b) directly related to bona fide experimentation for scientific research, provided that if  
18798 the animal is to be destroyed, the manner employed will not be unnecessarily cruel  
18799 unless directly necessary to the veterinary purpose or scientific research involved;

18800 (c) permitted under Section 18-1-3;

18801 (d) performed by an actor who humanely destroys an animal found suffering past  
18802 recovery for any useful purpose; or

18803 (e) performed by an actor who humanely destroys an apparently abandoned animal  
18804 found on the actor's property.

18805 (6) For purposes of Subsection (5)(d), before destroying the suffering animal, an actor who  
18806 is not the owner of the animal shall obtain:

18807 (a) the judgment of a veterinarian of the animal's nonrecoverable condition;

18808 (b) the judgment of two other individuals called by the actor to view the unrecoverable  
18809 condition of the animal in the actor's presence;

18810 (c) the consent from the owner of the animal to the destruction of the animal; or

18811 (d) a reasonable conclusion that the animal's suffering is beyond recovery, through the  
18812 actor's own observation, if the actor is in a location or circumstance where the actor is  
18813 unable to contact another individual.

18814 (7) Upon conviction under this section, the court may in the court's discretion, in addition to  
18815 other penalties:

18816 (a) order the actor to be evaluated to determine the need for psychiatric or psychological  
18817 counseling, to receive counseling as the court determines to be appropriate, and to  
18818 pay the costs of the evaluation and counseling;

- 18819 (b) require the actor to forfeit any rights the actor has to the animal subjected to a  
18820 violation of this section and to repay the reasonable costs incurred by any person in  
18821 caring for each animal subjected to violation of this section;
- 18822 (c) order the actor to no longer possess or retain custody of any animal, as specified by  
18823 the court, during the period of the actor's probation or parole or other period as  
18824 designated by the court; and
- 18825 (d) order the animal to be placed for the purpose of adoption or care in the custody of a  
18826 county or municipal animal control agency or an animal welfare agency registered  
18827 with the state to be sold at public auction or humanely destroyed.
- 18828 (8) A veterinarian who, acting in good faith, reports a violation of this section to law  
18829 enforcement may not be held civilly liable for making the report.
- 18830 Section 389. Section **76-13-204** is enacted to read:
- 18831 **76-13-204 (Effective 05/07/25). Torturing a companion animal.**
- 18832 (1)(a) As used in this section:
- 18833 (i) "Animal" means the same as that term is defined in Section 76-13-202.
- 18834 (ii) "Companion animal" means an animal that is a domestic dog or a domestic cat.
- 18835 (iii) "Custody" means the same as that term is defined in Section 76-13-202.
- 18836 (iv) "Torture" means the same as that term is defined in Section 76-13-202.
- 18837 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
18838 section.
- 18839 (2) An actor commits torturing a companion animal if the actor intentionally or knowingly  
18840 tortures a companion animal.
- 18841 (3) A violation of Subsection (2) is a third degree felony.
- 18842 (4) It is a defense to prosecution under this section that the conduct of the actor towards the  
18843 animal was:
- 18844 (a) performed by a licensed veterinarian using accepted veterinary practice;
- 18845 (b) directly related to bona fide experimentation for scientific research, provided that if  
18846 the animal is to be destroyed, the manner employed will not be unnecessarily cruel  
18847 unless directly necessary to the veterinary purpose or scientific research involved; or
- 18848 (c) permitted under Section 18-1-3.
- 18849 (5) Upon conviction under this section, the court may in its discretion, in addition to other  
18850 penalties:
- 18851 (a) order the actor to be evaluated to determine the need for psychiatric or psychological  
18852 counseling, to receive counseling as the court determines to be appropriate, and to

- 18853 pay the costs of the evaluation and counseling;
- 18854 (b) require the actor to forfeit any rights the actor has to the animal subjected to a
- 18855 violation of this section and to repay the reasonable costs incurred by any person in
- 18856 caring for each animal subjected to violation of this section;
- 18857 (c) order the actor to no longer possess or retain custody of any animal, as specified by
- 18858 the court, during the period of the actor's probation or parole or other period as
- 18859 designated by the court; and
- 18860 (d) order the animal to be placed for the purpose of adoption or care in the custody of a
- 18861 county or municipal animal control agency or an animal welfare agency registered
- 18862 with the state to be sold at public auction or humanely destroyed.
- 18863 (6) A veterinarian who, acting in good faith, reports a violation of this section to law
- 18864 enforcement may not be held civilly liable for making the report.

18865 Section 390. Section **76-13-205**, which is renumbered from Section 76-9-301.1 is renumbered

18866 and amended to read:

18867 **[76-9-301.1]76-13-205 (Effective 05/07/25). Dog fighting.**

- 18868 (1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.
- 18869 (2) [It is unlawful for any person to] An actor commits dog fighting if the actor:
- 18870 (a) [own, possess, keep, or train] owns, possesses, keeps, or trains a dog with the intent to
- 18871 engage [it] the dog in an exhibition of fighting with another dog;
- 18872 (b) [eause] causes a dog to fight with another dog or [eause] causes a dog to injure
- 18873 another dog for amusement or gain;
- 18874 (c) [tie, attach, or fasten] ties, attaches, or fastens any live animal to a machine or device
- 18875 propelled by any power, for the purpose of causing the animal to be pursued by a
- 18876 dog; [or]
- 18877 (d) [permit or allow any act which] permits or allows any act that violates Subsection [
- 18878 (1)(a), (b), or (e)] (2)(a), (b), or (c) on any premises under [his] the actor's charge; or
- 18879 (e) [to control, aid, or abet any such act] controls, aids, or abets any act that violates
- 18880 Subsection (2)(a), (b), or (c).
- 18881 [(2)] (3)(a) A violation of Subsection (2) is a third degree felony.
- 18882 (b) A fine imposed for a violation of Subsection (2) may not exceed \$25,000.
- 18883 (4) Possession of [any] a breaking stick, treadmill, wheel, hot walker, cat mill, cat walker,
- 18884 jenni, or other paraphernalia, together with evidence that the paraphernalia is being used
- 18885 or is intended for use in the unlawful training of a dog to fight with another dog, together
- 18886 with the possession of any such dog, is prima facie evidence of violation of [Subsections

18887 ~~(1)(b) and (c)] Subsection (2)(b) or (c).~~

18888 ~~[(3) A person who violates Subsection (1) is guilty of a third degree felony, and any fine~~  
18889 ~~imposed may not exceed \$25,000.]~~

18890 ~~[(4) It is unlawful for a person to knowingly and intentionally be present as a spectator at~~  
18891 ~~any place, building, or tenement where preparations are being made for an exhibition of~~  
18892 ~~dog fighting, or to knowingly and intentionally be present at a dog fighting exhibition or~~  
18893 ~~any other occurrence of fighting or injury described in this section. A person who~~  
18894 ~~violates this subsection is guilty of a class B misdemeanor.]~~

18895 (5) Nothing in this section prohibits any of the following:

- 18896 (a) the use of dogs for management of livestock by the owner, [his] the owner's
- 18897 employees or agents, or any other person in the lawful custody of livestock;
- 18898 (b) the use of dogs for hunting; or
- 18899 (c) the training of dogs or the possession or use of equipment in the training of dogs for
- 18900 any purpose not prohibited by law.

18901 Section 391. Section **76-13-206** is enacted to read:

18902 **76-13-206 (Effective 05/07/25). Attending a dog fight or related activity.**

18903 (1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

18904 (2) An actor commits attending a dog fight or related activity if the actor knowingly or  
18905 intentionally is:

- 18906 (a) present as a spectator at a place, building, or tenement where preparations are being
- 18907 made for an exhibition of dog fighting;
- 18908 (b) present at a dog fighting exhibition; or
- 18909 (c) present for any other conduct that would be in violation of Section 76-13-205, Dog
- 18910 fighting.

18911 (3) A violation of Subsection (2) is a class B misdemeanor.

18912 Section 392. Section **76-13-207**, which is renumbered from Section 76-9-301.3 is renumbered  
18913 and amended to read:

18914 ~~[76-9-301.3]~~**76-13-207 (Effective 05/07/25). Game fowl fighting.**

18915 (1)(a) As used in this section:

- 18916 ~~[(a)]~~ (i) "Game fowl" means a fowl reared or used for fighting other fowl.
- 18917 ~~[(b)]~~ (ii) "Promote" means to engage in promoting, producing, or staging events or
- 18918 activities that involve game fowl fighting.

18919 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
18920 section.

- 18921 (2) ~~[It is unlawful for a person to]~~ An actor commits game fowl fighting if the actor:  
 18922 (a) intentionally ~~[cause]~~ causes a game fowl to fight with or attack another game fowl for  
 18923 the purpose of entertainment, sport, or contest; or  
 18924 (b) ~~[promote]~~ promotes any activity that involves game fowl fighting, including  
 18925 promoting an activity that is a violation of Subsection (2)(a).  
 18926 (3) ~~[A person who violates]~~ A violation of Subsection (2) is~~[, upon conviction, guilty of]:~~  
 18927 (a) a class B misdemeanor for the first violation;  
 18928 (b) a class A misdemeanor for the second violation; or  
 18929 (c) a third degree felony for a third or subsequent violation.

- 18930 (4) This section does not prohibit the lawful use of livestock by the livestock owner, an  
 18931 employee or agent of the livestock owner, or a person in the lawful custody of livestock.

18932 Section 393. Section **76-13-208**, which is renumbered from Section 76-9-301.5 is renumbered  
 18933 and amended to read:

18934 ~~[76-9-301.5]~~ **76-13-208 (Effective 05/07/25). Attending an organized animal fighting**  
 18935 **exhibition.**

18936 (1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 18937 section.

18938 (2) ~~[It is unlawful for a person to]~~ An actor commits attending an organized animal fighting  
 18939 exhibition if the actor is knowingly [be-]present:

18940 (a) as a spectator at any place, building, or tenement where preparations are being made  
 18941 for an exhibition of the fighting of animals, as prohibited by ~~[Subsections~~

18942 ~~76-9-301(2)(d) and (e);]~~ Subsection 76-13-202(2)(d) or (e); or

18943 (b) ~~[to be present]~~ at [such] an exhibition prohibited by Subsection 76-13-202(2)(d) or (e),  
 18944 regardless of whether [any] an entrance fee has been charged.

18945 (3) ~~[A person who violates this section is guilty of]~~ A violation of Subsection (2) is a class B  
 18946 misdemeanor.

18947 Section 394. Section **76-13-209**, which is renumbered from Section 76-9-306 is renumbered  
 18948 and amended to read:

18949 ~~[76-9-306]~~ **76-13-209 (Effective 05/07/25). Endangering, injuring, or killing a police service**  
 18950 **canine.**

18951 (1)(a) As used in this section:

18952 ~~[(a)]~~ (i) "Handler" means a law enforcement officer who is specially trained, and uses  
 18953 a police service canine during the course of the performance of ~~[his]~~ the law  
 18954 enforcement officer's law enforcement duties.

- 18955            ~~[(b)]~~ (ii) "Police service canine" means:
- 18956                    (A) any dog used by a law enforcement agency~~[-, which]~~ that is specially trained
- 18957                    for law enforcement work~~[-, or]~~ ; or
- 18958                    (B) any animal contracted to assist a law enforcement agency in the performance
- 18959                    of law enforcement duties.
- 18960            (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this
- 18961                    section.
- 18962            (2) ~~[It is a second degree felony for a person to intentionally or knowingly cause]~~ An actor
- 18963                    commits endangering, injuring, or killing a police service canine if the actor
- 18964                    intentionally or knowingly:
- 18965                    (a) causes the death [tø] of a police service canine[-:] ;
- 18966                    (b) causes bodily injury to a police service canine;
- 18967                    (c) engages in conduct likely to cause bodily injury or death to a police service canine; or
- 18968                    (d) lays out, places, or administers any poison, trap, substance, or object that is likely to
- 18969                    produce bodily injury or death to a police service canine.
- 18970            (3)(a) A violation of Subsection (2)(a) is a second degree felony.
- 18971                    (b) A violation of Subsection (2)(b), (c), or (d) is a third degree felony.
- 18972            ~~[(3) It is a third degree felony for a person to intentionally or knowingly:]~~
- 18973                    ~~[(a) cause bodily injury to a police service canine;]~~
- 18974                    ~~[(b) engage in conduct likely to cause bodily injury or death to a police service canine; or]~~
- 18975                    ~~[(c) lay out, place, or administer any poison, trap, substance, or object which is likely to~~
- 18976                    ~~produce bodily injury or death to a police service canine.]~~
- 18977            ~~[(4) It is a class A misdemeanor for a person to intentionally or knowingly:]~~
- 18978                    ~~[(a) taunt, torment, strike, or otherwise assault a police service canine;]~~
- 18979                    ~~[(b) throw any object or substance at, or in the path of, a police service canine;]~~
- 18980                    ~~[(c) interfere with or obstruct a police service canine, or attempt to, or interfere with the~~
- 18981                    ~~handler of the canine in a manner that inhibits, restricts, or deprives the handler of~~
- 18982                    ~~control of the canine;]~~
- 18983                    ~~[(d) release a police service canine from its area of control, such as a vehicle, kennel, or~~
- 18984                    ~~pen, or trespass in that area; or]~~
- 18985                    ~~[(e) place any food, object, or substance into a police service canine's area of control~~
- 18986                    ~~without the permission of the handler.]~~
- 18987            ~~[(5)]~~ (4)(a) A police service canine is exempt from quarantine or other animal control
- 18988                    ordinances if ~~[it]~~ the police service canine bites any ~~[person]~~ individual while under



18989 proper police supervision or routine veterinary care.

18990 (b) The law enforcement agency and the ~~[canine's]~~ police service canine's handler shall  
 18991 make the ~~[canine]~~ police service canine available for examination at ~~[any]~~ a reasonable  
 18992 time and shall notify the local health officer if the police service canine exhibits any  
 18993 abnormal behavior.

18994 ~~[(6)]~~ (5) In addition to any other penalty, ~~[a person]~~ an actor convicted of a violation of this  
 18995 section is liable for restitution to the owning or employing law enforcement agency or  
 18996 individual owner of the police service canine for the replacement, training, and  
 18997 veterinary costs incurred as a result of the violation of this section.

18998 Section 395. Section **76-13-210** is enacted to read:

18999 **76-13-210 (Effective 05/07/25). Interference with a police service canine.**

19000 (1)(a) As used in this section:

19001 (i) "Handler" means the same as that term is defined in Section 76-13-209.

19002 (ii) "Police service canine" means the same as that term is defined in Section  
 19003 76-13-209.

19004 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 19005 section.

19006 (2) An actor commits interference with a police service canine if the actor intentionally or  
 19007 knowingly:

19008 (a) taunts, torments, strikes, or otherwise assaults a police service canine;

19009 (b) throws any object or substance at, or in the path of, a police service canine;

19010 (c) interferes with or obstructs a police service canine, or attempts to, or interferes with  
 19011 the handler of the police service canine in a manner that inhibits, restricts, or deprives  
 19012 the handler of control of the police service canine;

19013 (d) releases a police service canine from the police service canine's area of control, such  
 19014 as a vehicle, kennel, or pen, or trespasses in that area; or

19015 (e) places any food, object, or substance into a police service canine's area of control  
 19016 without the permission of the handler.

19017 (3) A violation of Subsection (2) is a class A misdemeanor.

19018 (4) In addition to any other penalty, an actor convicted of a violation of this section is liable  
 19019 for restitution to the owning or employing law enforcement agency or individual owner  
 19020 of the police service canine for the replacement, training, and veterinary costs incurred  
 19021 as a result of the violation of this section.

19022 Section 396. Section **76-13-211**, which is renumbered from Section 76-9-307 is renumbered

19023 and amended to read:

19024 ~~[76-9-307]~~ 76-13-211 (Effective 05/07/25). **Injuring, harassing, or endangering a service**  
 19025 **animal.**

19026 (1)(a) As used in this section:

19027 ~~[(a)]~~ (i) "Disability" ~~[has the same meaning as]~~ means the same as that term is defined  
 19028 in Section 26B-6-801.

19029 ~~[(b)]~~ (ii) "Search and rescue dog" means a dog:

19030 ~~[(i)]~~ (A) with documented training to locate ~~[persons]~~ individuals who are:

19031 ~~[(A)]~~ (I) lost, missing, or injured; or

19032 ~~[(B)]~~ (II) trapped under debris as the result of a natural or man-made event; and

19033 ~~[(ii)]~~ (B) affiliated with an established search and rescue dog organization.

19034 ~~[(c)]~~ (iii) "Service animal" means:

19035 ~~[(i)]~~ (A) a service animal as that term is defined in Section 26B-6-801; or

19036 ~~[(ii)]~~ (B) a search and rescue dog.

19037 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 19038 section.

19039 (2) An actor commits injuring, harassing, or endangering a service animal if the actor:

19040 (a) ~~[It is a class A misdemeanor for a person to]~~ knowingly, intentionally, or recklessly [  
 19041 ~~cause]~~ causes substantial bodily injury or death to a service animal[-] ;

19042 ~~[(3)]~~ (b) ~~[It is a class A misdemeanor for a person who]~~ owns, keeps, harbors, or  
 19043 exercises control over an animal ~~[to]~~ and knowingly, intentionally, or recklessly ~~[fail]~~  
 19044 fails to exercise sufficient control over the animal to prevent ~~[it]~~ the animal from[  
 19045 ~~causing]~~:

19046 ~~[(a)]~~ (i) ~~[any]~~ causing substantial bodily injury to or the death of a service animal; ~~[or]~~

19047 ~~[(b)]~~ (ii) ~~[the]~~ causing a service animal's subsequent inability to function as a service  
 19048 animal as a result of the animal's attacking, chasing, or harassing the service  
 19049 animal[-] ; or

19050 (iii) chasing or harassing a service animal while the service animal is carrying out the  
 19051 service animal's functions as a service animal, to the extent that the animal  
 19052 temporarily interferes with the service animal's ability to carry out the service  
 19053 animal's functions; or

19054 ~~[(4)]~~ (c) ~~[It is a class B misdemeanor for a person to chase or harass]~~ chases or harasses a  
 19055 service animal.

19056 (3)(a) A violation of Subsection (2)(a), (2)(b)(i), or (2)(b)(ii) is a class A misdemeanor.

19057 (b) A violation of Subsection (2)(b)(iii) or (2)(c) is a class B misdemeanor.  
 19058 [~~(5)~~] It is a class B misdemeanor for a person who owns, keeps, harbors, or exercises  
 19059 control over an animal to knowingly, intentionally, or recklessly fail to exercise  
 19060 sufficient control over the animal to prevent it from chasing or harassing a service  
 19061 animal while it is carrying out its functions as a service animal, to the extent that the  
 19062 animal temporarily interferes with the service animal's ability to carry out its functions.]  
 19063 [~~(6)~~] (4)(a) A service animal is exempt from quarantine or other animal control  
 19064 ordinances if [it] the service animal bites [any person] an individual while [it] the  
 19065 service animal is subject to an offense under Subsection (2)[, (3), (4), or (5)].  
 19066 (b) The owner of the service animal or the [person] individual with a disability whom the  
 19067 service animal serves shall make the service animal available for examination at [any]  
 19068 a reasonable time and shall notify the local health officer if the service animal  
 19069 exhibits any abnormal behavior.

19070 [~~(7)~~] (5) In addition to any other penalty, [a person] an actor convicted of [any] a violation of  
 19071 this section is liable for restitution to the owner of the service animal or the [person]  
 19072 individual with a disability whom the service animal serves for the replacement,  
 19073 training, and veterinary costs incurred as a result of the violation of this section.  
 19074 [~~(8)~~] (6) If the act committed under this section amounts to an offense subject to a greater  
 19075 penalty under another provision of Title 76, Utah Criminal Code, than is provided under  
 19076 this section, this section does not prohibit prosecution and sentencing for the more  
 19077 serious offense.

19078 Section 397. Section **76-13-212**, which is renumbered from Section 76-9-304 is renumbered  
 19079 and amended to read:

19080 **[76-9-304]76-13-212 (Effective 05/07/25). Allowing a vicious animal to go at large.**

19081 (1) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this section.

19082 (2) [~~Any~~] An actor commits allowing a vicious animal to go at large if:

19083 (a) the actor is an owner of a vicious animal, knowing [its] the animal's propensities, and:

19084 (i) [~~who~~] willfully allows [it] the animal to go at large; or

19085 (ii) [~~who~~] keeps [it] the animal without ordinary care[~~, and~~]; and

19086 (b) [~~any~~] the animal, while at large, or while not kept with ordinary care, causes injury to  
 19087 or the death of another animal or [to any] a human being who has taken reasonable [  
 19088 precaution which the circumstances permitted] precautions under the circumstances.

19089 (3)(a) [~~is guilty of~~] Except as provided in Subsection (3)(b), a violation of Subsection

19090 (2) is a class B misdemeanor.

19091 (b) ~~[unless]~~ A violation of Subsection (2) is a third degree felony if the animal causes the  
 19092 death of a human being~~[-, whereupon the owner is guilty of a felony of the third degree].~~  
 19093 Section 398. Section **76-13-213**, which is renumbered from Section 76-9-301.8 is renumbered  
 19094 and amended to read:

19095 ~~[76-9-301.8]~~ **76-13-213 (Effective 05/07/25). Bestiality.**

19096 ~~[(1) A person commits the crime of bestiality if the actor engages in any sexual activity~~  
 19097 ~~with an animal with the intent of sexual gratification of the actor.]~~

19098 ~~[(2)]~~ (1)(a) For purposes of this section~~[-only]~~:

19099 ~~[(a)]~~ (i) "Animal" means any live, nonhuman vertebrate creature, including fowl.

19100 ~~[(b)]~~ (ii) "Sexual activity" means physical sexual contact:

19101 ~~[(i)]~~ (A) between the actor and the animal involving the genitals of the actor and  
 19102 the genitals of the animal;

19103 ~~[(ii)]~~ (B) the genitals of the actor or the animal and the mouth or anus of the actor  
 19104 or the animal; or

19105 ~~[(iii)]~~ (C) through the actor's use of an object in contact with the genitals or anus of  
 19106 the animal.

19107 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 19108 section.

19109 (2) An actor commits bestiality if the actor engages in sexual activity with an animal with  
 19110 the intent to sexually gratify the actor.

19111 (3) A ~~[crime of bestiality]~~ violation of Subsection (2) is a class B misdemeanor.

19112 Section 399. Section **76-13-214**, which is renumbered from Section 76-9-308 is renumbered  
 19113 and amended to read:

19114 ~~[76-9-308]~~ **76-13-214 (Effective 05/07/25). Harassment of livestock.**

19115 (1)(a) As used in this section:

19116 ~~[(a)]~~ (i) "Livestock" ~~[has the same meaning]~~ means the same as that term is defined in [  
 19117 Subsection 76-9-301(1)] Section 76-13-202.

19118 ~~[(b)]~~ (ii) "Unmanned aircraft system" means the same as that term is defined in  
 19119 Section 72-10-102.

19120 (b) Terms defined in Sections 76-1-101.5, 76-13-101, and 76-13-201 apply to this  
 19121 section.

19122 (2) Except as provided in Subsection ~~[(3), a person is guilty of]~~ (4), an actor commits  
 19123 harassment of livestock if the [person] actor intentionally, knowingly, or recklessly  
 19124 chases, with the intent of causing distress, or harms livestock through the use of:

- 19125 (a) a motorized vehicle or all-terrain vehicle;
- 19126 (b) a dog; or
- 19127 (c) an unmanned aircraft system.
- 19128 (3)(a) Except as provided in Subsection (3)(b), a violation of Subsection (2) is a class B
- 19129 misdemeanor if:
- 19130 (i) no livestock is seriously injured or killed as a result of the actor's actions; or
- 19131 (ii) the actor's actions cause the livestock to be displaced onto property where the
- 19132 livestock is not legally entitled to be.
- 19133 (b) A violation of Subsection (2) is a class A misdemeanor if:
- 19134 (i) the offense is the actor's second or subsequent offense;
- 19135 (ii) livestock is seriously injured or killed as a result of the actor's actions; or
- 19136 (iii) livestock or property suffered damage in excess of \$1,000, including money
- 19137 spent in recovering the livestock, as a result of the actor's actions.
- 19138 ~~[(3)]~~ (4) [A person is not guilty of harassment of livestock] An actor does not commit a
- 19139 violation of Subsection (2) if:
- 19140 (a) the ~~[person]~~ actor is:
- 19141 (i) the owner of the livestock;
- 19142 (ii) an employee or agent of the owner, or otherwise acting under the owner's general
- 19143 direction or with the owner's permission;
- 19144 (iii) acting in an emergency situation to prevent damage to the livestock or property;
- 19145 or
- 19146 (iv) an employee or agent of the state or a political subdivision and acting in the
- 19147 employee or agent's official capacity; or
- 19148 (b) the action is in line with generally accepted animal husbandry practices.
- 19149 ~~[(4) A person who violates this section is guilty of:]~~
- 19150 ~~[(a) a class B misdemeanor if the violation is a first offense and:]~~
- 19151 ~~[(i) no livestock is seriously injured or killed as a result of the person's actions; or]~~
- 19152 ~~[(ii) the person's actions cause the livestock to be displaced onto property where the~~
- 19153 ~~livestock is not legally entitled to be; and]~~
- 19154 ~~[(b) a class A misdemeanor if:]~~
- 19155 ~~[(i) the person has previously been convicted of harassment of livestock under this section;]~~
- 19156 ~~[(ii) livestock is seriously injured or killed as a result of the person's actions; or]~~
- 19157 ~~[(iii) livestock or property suffered damage in excess of \$1,000, including money spent in~~
- 19158 ~~recovering the livestock, as a result of the person's actions.]~~

19159 Section 400. Section **76-13-215**, which is renumbered from Section 76-9-301.9 is renumbered  
 19160 and amended to read:

19161 ~~76-9-301.9~~**76-13-215 (Effective 05/07/25). Failure of an animal care facility to maintain**  
 19162 **required standards.**

19163 (1)(a) As used in this section:

19164 [(a)] (i) "Animal care facility" means an animal rescue, animal sanctuary, or animal  
 19165 shelter.

19166 [(b)] (ii) "Animal rescue" means a person that:

19167 [(i)] (A) accepts companion animals for the purpose of finding a permanent home  
 19168 for each companion animal;

19169 [(ii)] (B) does not maintain a central facility for keeping companion animals; and

19170 [(iii)] (C) uses a system of temporarily fostering the companion animals in a  
 19171 private residence or boarding facility.

19172 [(e)] (iii) "Animal sanctuary" means a nonprofit entity, other than a government  
 19173 entity, that:

19174 [(i)] (A) harbors companion animals; and

19175 [(ii)] (B) is used exclusively for the purpose of indefinitely caring for,  
 19176 rehabilitating, or housing companion animals.

19177 [(d)] (iv)[(i)] (A) "Animal shelter" means the same as that term is defined in  
 19178 Section 11-46-102.

19179 [(ii)] (B) "Animal shelter" does not include an animal rescue.

19180 [(e)] (v) "Boarding facility" means a facility where a companion animal is kept for the  
 19181 purpose of caring for the companion animal.

19182 [(f)] (vi) "Companion animal" means an animal that is a domestic dog or a domestic  
 19183 cat.

19184 [(g)] (vii) "Facility" means a location other than a private residence.

19185 (2) An actor commits failure of an animal care facility to maintain required standards if the  
 19186 actor:

19187 (a) is an animal care facility; and

19188 (b) ~~[For a dog in an animal care facility's possession, the animal care facility shall]~~ fails  
 19189 to:

19190 (i) ensure that:

19191 [(a)] (A) a female dog does not produce more than one litter in any twelve-month  
 19192 period, unless a licensed veterinarian has examined the female dog and has

- 19193 determined that it is safe for the dog to produce more than one litter in a  
 19194 twelve-month period; ~~[and]~~ or  
 19195 ~~[(b)]~~ (B) a dog under eight weeks ~~[of age]~~ old or a dog not properly weaned is not  
 19196 sold~~[-]~~ ; or  
 19197 ~~[(3)]~~ (ii) ~~[An animal care facility shall]~~ keep records:  
 19198 ~~[(a)]~~ (A) identifying, to the best of the animal care facility's knowledge, an  
 19199 animal's owner at the time the animal care facility acquires the animal; ~~[and]~~ or  
 19200 ~~[(b)]~~ (B) documenting dangerous behaviors, if any, health conditions, and medical  
 19201 care for an animal in the animal care facility's possession.  
 19202 ~~[(4)]~~ (3)~~[(a) An animal care facility's violation of a requirement described in this section]~~  
 19203 A violation of Subsection (2) is an infraction subject to a fine of \$750.  
 19204 ~~[(b)]~~ (4) A prosecution under this section does not preclude a prosecution for any other  
 19205 criminal offense.  
 19206 (5) It is a defense to ~~[the penalty imposed]~~ a prosecution under this section that the conduct  
 19207 of the actor toward the animal was:  
 19208 (a) performed by a licensed veterinarian using accepted veterinary practice;  
 19209 (b) directly related to bona fide experimentation for scientific research, provided that if  
 19210 the animal is to be destroyed, the manner employed will not be unnecessarily cruel  
 19211 unless directly necessary to the veterinary purpose or scientific research involved;  
 19212 (c) permitted under Section 18-1-3;  
 19213 (d) performed by a person who humanely destroys ~~[any]~~ an animal found suffering past  
 19214 recovery for any useful purpose; or  
 19215 (e) performed by a person who humanely destroys ~~[any]~~ an apparently abandoned animal  
 19216 found on the person's property.  
 19217 (6) This section does not prohibit the use of animals in lawful training.  
 19218 (7) A veterinarian who, acting in good faith, reports a violation of this section to law  
 19219 enforcement or the Department of Agriculture and Food in accordance with Section  
 19220 4-2-903 may not be held civilly liable for making the report.

19221 Section 401. Section **76-14-101** is enacted to read:

19222 **CHAPTER 14. OFFENSES RELATED TO IMMIGRATION STATUS**

19223 **Part 1. General Provisions**

19224 **76-14-101 (Effective 05/07/25). Definitions.**

19225 Reserved.

19226 Section 402. Section **76-14-201**, which is renumbered from Section 76-9-1002 is renumbered  
 19227 and amended to read:

19228

**Part 2. Offenses Related to Immigration Status**

19229 **~~[76-9-1002]~~76-14-201 (Effective 05/07/25). Definitions.**

19230 As used in this part:

19231 (1) "Alien" means [~~a person~~] an individual who is not a citizen or national of the United  
 19232 States.

19233 (2) "ICE" means the federal Immigration and Customs Enforcement agency of the United  
 19234 States Department of Homeland Security.

19235 (3) "Law enforcement officer" has the same meaning as in Section 53-13-103.

19236 (4) "SAVE program" means the federal Systematic Alien Verification for Entitlements  
 19237 program operated by the federal Department of Homeland Security.

19238 (5) "State or local governmental agency" includes [~~any~~] a private contractor or vendor that  
 19239 contracts with the agency to provide the agency's functions or services.

19240 (6) "Verify immigration status" or "verification of immigration status" means the  
 19241 determination of [~~a person's~~] an individual's immigration status by:

19242 (a) a law enforcement officer who is authorized by a federal agency to determine an  
 19243 alien's immigration status; or

19244 (b) the United States Department of Homeland Security, ICE, or other federal agency  
 19245 authorized to provide immigration status as provided by 8 U.S.C. Sec. 1373(c).

19246 Section 403. Section **76-14-202**, which is renumbered from Section 76-9-1003 is renumbered  
 19247 and amended to read:

19248 **~~[76-9-1003]~~76-14-202 (Effective 05/07/25). Detention or arrest -- Determination of**  
 19249 **immigration status.**

19250 (1)(a) Except as provided in Subsection (1)(b), (c), or (d), [~~any~~] a law enforcement  
 19251 officer who, acting in the enforcement of [~~any~~] a state law or local ordinance,  
 19252 conducts [~~any~~] a lawful stop, detention, or arrest of [~~a person~~] an individual as  
 19253 specified in Subsection (1)(a)(i) or (ii), and the [~~person~~] individual is unable to  
 19254 provide to the law enforcement officer a document listed in Subsection [~~76-9-1004(1)]~~  
 19255 76-14-203(1) and the law enforcement officer is otherwise unable to verify the  
 19256 identity of the [~~person~~] individual, the law enforcement officer:

19257 (i) shall request verification of the citizenship or the immigration status of the [~~person~~]  
 19258 individual under 8 U.S.C. Sec. 1373(c), except as allowed under Subsection (1)(b),



- 19259 (c), or (d), if the ~~[person]~~ individual is arrested for an alleged offense that is a class  
 19260 A misdemeanor or a felony; and
- 19261 (ii) may attempt to verify the immigration status of the ~~[person]~~ individual, except as  
 19262 exempted under Subsection (1)(b), (c), or (d), if the alleged offense is a class B or  
 19263 C misdemeanor, except that if the ~~[person]~~ individual is arrested and booked for a  
 19264 class B or C misdemeanor, the arresting law enforcement officer or the law  
 19265 enforcement agency booking the ~~[person]~~ individual shall attempt to verify the  
 19266 immigration status of the ~~[person]~~ individual.
- 19267 (b) In individual cases, the law enforcement officer may forego the verification of  
 19268 immigration status under Subsection (1)(a) if the determination could hinder or  
 19269 obstruct a criminal investigation.
- 19270 (c) Subsection (1)(a) does not apply to a law enforcement officer who is acting as a  
 19271 school resource officer for ~~[any]~~ an elementary or secondary school.
- 19272 (d) Subsection (1)(a) does not apply to a county or municipality when it has only one  
 19273 law enforcement officer on duty and response support from another law enforcement  
 19274 agency is not available.
- 19275 (2) When a law enforcement officer makes a lawful stop, detention, or arrest under  
 19276 Subsection (1) of the operator of a vehicle, and while investigating or processing the  
 19277 primary offense, the law enforcement officer makes observations that give the law  
 19278 enforcement officer reasonable suspicion that the operator or any of the passengers in  
 19279 the vehicle are violating Section 76-5-308, 76-5-308.1, 76-5-308.3, 76-5-308.5, 76-5-310,  
 19280 76-5-310.1, or ~~[76-10-2901]~~ 76-14-209, which concern smuggling, human trafficking, [  
 19281 ~~and~~] or transporting illegal aliens, the law enforcement officer shall, to the extent  
 19282 possible within a reasonable period of time:
- 19283 (a) detain the occupants of the vehicle to investigate the suspected violations; and  
 19284 (b) inquire regarding the immigration status of the occupants of the vehicle.
- 19285 (3) When ~~[a person]~~ an individual under Subsection (1) is arrested or booked into a jail,  
 19286 juvenile detention facility, or correctional facility, the arresting officer or the booking  
 19287 officer shall ensure that a request for verification of immigration status of the arrested or  
 19288 booked ~~[person]~~ individual is submitted as promptly as is reasonably possible.
- 19289 (4) The law enforcement agency that has custody of ~~[a person]~~ an individual verified to be  
 19290 an illegal alien shall request that the United States Department of Homeland Security  
 19291 issue a detainer requesting transfer of the illegal alien into federal custody.
- 19292 (5) A law enforcement officer may not consider race, color, or national origin in

19293 implementing this section, except to the extent permitted by the constitutions of the  
 19294 United States and this state.

19295 Section 404. Section **76-14-203**, which is renumbered from Section 76-9-1004 is renumbered  
 19296 and amended to read:

19297 **~~[76-9-1004]~~ 76-14-203 (Effective 05/07/25). Grounds for presumption of lawful presence in**  
 19298 **United States -- Statement to officer.**

19299 (1) ~~[A person]~~ An individual is presumed to be lawfully present in the United States for the  
 19300 purposes of this ~~[part]~~ chapter if the ~~[person]~~ individual provides one of the following  
 19301 documents to the law enforcement officer, unless the law enforcement officer has a  
 19302 reasonable suspicion that the document is false or identifies ~~[a person]~~ an individual  
 19303 other than the ~~[person]~~ individual providing the document:

19304 (a) a valid Utah driver license issued on or after January 1, 2010;

19305 (b) a valid Utah identification card issued under Section 53-3-804 and issued on or after  
 19306 January 1, 2010;

19307 (c) a valid tribal enrollment card or other valid form of tribal membership identification  
 19308 that includes photo identification;

19309 (d) a valid identification document that:

19310 (i) includes a photo or biometric identifier of the holder of the document; and

19311 (ii) is issued by a federal, state, or local governmental agency that requires proof of  
 19312 verification of legal presence in the United States as a condition of issuance of the  
 19313 document; or

19314 (e) a valid resident immigrant permit issued under Section 63G-14-204.

19315 (2) ~~[A person]~~ An individual is presumed to be a citizen or national of the United States for  
 19316 purposes of this part if the ~~[person]~~ individual makes a statement or affirmation to the  
 19317 law enforcement officer that the ~~[person]~~ individual is a United States citizen or national,  
 19318 unless the officer has a reasonable suspicion that the statement or affirmation is false.

19319 Section 405. Section **76-14-204**, which is renumbered from Section 76-9-1005 is renumbered  
 19320 and amended to read:

19321 **~~[76-9-1005]~~ 76-14-204 (Effective 05/07/25). Illegal alien -- Notification of federal**  
 19322 **government**

19322 **-- Transportation to federal facility.**

19323 A state or local law enforcement agency may securely transport an alien who is in  
 19324 the agency's custody and whom the agency has verified is unlawfully present in the United  
 19325 States to:

- 19326 (1) [-]a federal detention facility in this state[-or,] ;  
 19327 (2) with the concurrence of the receiving federal agency, to a federal facility or other point  
 19328 of transfer to federal custody that is outside this state.

19329 Section 406. Section **76-14-205**, which is renumbered from Section 76-9-1006 is renumbered  
 19330 and amended to read:

19331 **[76-9-1006]76-14-205 (Effective 05/07/25). Enforcement of federal immigration laws.**

19332 A state or local governmental agency of this state, or [any] a representative of the  
 19333 agency, may not:

- 19334 (1) limit or restrict by ordinance, regulation, or policy the authority of [any] a law  
 19335 enforcement agency or other governmental agency to assist the federal government in  
 19336 the enforcement of any federal law or regulation governing immigration; or  
 19337 (2) limit or restrict by ordinance, regulation, or policy the authority of [any] a law  
 19338 enforcement agency to investigate or enforce [any] a violation of the federal  
 19339 misdemeanor offenses of willful failure to register as an alien or willful failure to  
 19340 personally possess an alien registration document as required by 8 U.S.C. Sec. 1304(e)  
 19341 or 1306(a).

19342 Section 407. Section **76-14-206**, which is renumbered from Section 76-9-1007 is renumbered  
 19343 and amended to read:

19344 **[76-9-1007]76-14-206 (Effective 05/07/25). Determining an alien's immigration status --**  
 19345 **Transfer or maintenance of information.**

19346 Except as limited by federal law, [any] a state or local governmental agency is not  
 19347 restricted or prohibited in any way from sending, receiving, or maintaining information related  
 19348 to the lawful or unlawful immigration status of [any person] an individual by communicating  
 19349 with [any] a federal, state, or local governmental entity for [any] a lawful purpose, including:

- 19350 (1) determining [a person's] an individual's eligibility for [any] a public benefit, service, or  
 19351 license provided by [any] a federal agency, by this state, or by [any] a political  
 19352 subdivision of this state;  
 19353 (2) confirming [a person's] an individual's claim of residence or domicile if determination is  
 19354 required by state law or a judicial order issued pursuant to a civil or criminal proceeding  
 19355 in this state;  
 19356 (3) if the [person] individual is an alien, determining if the [person] individual is in  
 19357 compliance with the federal registration laws of Title II, Part 7, Immigration and  
 19358 Nationality Act; or  
 19359 (4) a valid request for verification of the citizenship or immigration status of [any person] an

19360 individual pursuant to 8 U.S.C. Sec. 1373.

19361 Section 408. Section **76-14-207**, which is renumbered from Section 76-9-1008 is renumbered  
19362 and amended to read:

19363 ~~[76-9-1008]~~ **76-14-207 (Effective 05/07/25). Proof of immigration status required to receive**  
19364 **public benefits.**

19365 (1)(a) An agency that provides state or local public benefits as defined in 8 U.S.C. Sec.  
19366 1621 shall comply with Section 63G-12-402 and shall also comply with this section,  
19367 except:

19368 (i) as provided in Subsection 63G-12-402(3)(g) or (k); or

19369 (ii) when compliance is exempted by federal law or when compliance could  
19370 reasonably be expected to be grounds for the federal government to withhold  
19371 federal Medicaid funding.

19372 (b) The agency shall verify [~~a person's~~] an individual's lawful presence in the United  
19373 States by requiring that the applicant under this section sign a certificate under  
19374 penalty of perjury, stating that the applicant:

19375 (i) is a United States citizen; or

19376 (ii) is a qualified alien as defined by 8 U.S.C. Sec. 1641.

19377 (c) The certificate under Subsection (1)(b) shall include a statement advising the signer  
19378 that providing false information subjects the signer to penalties for perjury.

19379 (d) The signature under this Subsection (1) may be executed in person or electronically.

19380 (e) When an applicant who is a qualified alien has executed the certificate under this  
19381 section, the applicant's eligibility for benefits shall be verified by the agency through  
19382 the federal SAVE program or an equivalent program designated by the United States  
19383 Department of Homeland Security.

19384 (2) [~~Any person~~] An individual who knowingly and willfully makes a false, fictitious, or  
19385 fraudulent statement of representation in a certificate executed under this section is  
19386 guilty of public assistance fraud by an applicant for public assistance under Section  
19387 76-8-1203.1.

19388 (3) If the certificate constitutes a false claim of United States citizenship under 18 U.S.C.  
19389 Sec. 911, the agency requiring the certificate shall file a complaint with the United  
19390 States Attorney for the applicable federal judicial district based upon the venue in which  
19391 the certificate was executed.

19392 (4) Agencies may, with the concurrence of the Utah Attorney General, adopt variations to  
19393 the requirements of the provisions of this section that provide for adjudication of unique

19394 individual circumstances ~~[where]~~ in which the verification procedures in this section  
 19395 would impose unusual hardship on a legal resident of this state.

19396 (5) If an agency under Subsection (1) receives verification that ~~[a person]~~ an individual  
 19397 making an application for ~~[any]~~ a benefit, service, or license is not a qualified alien, the  
 19398 agency shall provide the information to the local law enforcement agency for  
 19399 enforcement of public assistance fraud by an applicant for public assistance under  
 19400 Section 76-8-1203.1 unless prohibited by federal mandate.

19401 Section 409. Section **76-14-208**, which is renumbered from Section 76-9-1009 is renumbered  
 19402 and amended to read:

19403 ~~[76-9-1009]~~ **76-14-208 (Effective 05/07/25). Implementation to be consistent with federal**  
 19404 **law**  
 19405 **and civil rights.**

19405 All state and local agencies shall implement this part in a manner that is consistent  
 19406 with federal laws that regulate immigration, protect the civil rights of all ~~[persons]~~ individuals,  
 19407 and establish the privileges and immunities of United States citizens.

19408 Section 410. Section **76-14-209**, which is renumbered from Section 76-10-2901 is renumbered  
 19409 and amended to read:

19410 ~~[76-10-2901]~~ **76-14-209 (Effective 05/07/25). Transporting or harboring an alien.**

19411 (1)(a) As used in this ~~[part]~~ section:

19412 ~~[(a)]~~ (i) Except as provided in Subsection ~~[(1)(b)]~~ (1)(a)(ii), "alien" means an  
 19413 individual who is illegally present in the United States.

19414 ~~[(b)]~~ (ii) On or after the program start date, as defined in Section 63G-12-102, "alien"  
 19415 does not include an individual who holds a valid permit, as defined in Section  
 19416 63G-12-102.

19417 (b) Terms defined in Sections 76-1-101.5, 76-14-101, and 76-14-201 apply to this  
 19418 section.

19419 (2) ~~[It is unlawful for a person to]~~ An actor commits transporting or harboring an alien if the  
 19420 actor:

19421 (a) ~~[transport, move, or attempt]~~ transports, moves, or attempts to transport into this state  
 19422 or within the state an alien for commercial advantage or private financial gain,  
 19423 knowing or in reckless disregard of the fact that the alien is in the United States in  
 19424 violation of federal law, in furtherance of the illegal presence of the alien in the  
 19425 United States;

19426 (b) knowingly, with the intent to violate federal immigration law, ~~[conceal, harbor, or~~

- 19427 ~~shelter]~~ conceals, harbors, or shelters from detection an alien in a place within this  
 19428 state, including a building or means of transportation for commercial advantage or  
 19429 private financial gain, knowing or in reckless disregard of the fact that the alien is in  
 19430 the United States in violation of federal law;
- 19431 (c) ~~[encourage or induce]~~ encourages or induces an alien to come to, enter, or reside in  
 19432 this state, knowing or in reckless disregard of the fact that the alien's coming to,  
 19433 entry, or residence is or will be in violation of law; or
- 19434 (d) ~~[engage]~~ engages in a conspiracy, for commercial advantage or private financial gain,  
 19435 to commit any of the offenses listed in ~~[this-]~~Subsection (2)(a), (b), or (c).
- 19436 (3)(a) ~~[A person who violates]~~ A violation of Subsection (2)(a), (c), or (d) is ~~[guilty of]~~ a  
 19437 third degree felony.
- 19438 (b) ~~[A person who violates]~~ A violation of Subsection (2)(b) is ~~[guilty of]~~ a class A  
 19439 misdemeanor.
- 19440 (4) Nothing in this ~~[part]~~ section prohibits or restricts the provision of:  
 19441 (a) a state or local public benefit described in 8 U.S.C. Sec. 1621(b); or  
 19442 (b) charitable or humanitarian assistance, including medical care, housing, counseling,  
 19443 food, victim assistance, religious services and sacraments, ~~[and]~~ or transportation to  
 19444 and from a location where the assistance is provided, by a charitable, educational, or  
 19445 religious organization or ~~[its]~~ the employees, agents, or volunteers of a charitable,  
 19446 educational, or religious organization, using private funds.
- 19447 (5)(a) It is not a violation of this ~~[part]~~ section for a religious denomination or  
 19448 organization or an agent, officer, or member of a religious denomination or  
 19449 organization to encourage, invite, call, allow, or enable an alien to perform the  
 19450 vocation of a minister or missionary for the denomination or organization in the  
 19451 United States as a volunteer who is not compensated as an employee,  
 19452 notwithstanding the provision of room, board, travel, medical assistance, and other  
 19453 basic living expenses.
- 19454 (b) Subsection (5)(a) applies only to an alien who has been a member of the religious  
 19455 denomination or organization for at least one year.
- 19456 (6) An individual's participation in Title 63G, Chapter 14, Utah Pilot Sponsored Resident  
 19457 Immigrant Program Act, either as a sponsor or resident alien, does not constitute  
 19458 encouraging or inducing an alien to come to, enter, or reside in this state in violation of  
 19459 Subsection (2)(c).
- 19460 Section 411. Section **76-15-101** is enacted to read:

19461 **CHAPTER 15. EXPLOSIVES AND WEAPONS OF MASS DESTRUCTION**

19462 **Part 1. General Provisions**

19463 **76-15-101 (Effective 05/07/25). Definitions.**

19464 Reserved.

19465 Section 412. Section **76-15-201** is enacted to read:

19466 **Part 2. Explosives**

19467 **76-15-201 (Effective 05/07/25). Definitions.**

19468 Reserved.

19469 Section 413. Section **76-15-202**, which is renumbered from Section 76-10-308 is renumbered  
19470 and amended to read:

19471 **[76-10-308]76-15-202 (Effective 05/07/25). Venue of prosecution for delivering for  
19472 transmission an explosive, chemical, or incendiary device.**

19473 [Any person] An actor who knowingly, intentionally, or recklessly delivers [any] an  
19474 explosive, chemical, or incendiary device to any person for transmission without the consent  
19475 or direction of the lawful possessor may be prosecuted:

19476 (1) in the county in which [he] the actor delivers [it] the explosive, chemical, or incendiary  
19477 device; or

19478 (2) in the county to which [it] the explosive, chemical, or incendiary device is transmitted.

19479 Section 414. Section **76-15-203**, which is renumbered from Section 76-10-302 is renumbered  
19480 and amended to read:

19481 **[76-10-302]76-15-203 (Effective 05/07/25). Unlawful failure to mark a container of  
19482 explosives before transportation or storage.**

19483 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19484 (2) [Every person who] An actor commits unlawful failure to mark a container of  
19485 explosives before transportation or storage if the actor knowingly leaves with or delivers  
19486 to another, or to [any] an express or railway company or other common carrier, or to [any]  
19487 a warehouse or storehouse, [any] a package containing nitroglycerin, dynamite,  
19488 gun cotton, gunpowder, or other highly explosive compound, or any benzine, gasoline,  
19489 phosphorus, or other highly inflammable substance, or any vitriol, sulphuric, nitric,  
19490 carbolic, muriatic, or other dangerous acid, chemical or compound, to be handled,  
19491 stored, shipped, or transported, without plainly marking and indicating on [such] the  
19492 package the name and nature of the contents [thereof, is guilty of] inside the package.

19493 (3) A violation of Subsection (2) is a class B misdemeanor.

19494 Section 415. Section **76-15-204**, which is renumbered from Section 76-10-303 is renumbered  
19495 and amended to read:

19496 ~~[76-10-303]~~ **76-15-204 (Effective 05/07/25). Unlawful construction or use of a powder house.**

19497 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19498 (2) ~~[Every person who]~~ An actor commits unlawful construction or use of a powder  
19499 house if the actor builds, constructs, or uses within 300 feet of [any] a residence or  
19500 traveled county road [any] a powder house, magazine, or building in which powder,  
19501 dynamite, or other explosive is kept in quantities exceeding 500 pounds~~[is guilty of a~~  
19502 ~~class B misdemeanor; provided that this section shall not apply to any magazine~~  
19503 ~~maintained at any mine or stone quarry].~~

19504 (3) A violation of Subsection (2) is a class B misdemeanor.

19505 (4) This section does not apply to a magazine maintained at a mine or stone quarry.

19506 Section 416. Section **76-15-205**, which is renumbered from Section 76-10-304 is renumbered  
19507 and amended to read:

19508 ~~[76-10-304]~~ **76-15-205 (Effective 05/07/25). Unlawful failure to mark a container of a high**  
19509 **explosive held for sale or use.**

19510 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19511 (2) ~~[It shall be a class A misdemeanor to sell or offer]~~ An actor commits unlawful  
19512 failure to mark a container of a high explosive for sale or use if the actor:

19513 (a) sells or offers for sale, or [take or solicit] takes or solicits orders of sale, or [purchase  
19514 or use, or have] purchases or uses, or has on hand or in store for the purpose of sale or  
19515 use, [any] a giant, hercules, atlas, venture or any other high explosive containing  
19516 nitroglycerin; and

19517 (b) ~~[, unless]~~ fails to plainly stamp or print on each box or package and wrapper  
19518 containing [any such] the high explosive:

19519 (i) ~~[there shall be plainly stamped or printed]~~ the name and place of business of the  
19520 person, partnership, or corporation by whom or by which [it] the high explosive  
19521 was manufactured~~[, and]~~ ;

19522 (ii) the exact and true date of [its] the high explosive's manufacture~~[,]~~ ; and

19523 (iii) the percentage of nitroglycerin or other high explosive contained [therein] within  
19524 the box or package.

19525 (3) A violation of Subsection (2) is a class A misdemeanor.

19526 Section 417. Section **76-15-206**, which is renumbered from Section 76-10-305 is renumbered



19527 and amended to read:

19528 ~~[76-10-305]~~**76-15-206** (Effective 05/07/25). **Unlawful combination of dates in a box or**  
 19529 **package of high explosives.**

19530 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19531 (2) [It shall be unlawful for any person or persons, partnership, or corporation to have]

19532 An actor commits unlawful combination of dates in a box or package of high explosives  
 19533 if the actor puts two or more different dates on [any] a box or package containing a giant,  
 19534 hercules, atlas, or venture, or any other high explosive containing nitroglycerin. [It shall  
 19535 further be unlawful to use any box, package, or wrapper formerly used by any other  
 19536 person or persons, partnership, or corporation in the packing of such giant, herecules,  
 19537 atlas, venture, or other high explosive containing nitroglycerin, and the name and date  
 19538 on the box or package shall be the same as on the wrapper containing the giant, herecules,  
 19539 atlas, venture, or other explosive containing nitroglycerin.]

19540 (3) A violation of Subsection (2) is a class A misdemeanor.

19541 Section 418. Section **76-15-207** is enacted to read:

19542 **76-15-207** (Effective 05/07/25). **Unlawful reuse of a high explosive box, package,**  
 19543 **or wrapper.**

19544 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19545 (2) An actor commits unlawful reuse of a high explosive box, package, or wrapper if the  
 19546 actor uses a box, package, or wrapper that was formerly used by another person in the  
 19547 packing of a giant, hercules, atlas, venture, or other high explosive containing  
 19548 nitroglycerin.

19549 (3) A violation of Subsection (2) is a class A misdemeanor.

19550 Section 419. Section **76-15-208** is enacted to read:

19551 **76-15-208** (Effective 05/07/25). **Unlawful failure to have a high explosive box or**  
 19552 **package match an enclosed high explosive wrapper.**

19553 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19554 (2) An actor commits unlawful failure to have a high explosive box or package match an  
 19555 enclosed high explosive wrapper if:

19556 (a) the actor puts a giant, hercules, atlas, venture, or other explosive containing  
 19557 nitroglycerin inside a box or package; and

19558 (b) the name and date on the box or package do not match the name and date on the  
 19559 wrapper containing the high explosive.

19560 (3) A violation of Subsection (2) is a class A misdemeanor.

19561 Section 420. Section **76-15-209**, which is renumbered from Section 76-10-307 is renumbered  
19562 and amended to read:

19563 ~~[76-10-307]~~**76-15-209 (Effective 05/07/25). Unlawful delivery or mailing of an explosive,**  
19564 **chemical, or incendiary device.**

19565 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this section.

19566 (2) An actor commits unlawful delivery or mailing of an explosive, chemical, or incendiary  
19567 device if the actor:

19568 (a) ~~[Any person is guilty of a felony of the second degree who]~~delivers or causes to  
19569 be delivered to ~~[any]~~ an express or railway company or other common carrier, or to  
19570 any person, ~~[any]~~ an explosive, chemical, or incendiary device~~[-, knowing it] ;~~

19571 (b) knows the explosive, chemical, or incendiary device to be [the] an explosive,  
19572 chemical, or incendiary device[-, without informing] ; and

19573 (c)(i) fails to inform the common carrier or person [of its nature] that the item is an  
19574 explosive, chemical, or incendiary device; or

19575 (ii) sends [it] the explosive, chemical, or incendiary device through the mail.

19576 (3) A violation of Subsection (2) is a second degree felony.

19577 Section 421. Section **76-15-210**, which is renumbered from Section 76-10-306 is renumbered  
19578 and amended to read:

19579 ~~[76-10-306]~~**76-15-210 (Effective 05/07/25). Unlawful conduct involving an explosive,**  
19580 **chemical, or incendiary device.**

19581 (1)(a) As used in this section:

19582 ~~[(a)]~~ (i)(A) "Explosive, chemical, or incendiary device" means:

19583 ~~[(+)]~~ (I) dynamite and all other forms of high explosives, including water gel,  
19584 slurry, military C-4 (plastic explosives), blasting agents to include  
19585 nitro-carbon-nitrate, ammonium nitrate, fuel oil mixtures, cast primers and  
19586 boosters, R.D.X., P.E.T.N., electric and nonelectric blasting caps, exploding  
19587 cords commonly called detonating cord, detcord, or primacord, picric acid  
19588 explosives, T.N.T. and T.N.T. mixtures, nitroglycerin and nitroglycerin  
19589 mixtures, or any other chemical mixture intended to explode with fire or  
19590 force;

19591 ~~[(+)]~~ (II) any explosive bomb, grenade, missile, or similar device; ~~[and]~~ or

19592 ~~[(+)]~~ (III) any incendiary bomb, grenade, fire bomb, chemical bomb, or similar  
19593 device, including any device, except kerosene lamps, if criminal intent has  
19594 not been established, which consists of or includes a breakable container

19595 including a flammable liquid or compound and a wick composed of any  
 19596 material which, when ignited, is capable of igniting the flammable liquid or  
 19597 compound or any breakable container which consists of, or includes a  
 19598 chemical mixture that explodes with fire or force and can be carried,  
 19599 thrown, or placed.

19600 ~~[(b)]~~ ~~(ii)~~ "Explosive, chemical, or incendiary device" does not include rifle, pistol, or  
 19601 shotgun ammunition, reloading components, or muzzleloading equipment.

19602 ~~[(c)]~~ ~~"Explosive, chemical, or incendiary parts" means any substances or materials or~~  
 19603 ~~combinations which have been prepared or altered for use in the creation of an~~  
 19604 ~~explosive, chemical, or incendiary device. These substances or materials include:]~~

19605 ~~[(i)]~~ ~~timing device, clock, or watch which has been altered in such a manner as to be~~  
 19606 ~~used as the arming device in an explosive;]~~

19607 ~~[(ii)]~~ ~~pipe, end caps, or metal tubing which has been prepared for a pipe bomb; and]~~

19608 ~~[(iii)]~~ ~~mechanical timers, mechanical triggers, chemical time delays, electronic time~~  
 19609 ~~delays, or commercially made or improvised items which, when used singly or in~~  
 19610 ~~combination, may be used in the construction of a timing delay mechanism, booby~~  
 19611 ~~trap, or activating mechanism for any explosive, chemical, or incendiary device.]~~

19612 ~~[(d)]~~ ~~"Explosive, chemical, or incendiary parts" does not include rifle, pistol, or~~  
 19613 ~~shotgun ammunition, or any signaling device customarily used in operation of~~  
 19614 ~~railroad equipment.]~~

19615 (b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this  
 19616 section.

19617 (2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary  
 19618 device if, under circumstances not amounting to a violation of Part 2, Weapons of Mass  
 19619 Destruction, the actor:

19620 (a) intentionally, knowingly, or recklessly:

19621 (i) possesses or controls an explosive, chemical, or incendiary device; or

19622 (ii) removes or causes to be removed or carries away an explosive, chemical, or  
 19623 incendiary device from the premises where the explosive, chemical, or incendiary  
 19624 device is kept by the lawful user, vendor, transporter, or manufacturer, without the  
 19625 consent or direction of the lawful possessor; or

19626 (b) intentionally or knowingly:

19627 (i) uses or causes to be used an explosive, chemical, or incendiary device in the  
 19628 commission of or an attempt to commit a felony;

- 19629           (ii) injures another or attempts to injure another person or another person's property  
 19630           through the use of an explosive, chemical, or incendiary device; or  
 19631           (iii) transports, possesses, distributes, or sells any explosive, chemical, or incendiary  
 19632           device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3,  
 19633           76-11-215, or 78A-2-203.
- 19634   (3)(a) A violation of Subsection (2)(a) is a second degree felony.
- 19635           (b) A violation of Subsection (2)(b) is a first degree felony.
- 19636   ~~[(2)]~~ (4) The provisions in [Subsections (3) and (6)] Subsection (2)(a)(i) do not apply to:
- 19637           (a) ~~[any]~~ a public safety officer while acting in an official capacity transporting or  
 19638           otherwise handling [explosives, chemical, or incendiary devices] an explosive,  
 19639           chemical, or incendiary device;
- 19640           (b) ~~[any]~~ a member of the armed forces of the United States or Utah National Guard  
 19641           while acting in an official capacity;
- 19642           (c) ~~[any]~~ a person possessing a valid permit issued under the provisions of the  
 19643           International Fire Code, Section 105 and Chapter 56, or [any] an employee of the  
 19644           permittee acting within the scope of employment;
- 19645           (d) ~~[any]~~ a person possessing a valid license as an importer, wholesaler, display operator,  
 19646           special effects operator, or flame effects operator under the provisions of Sections  
 19647           11-3-3.5 and 53-7-223; [and] or
- 19648           (e) ~~[any]~~ a person or entity possessing or controlling an explosive, chemical, or  
 19649           incendiary device as part of [its] the person's or entity's lawful business operations.
- 19650   ~~[(3) Any person is guilty of a second degree felony who, under circumstances not~~  
 19651   ~~amounting to a violation of Part 4, Weapons of Mass Destruction, knowingly,~~  
 19652   ~~intentionally, or recklessly possesses or controls an explosive, chemical, or incendiary~~  
 19653   ~~device.]~~
- 19654   ~~[(4) Any person is guilty of a first degree felony who, under circumstances not amounting~~  
 19655   ~~to a violation of Part 4, Weapons of Mass Destruction, knowingly or intentionally:]~~
- 19656   ~~[(a) uses or causes to be used an explosive, chemical, or incendiary device in the~~  
 19657   ~~commission of or an attempt to commit a felony;]~~
- 19658   ~~[(b) injures another or attempts to injure another person or another person's property~~  
 19659   ~~through the use of an explosive, chemical, or incendiary device; or]~~
- 19660   ~~[(c) transports, possesses, distributes, or sells any explosive, chemical, or incendiary~~  
 19661   ~~device in a secure area established pursuant to Section 76-8-311.1, 76-8-311.3,~~  
 19662   ~~76-10-529, or 78A-2-203.]~~

19663 [~~(5) Any person who, under circumstances not amounting to a violation of Part 4,~~  
 19664 ~~Weapons of Mass Destruction, knowingly, intentionally, or recklessly removes or causes~~  
 19665 ~~to be removed or carries away any explosive, chemical, or incendiary device from the~~  
 19666 ~~premises where the explosive, chemical, or incendiary device is kept by the lawful user,~~  
 19667 ~~vendor, transporter, or manufacturer without the consent or direction of the lawful~~  
 19668 ~~possessor is guilty of a second-degree felony.]~~

19669 [~~(6) Any person who, under circumstances not amounting to a violation of Part 4,~~  
 19670 ~~Weapons of Mass Destruction, knowingly, intentionally, or recklessly possesses any~~  
 19671 ~~explosive, chemical, or incendiary parts is guilty of a third-degree felony.]~~

19672 Section 422. Section **76-15-211** is enacted to read:

19673 **76-15-211 (Effective 05/07/25). Unlawful conduct involving an explosive,**  
 19674 **chemical, or incendiary part.**

19675 (1)(a) As used in this section:

19676 (i) "Explosive, chemical, or incendiary device" means the same as that term is  
 19677 defined in Section 76-15-210.

19678 (ii)(A) "Explosive, chemical, or incendiary part" means an explosive, chemical,  
 19679 or incendiary part substance or material, or combination of explosive,  
 19680 chemical, or incendiary part substances or materials, that has been prepared or  
 19681 altered for use in the creation of an explosive, chemical, or incendiary device.

19682 (B) "Explosive, chemical, or incendiary part" does not include rifle, pistol, or  
 19683 shotgun ammunition, or any signaling device customarily used in operation of  
 19684 railroad equipment.

19685 (iii) "Explosive, chemical, or incendiary part substance or material" includes:

19686 (A) a timing device, clock, or watch that has been altered in such a manner as to  
 19687 be used as the arming device in an explosive;

19688 (B) a pipe, end cap, or metal tubing that has been prepared for a pipe bomb; and

19689 (C) a mechanical timer, mechanical trigger, chemical time delay, electronic time  
 19690 delay, or commercially made or improvised items that, when used singly or in  
 19691 combination, may be used in the construction of a timing delay mechanism,  
 19692 booby trap, or activating mechanism for an explosive, chemical, or incendiary  
 19693 device.

19694 (b) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-201 apply to this  
 19695 section.

19696 (2) An actor commits unlawful conduct involving an explosive, chemical, or incendiary

- 19697 part if, under circumstances not amounting to a violation of Part 3, Weapons of Mass  
 19698 Destruction, the actor intentionally, knowingly, or recklessly possesses an explosive,  
 19699 chemical, or incendiary part.
- 19700 (3) A violation of Subsection (2) is a third degree felony.
- 19701 (4) The provisions in Subsection (2) do not apply to:
- 19702 (a) a public safety officer while acting in an official capacity transporting or otherwise  
 19703 handling an explosive, chemical, or incendiary device;
- 19704 (b) a member of the armed forces of the United States or Utah National Guard while  
 19705 acting in an official capacity;
- 19706 (c) a person possessing a valid permit issued under the provisions of the International  
 19707 Fire Code, Section 105 and Chapter 56, or an employee of the permittee acting  
 19708 within the scope of employment;
- 19709 (d) a person possessing a valid license as an importer, wholesaler, display operator,  
 19710 special effects operator, or flame effects operator under the provisions of Sections  
 19711 11-3-3.5 and 53-7-223; or
- 19712 (e) a person or entity possessing or controlling an explosive, chemical, or incendiary  
 19713 device as part of the person's or entity's lawful business operations.

19714 Section 423. Section **76-15-301**, which is renumbered from Section 76-10-401 is renumbered  
 19715 and amended to read:

### 19716 **Part 3. Weapons of Mass Destruction**

#### 19717 **~~[76-10-401]~~76-15-301 (Effective 05/07/25). Definitions.**

19718 As used in this part:

- 19719 (1) "Biological agent" means [any] a microorganism, virus, infectious substance, or  
 19720 biological product that may be engineered as a result of biotechnology, or [any] a  
 19721 naturally occurring or bioengineered component of [any] a microorganism, virus,  
 19722 infectious substance, or biological product, that is capable of causing:
- 19723 (a) death, disease, or other biological malfunction in a human, an animal, a plant, or  
 19724 another living organism;
- 19725 (b) deterioration of food, water, equipment, supplies, or material of any kind; or
- 19726 (c) deleterious alteration of the environment.
- 19727 (2) "Delivery system" means:
- 19728 (a) [any] an apparatus, equipment, device, or means of delivery specifically designed to  
 19729 deliver or disseminate a biological agent, toxin, or vector; or

- 19730 (b) [~~any~~] a vector.
- 19731 (3) "Hoax weapon of mass destruction" means [~~any~~] a device or object that by [~~its~~] the  
 19732 device's or object's design, construction, content, or characteristics appears to be or to  
 19733 contain, or is represented to be, constitute, or contain, a weapon of mass destruction as  
 19734 defined in this section, but which is, in fact, an inoperative facsimile, imitation,  
 19735 counterfeit, or representation of a weapon of mass destruction [~~which~~] that does not:  
 19736 (a) meet the definition of a weapon of mass destruction; or  
 19737 (b) actually contain or constitute a weapon, biological agent, toxin, vector, or delivery  
 19738 system prohibited by this section.
- 19739 (4) "Toxin" means the toxic material of plants, animals, microorganisms, viruses, fungi, or  
 19740 infectious substances, or a recombinant molecule, whatever its origin or method of  
 19741 production, including:  
 19742 (a) [~~any~~] a poisonous substance or biological product that may be engineered as a result  
 19743 of biotechnology produced by a living organism; or  
 19744 (b) [~~any~~] a poisonous isomer or biological product, homolog, or derivative of the  
 19745 substance under Subsection (4)(a).
- 19746 (5) "Vector" means a living organism, or molecule, including a recombinant molecule, or  
 19747 biological product that may be engineered as a result of biotechnology, capable of  
 19748 carrying a biological agent or toxin to a host.
- 19749 (6)(a) "Weapon of mass destruction" means:  
 19750 (i) [~~any~~] an item or instrumentality that is designed or intended to cause widespread  
 19751 death or serious bodily injury to multiple victims;  
 19752 (ii) [~~any~~] an item or instrumentality that is designed or intended to cause death or  
 19753 serious bodily injury through the release, dissemination, or impact of toxic or  
 19754 poisonous chemicals, or [~~their~~] the precursors of toxic or poisonous chemicals;  
 19755 (iii) [~~any~~] a disease organism, including [~~any~~] a biological agent, toxin, or vector [  
 19756 ~~which~~] that is used or intended to be used as a weapon;  
 19757 (iv) [~~any~~] an item or instrumentality that is designed to release radiation or  
 19758 radioactivity at a level dangerous to human life and that is used or intended to be  
 19759 used as a weapon; or  
 19760 (v) [~~any~~] a substance or material or combination [~~which~~] that has been prepared or  
 19761 altered for use in the creation of a weapon described in Subsections (6)(a)(i)  
 19762 through (iv).  
 19763 (b) "Weapon of mass destruction" does not include [~~firearms~~] a firearm or rifle, pistol, or

19764 shotgun ammunition, reloading components, or muzzleloading equipment.

19765 Section 424. Section **76-15-302**, which is renumbered from Section 76-10-402 is renumbered  
19766 and amended to read:

19767 ~~[76-10-402]~~**76-15-302 (Effective 05/07/25). Unlawful manufacture, possession, sale, use, or**  
19768 **attempted use of a weapon of mass destruction.**

19769 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.

19770 (2) ~~[A person who]~~ An actor commits unlawful manufacture, possession, sale, use, or  
19771 attempted use of a weapon of mass destruction if the actor, without lawful authority,  
19772 intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses,  
19773 attempts to use, solicits the use of, or conspires to use a weapon of mass destruction or a  
19774 delivery system for a weapon of mass destruction, including any biological agent, toxin,  
19775 vector, or delivery system~~[as those terms are defined in this section, is guilty of a first~~  
19776 degree felony].

19777 (3) A violation of Subsection (2) is a first degree felony.

19778 (4) In addition to any other penalty authorized by law, a court shall order an actor convicted  
19779 of a violation of this section to reimburse any federal, state, or local unit of government,  
19780 or any private business, organization, individual, or entity, for all expenses and losses  
19781 incurred in responding to the violation, unless the court states on the record the reasons  
19782 why the reimbursement would be inappropriate.

19783 (5) This section does not apply to a member or employee of the armed forces of the United  
19784 States, allied armed forces personnel, a federal or state governmental agency, or a  
19785 private entity, who is engaged in lawful activity within the scope of the actor's  
19786 employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver,  
19787 display, or otherwise engage in activity relative to this section, and if the actor is in  
19788 compliance with applicable federal and state law.

19789 Section 425. Section **76-15-303**, which is renumbered from Section 76-10-403 is renumbered  
19790 and amended to read:

19791 ~~[76-10-403]~~**76-15-303 (Effective 05/07/25). Unlawful manufacture, possession, sale, use, or**  
19792 **attempted use of a hoax weapon of mass destruction.**

19793 (1) Terms defined in Sections 76-1-101.5, 76-15-101, and 76-15-301 apply to this section.

19794 (2) ~~[Any person who]~~ An actor commits unlawful manufacture, possession, sale, use, or  
19795 attempted use of a hoax weapon of mass destruction if the actor, without lawful authority,  
19796 intentionally or knowingly manufactures, possesses, sells, delivers, displays, uses,  
19797 attempts to use, solicits the use of, or conspires to use a hoax weapon of mass



19798 destruction with the intent to deceive or otherwise mislead another person into believing  
 19799 that the hoax weapon of mass destruction is a weapon of mass destruction[ ~~is guilty of a~~  
 19800 ~~second degree felony~~].

19801 (3) A violation of Subsection (2) is a second degree felony.

19802 (4) In addition to any other penalty authorized by law, a court shall order an actor convicted  
 19803 of a violation of this section to reimburse any federal, state, or local unit of government,  
 19804 or any private business, organization, individual, or entity, for all expenses and losses  
 19805 incurred in responding to the violation, unless the court states on the record the reasons  
 19806 why the reimbursement would be inappropriate.

19807 (5) This section does not apply to a member or employee of the armed forces of the United  
 19808 States, allied armed forces personnel, a federal or state governmental agency, or a  
 19809 private entity, who is engaged in lawful activity within the scope of the actor's  
 19810 employment, if the actor is authorized or licensed to manufacture, possess, sell, deliver,  
 19811 display, or otherwise engage in activity relative to this section, and if the actor is in  
 19812 compliance with applicable federal and state law.

19813 Section 426. Section **76-16-101** is enacted to read:

19814 **CHAPTER 16. OFFENSES CONCERNING BUSINESS PRACTICES**

19815 **Part 1. General Provisions**

19816 **76-16-101 (Effective 05/07/25). Definitions.**

19817 Reserved.

19818 Section 427. Section **76-16-201**, which is renumbered from Section 76-10-701 is renumbered  
 19819 and amended to read:

19820 **Part 2. Corporation and Association Offenses**

19821 **[76-10-701]76-16-201 (Effective 05/07/25). Definitions.**

19822 As used in this part:

19823 (1) "Bona fide stockholder of record" means a stockholder of record who has acquired stock  
 19824 in good faith and is acting for a proper purpose reasonably related to ~~[his]~~ the  
 19825 stockholder's interests as a stockholder.

19826 (2) "Director" means ~~[any of the persons]~~ a person having by law the direction or  
 19827 management of the affairs of a corporation, by whatever name the ~~[persons are]~~ person is  
 19828 described in ~~[its]~~ the corporation's charter or is known by law.

19829 Section 428. Section **76-16-202**, which is renumbered from Section 76-10-709 is renumbered

19830 and amended to read:

19831 **[76-10-709]76-16-202 (Effective 05/07/25). Presumption of director's knowledge of affairs.**

19832 ~~[Every]~~ A director of a corporation or joint stock association is deemed to possess  
 19833 a knowledge of the affairs of ~~[his]~~ the corporation or association so as to enable [him] the  
 19834 director to determine whether ~~[any]~~ an act, proceeding, or omission of ~~[its]~~ the corporation's or  
 19835 association's directors is a violation of this part.

19836 Section 429. Section **76-16-203**, which is renumbered from Section 76-10-710 is renumbered  
 19837 and amended to read:

19838 **[76-10-710]76-16-203 (Effective 05/07/25). Presumption of director's concurrence in action**  
 19839 **if present at meeting -- Exception.**

19840 ~~[Every]~~

19841 (1) Except as provided in Subsection (2), a director of a corporation or joint stock  
 19842 association who is present at a meeting of the directors at which [any] an act, proceeding,  
 19843 or omission of the directors in violation of this part occurs is deemed to have concurred [  
 19844 therein, unless he-] in the act, proceeding, or omission.

19845 (2) A director is not deemed to have concurred in an act, proceeding, or omission of the  
 19846 directors if, at the time of the act, proceeding, or omission, the director:

19847 (a) causes, or in writing requires, [his] the director's dissent [therefrom] from the act,  
 19848 proceeding, or omission to be entered in the minutes of the directors; or

19849 (b) forwards [his] the director's dissent by registered mail to the secretary of the  
 19850 corporation immediately after the adjournment of the meeting.

19851 Section 430. Section **76-16-204**, which is renumbered from Section 76-10-711 is renumbered  
 19852 and amended to read:

19853 **[76-10-711]76-16-204 (Effective 05/07/25). Foreign corporations subject to Utah laws.**

19854 It is no defense to a prosecution for a violation of ~~[any of the provisions of]~~ this  
 19855 part that the corporation was ~~[one-]~~ created by the laws of another state, government, or country  
 19856 if ~~[it was one-]~~ the corporation is carrying on business or keeping an office [therefor] within  
 19857 this state.

19858 Section 431. Section **76-16-205**, which is renumbered from Section 76-10-702 is renumbered  
 19859 and amended to read:

19860 **[76-10-702]76-16-205 (Effective 05/07/25). Fraudulent signing of a stock subscription or**  
 19861 **agreement.**

19862 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

19863 (2) ~~[Every person who]~~ An actor commits fraudulent signing of a stock subscription or

19864 agreement if the actor:

19865 (a) signs the name of a fictitious person to [any] a subscription for, or agreement to take,  
 19866 stock in [any] a proposed or existing corporation~~[existing or proposed, and every~~  
 19867 person who] ; or

19868 (b) signs ~~[to any subscription or agreement]~~the name of any person to a subscription for,  
 19869 or agreement to take, stock in a proposed or existing corporation, knowing that the  
 19870 person has no means or does not intend in good faith to comply with all the terms [  
 19871 thereof] of the subscription or agreement, or under any understanding or agreement  
 19872 that the terms of the subscription or agreement are not to be complied with or  
 19873 enforced~~[, is guilty of a class B misdemeanor].~~

19874 (3) A violation of Subsection (2) is a class B misdemeanor.

19875 Section 432. Section **76-16-206**, which is renumbered from Section 76-10-703 is renumbered  
 19876 and amended to read:

19877 **[76-10-703]76-16-206 (Effective 05/07/25). Exhibition of a fraudulent document relating to**  
 19878 **a corporation or an increase of capital stock.**

19879 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

19880 (2) An actor commits exhibition of a fraudulent document relating to a corporation or an  
 19881 increase of capital stock if the actor:

19882 (a) [Every] is:

19883 (i) an officer, agent, or clerk of [any] a corporation~~[, or any] ; or~~

19884 (ii) a person proposing to organize a corporation~~[,]~~ or to increase the capital stock of [  
 19885 any] a corporation~~[, who] ; and~~

19886 (b) knowingly exhibits [any] a false, forged, or altered book, paper, voucher, security, or  
 19887 other instrument of evidence to [any] a public officer or board authorized by law to  
 19888 examine the organization of the corporation, or to investigate [its] the corporation's  
 19889 affairs, or to allow an increase of [its] the corporation's capital, with the intent to  
 19890 deceive the officer or board ~~[in respect thereto, shall be guilty of a felony of the third~~  
 19891 degree] with respect to the examination, investigation, or increase of capital.

19892 (3) A violation of Subsection (2) is a third degree felony.

19893 Section 433. Section **76-16-207**, which is renumbered from Section 76-10-704 is renumbered  
 19894 and amended to read:

19895 **[76-10-704]76-16-207 (Effective 05/07/25). Misrepresentation of a person as an officer,**  
 19896 **agent, member, or promoter.**

19897 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

19898 (2) ~~[Every person who,]~~ An actor commits misrepresentation of a person as an officer,  
 19899 agent, member, or promoter if the actor, without being authorized ~~[sø-]~~to do so,  
 19900 subscribes the name of another person to, or inserts the name of another person in, ~~[any]~~ a  
 19901 prospectus, circular, or other advertisement or announcement of ~~[any]~~ an existing  
 19902 corporation or joint stock association, existing or intended to be formed, with the intent  
 19903 to permit ~~[it]~~ the prospectus, circular, or other advertisement or announcement to be  
 19904 published, and thereby to lead persons to believe that the person whose name is ~~[sø~~  
 19905 ~~subscribed]~~ included in the prospectus, circular, or other advertisement or announcement  
 19906 is an officer, agent, member, or promoter of ~~[sueh]~~ the corporation or association~~[-is~~  
 19907 guilty of] .

19908 (3) A violation of Subsection (2) is a class B misdemeanor.

19909 Section 434. Section **76-16-208**, which is renumbered from Section 76-10-705 is renumbered  
 19910 and amended to read:

19911 **[76-10-705]76-16-208 (Effective 05/07/25). Illegal concurrence by a director in a dividend**  
**or**  
 19912 **division of capital.**

19913 (1)(a) For purposes of this section, "director" does not include a director of:

19914 (i) a savings and loan association; or

19915 (ii) a building and loan association.

19916 (b) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this  
 19917 section.

19918 (2) An actor commits illegal concurrence by a director in a dividend or division of capital if  
 19919 the actor:

19920 (a) ~~[Every director of any]~~ is a director of a stock corporation~~[-except savings and~~  
 19921 ~~loan or building and loan associations who-]~~ ; and

19922 (b) concurs in [any] a vote or act of [the] one or more directors of the corporation~~[-or any~~  
 19923 ~~of them, by-]~~ , which ~~[it]~~ vote or act is intended to either:

19924 ~~[(1)]~~ (i) ~~[to make any-]~~ make a dividend except as permitted by Title 16, Chapter 10a,  
 19925 Utah Revised Business Corporation Act; or

19926 ~~[(2)]~~ (ii) ~~[to-]~~divide, withdraw, or in any manner pay to ~~[the]~~ one or more stockholders~~[-;~~  
 19927 ~~or any of them,]~~ any part of the stated capital of the corporation except as  
 19928 permitted by Title 16, Chapter 10a, Utah Revised Business Corporation Act.

19929 (iii) ~~[-]~~ A violation of Subsection (2) is [guilty of-]a class B misdemeanor.

19930 Section 435. Section **76-16-209**, which is renumbered from Section 76-10-706 is renumbered

19931 and amended to read:

19932 ~~[76-10-706]~~ **76-16-209** (Effective 05/07/25). **Unlawful omission or entry in a corporate or**  
 19933 **association record with the intent to defraud.**

19934 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

19935 (2) An actor commits unlawful omission or entry in a corporate or association record with  
 19936 the intent to defraud if the actor:

19937 (a) [Every] is:

19938 (i) a director, officer, or agent of [any] a corporation or association; or

19939 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and

19940 (b) [who] knowingly receives or possesses [himself of any] for the actor's self property  
 19941 of [such] the corporation or association, otherwise than in payment of a just demand[;  
 19942 and who,] ; and

19943 (c) with intent to defraud, omits to make, or to cause or direct to be made, a full and true  
 19944 entry [thereof] of the property described in Subsection (2)(b) in the books or accounts  
 19945 of the corporation or association[; and every director, officer, agent, or member of  
 19946 any corporation or association who embezzles, abstracts, or willfully misapplies any  
 19947 of the money, funds, or credits of the corporation or association; or who, without  
 19948 authority from the directors, issues or puts in circulation any of the notes of the  
 19949 corporation or association; or who, without the authority, issues or puts forth any  
 19950 certificate of deposit, draws any order or bill of exchange, makes any acceptance,  
 19951 assigns any note, bond, draft, bill of exchange, mortgage, judgment, or decree; or  
 19952 who makes any false entry in any book, report, or statement of the corporation or  
 19953 association; or who issues any fraudulent, fictitious, or illegal stock in any such  
 19954 corporation or association, with intent in either case to injure or defraud the  
 19955 corporation or association, or any other company, body politic, or corporate, or any  
 19956 individual person, or to deceive any officer of the corporation or association, or any  
 19957 agent appointed to examine the affairs of any such corporation or association; and  
 19958 every person who, with like intent, aids or abets any officer, clerk, or agent in any  
 19959 violation of this section is guilty of a felony of the third degree].

19960 (3) A violation of Subsection (2) is a third degree felony.

19961 Section 436. Section **76-16-210** is enacted to read:

19962 **76-16-210** (Effective 05/07/25). **Embezzlement, abstraction, or misapplication of**  
 19963 **corporate or association funds.**

19964 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

- 19965 (2) An actor commits unlawful embezzlement, abstraction, or misapplication of corporate  
 19966 or association funds if the actor:
- 19967 (a) is:
- 19968 (i) a director, officer, agent, or member of a corporation or association; or  
 19969 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
- 19970 (b) embezzles, abstracts, or willfully misapplies money, funds, or credits of the  
 19971 corporation or association.
- 19972 (3) A violation of Subsection (2) is a third degree felony.
- 19973 Section 437. Section **76-16-211** is enacted to read:
- 19974 **76-16-211 (Effective 05/07/25). Unlawful circulation of a corporate or**  
 19975 **association note.**
- 19976 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
- 19977 (2) An actor commits unlawful circulation of a corporation or association note if the actor:
- 19978 (a) is:
- 19979 (i) a director, officer, agent, or member of a corporation or association; or  
 19980 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
- 19981 (b) without the authority from a corporation's or association's directors, issues or puts in  
 19982 circulation a note of the corporation or association.
- 19983 (3) A violation of Subsection (2) is a third degree felony.
- 19984 Section 438. Section **76-16-212** is enacted to read:
- 19985 **76-16-212 (Effective 05/07/25). Unauthorized corporate or association action.**
- 19986 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.
- 19987 (2) An actor commits unauthorized corporate or association action if the actor:
- 19988 (a) is:
- 19989 (i) a director, officer, agent, or member of a corporation or association; or  
 19990 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and
- 19991 (b) without having the authority to do so:
- 19992 (i) issues or puts forth a certificate of deposit;  
 19993 (ii) draws an order or bill of exchange;  
 19994 (iii) makes an acceptance; or  
 19995 (iv) assigns a note, bond, draft, bill of exchange, mortgage, judgment, or decree.
- 19996 (3) A violation of Subsection (2) is a third degree felony.
- 19997 Section 439. Section **76-16-213** is enacted to read:
- 19998 **76-16-213 (Effective 05/07/25). False entry in a corporate or association book,**

19999 **report, or statement.**

20000 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

20001 (2) An actor commits false entry in a corporate or association book, report, or statement if  
20002 the actor:

20003 (a) is:

20004 (i) a director, officer, agent, or member of a corporation or association; or

20005 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and

20006 (b) makes a false entry in a corporate or association book, report, or statement, with the  
20007 intent:

20008 (i) to injure or defraud:

20009 (A) the corporation or association;

20010 (B) any other company;

20011 (C) a body politic; or

20012 (D) an individual person; or

20013 (ii) to deceive:

20014 (A) an officer of the corporation or association; or

20015 (B) an agent appointed to examine the affairs of the corporation or association.

20016 (3) A violation of Subsection (2) is a third degree felony.

20017 Section 440. Section **76-16-214** is enacted to read:

20018 **76-16-214 (Effective 05/07/25). Unlawful stock issuance.**

20019 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

20020 (2) An actor commits unlawful stock issuance if the actor:

20021 (a) is:

20022 (i) a director, officer, agent, or member of a corporation or association; or

20023 (ii) a person who aids or abets a person described in Subsection (2)(a)(i); and

20024 (b) issues fraudulent, fictitious, or illegal stock in the corporation or association, with  
20025 the intent:

20026 (i) to injure or defraud:

20027 (A) the corporation or association;

20028 (B) any other company;

20029 (C) a body politic; or

20030 (D) an individual person; or

20031 (ii) to deceive:

20032 (A) an officer of the corporation or association; or

20033 (B) an agent appointed to examine the affairs of the corporation or association.

20034 (3) A violation of Subsection (2) is a third degree felony.

20035 Section 441. Section **76-16-215**, which is renumbered from Section 76-10-707 is renumbered  
20036 and amended to read:

20037 **[76-10-707]76-16-215 (Effective 05/07/25). Making or publishing a report containing a false**  
20038 **material statement.**

20039 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

20040 (2) [Every] An actor commits making or publishing a report containing a false material  
20041 statement if the actor:

20042 (a) is a director, officer, or agent of [any] a corporation or joint stock association; and

20043 (b) [who] knowingly makes or concurs in making or publishing [any] a written report,  
20044 exhibit, or statement of [its] the corporation's or association's affairs or pecuniary  
20045 condition[, containing any] that contains a false material statement[which is false is  
20046 guilty of a class B misdemeanor].

20047 (3) A violation of Subsection (2) is a class B misdemeanor.

20048 Section 442. Section **76-16-216**, which is renumbered from Section 76-10-708 is renumbered  
20049 and amended to read:

20050 **[76-10-708]76-16-216 (Effective 05/07/25). Prohibited refusal of inspection or copying of**  
20051 **corporate books.**

20052 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-201 apply to this section.

20053 (2) [Every] An actor commits prohibited refusal of inspection or copying of corporate  
20054 books if the actor:

20055 (a) is an officer or agent of [any] a corporation having or keeping an office within this  
20056 state[, who] ;

20057 (b) has in [his] the actor's custody or control the books of [such] the corporation[, and  
20058 who] ; and

20059 (c) refuses to give to a bona fide stockholder of record or member of the corporation,  
20060 lawfully [demanding] demanded during office hours, the right to inspect or take a  
20061 copy of [it or of any part thereof, is guilty of a class B misdemeanor] all or part of the  
20062 corporation's books.

20063 (3) A violation of Subsection (2) is a class B misdemeanor.

20064 Section 443. Section **76-16-301**, which is renumbered from Section 76-10-1001 is renumbered  
20065 and amended to read:

20066



### Part 3. Offenses Concerning Trademarks, Trade Names, and Devices

20067 ~~[76-10-1001]~~ **76-16-301 (Effective 05/07/25). Definitions.**

20068 [For the purpose of] As used in this part:

20069 (1) "Forged trademark," "forged trade name," "forged trade device," and "counterfeited  
20070 trademark," "counterfeited trade name," "counterfeited trade device," or their equivalents[  
20071 ~~as used in this part,~~] include every alteration or imitation of [any] a trademark, trade  
20072 name, or trade device [~~so resembling~~] that resembles the original so as to be likely to  
20073 deceive.

20074 (2) "Trademark" or "trade name" or [~~"trade device," as used in this part,~~] "trade device"  
20075 includes every trademark registrable with the Division of Corporations and Commercial  
20076 Code.

20077 Section 444. Section **76-16-302**, which is renumbered from Section 76-10-1002 is renumbered  
20078 and amended to read:

20079 ~~[76-10-1002]~~ **76-16-302 (Effective 05/07/25). Forging or counterfeiting a trademark, trade**  
20080 **name, or trade device.**

20081 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

20082 (2) [Every person who] An actor commits forging or counterfeiting a trademark, trade  
20083 name, or trade device if the actor:

20084 (a) willfully forges or counterfeits, or procures to be forged or counterfeited, [any] a  
20085 trademark, trade name, or trade device, that:

20086 (i) is usually affixed by [any] a person to the person's goods, or by [any] an association  
20087 or union of [workingmen, to his or its] working people to the association's or  
20088 union's goods[;] ; and

20089 (ii) [which] has been filed with the Division of Corporations and Commercial Code[;] ;  
20090 and

20091 (b) performs the action described in Subsection (2)(a) with the intent to pass off any  
20092 goods to which the forged or counterfeited trademark, trade name, or trade device is  
20093 affixed, or intended to be affixed, as the goods of the person or association or union  
20094 of [workingmen, is guilty of a class B misdemeanor] working people.

20095 (3) A violation of Subsection (2) is a class B misdemeanor.

20096 Section 445. Section **76-16-303**, which is renumbered from Section 76-10-1003 is renumbered  
20097 and amended to read:

20098 ~~[76-10-1003]~~ **76-16-303 (Effective 05/07/25). Selling goods under a counterfeited trademark,**

20099 **trade name, or trade device.**

20100 (1) [Every person who] Terms defined in Sections 76-1-101.5, 76-16-101, and  
 20101 76-16-301 apply to this section.

20102 (2) An actor commits selling goods under a counterfeited trademark, trade name, or trade  
 20103 device if the actor:

20104 (a) sells or keeps for sale any goods upon or to which any counterfeited trademark, trade  
 20105 name, or trade device has been affixed, after [it] the trademark, trade name, or trade  
 20106 device has been filed with the Division of Corporations and Commercial Code[;  
 20107 intending] ;

20108 (b) intends to represent the goods as the genuine goods of another[; knowing it to be]  
 20109 person; and

20110 (c) knows the goods are counterfeited.

20111 (3) [; is guilty of a class B misdemeanor.] A violation of Subsection (2) is a class B  
 20112 misdemeanor.

20113 Section 446. Section **76-16-304**, which is renumbered from Section 76-10-1004 is renumbered  
 20114 and amended to read:

20115 **[76-10-1004]76-16-304 (Effective 05/07/25). Sale in a container bearing a registered**  
 20116 **trademark of a substituted article.**

20117 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

20118 (2) [Every person who] An actor commits sale in a container bearing a registered  
 20119 trademark of a substituted article if the actor:

20120 (a) has or uses [any] a container or similar article [bearing or having] that bears or is in  
 20121 any way connected with [it]the registered trademark of another person; and

20122 (b) has or uses the container or article described in Subsection (2)(a) for the purpose of  
 20123 disposing, with intent to deceive or defraud, of [any] an article or substance other than  
 20124 that which the container or similar article originally contained or was connected with  
 20125 by the owner of [such] the trademark[ is guilty of a class B misdemeanor].

20126 (3) A violation of Subsection (2) is a class B misdemeanor.

20127 Section 447. Section **76-16-305**, which is renumbered from Section 76-10-1005 is renumbered  
 20128 and amended to read:

20129 **[76-10-1005]76-16-305 (Effective 05/07/25). Using, destroying, concealing, or possessing an**  
 20130 **article with a registered trademark or service mark to deprive the owner of use or**  
 20131 **possession.**

20132 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

20133 (2) ~~[Every person who]~~ An actor commits using, destroying, concealing, or possessing  
 20134 an article with a registered trademark or service mark to deprive the owner of use or  
 20135 possession if the actor, without the consent of the owner of an article bearing the owner's  
 20136 validly registered trademark or service mark, and with the intent to deprive the owner of  
 20137 the use or possession of the article:

20138 (a) uses, destroys, conceals, or possesses the article or~~[-who]~~ ;

20139 (b) defaces or otherwise conceals the trademark or service mark ~~[upon]~~ on the article~~[~~  
 20140 with intent to deprive the owner of the use or possession of the article] .

20141 (3) ~~[is guilty of]~~ A violation of Subsection (2) is a class B misdemeanor.

20142 (4) ~~[: provided, however, that nothing contained in this part shall be construed to apply to or~~  
 20143 ~~restrict]~~ This section does not apply to the transfer or use of a wooden [boxes] box or the  
 20144 re-use of a burlap or cotton [bags or sacks] bag or sack when [those bags or sacks have]  
 20145 the bag or sack has been reversed inside out or the markings [thereon] on the box, bag, or  
 20146 sack have been concealed or obliterated to effectively demonstrate that the [products]  
 20147 product contained [therein do] in the box, bag, or sack does not purport to be the [  
 20148 products] product of the owner of the registered trademark or service mark [theretofore  
 20149 put upon those bags] that appeared on the box, bag, or sack.

20150 Section 448. Section **76-16-306**, which is renumbered from Section 76-10-1006 is renumbered  
 20151 and amended to read:

20152 ~~[76-10-1006]~~**76-16-306 (Effective 05/07/25). Selling, trafficking, or withholding an article**  
 20153 **bearing a registered trademark or service mark with intent to defraud.**

20154 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.

20155 (2) ~~[Every person who]~~ An actor commits selling, trafficking, or withholding an article  
 20156 bearing a registered trademark or service mark with intent to defraud if the actor,  
 20157 without the consent of the owner of an article [bearing] that bears the owner's validly  
 20158 registered trademark or service mark, and with the intent to defraud the owner of the  
 20159 article, knowingly:

20160 (a) sells or traffics ~~[in the articles]~~ the article; or

20161 (b) ~~[who]~~withholds the ~~[articles]~~ article from the article's owner~~[ thereof with intent to~~  
 20162 defraud the owner thereof is guilty of] .

20163 (3) A violation of Subsection (2) is a class B misdemeanor.

20164 Section 449. Section **76-16-307**, which is renumbered from Section 76-10-1007 is renumbered  
 20165 and amended to read:

20166 ~~[76-10-1007]~~**76-16-307 (Effective 05/07/25). Use of a registered trademark without consent.**

- 20167 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-301 apply to this section.
- 20168 (2) [Every person who] An actor commits use of a registered trademark without
- 20169 consent if the actor adopts or in any way uses [the] a registered trademark [of] owned by
- 20170 another person without the person's consent[-of the owner thereof, is guilty of] .
- 20171 (3) A violation of Subsection (2) is a class B misdemeanor.

20172 Section 450. Section **76-16-401** is enacted to read:

20173

#### **Part 4. Offenses Concerning Unfair Market Discrimination**

20174 **76-16-401 (Effective 05/07/25). Definitions.**

20175 Reserved.

20176 Section 451. Section **76-16-402**, which is renumbered from Section 76-10-3002 is renumbered

20177 and amended to read:

20178 ~~[76-10-3002]~~ **76-16-402 (Effective 05/07/25). Unfair discrimination in competitive practices.**

20179 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

20180 (2) [Every] An actor commits unfair discrimination in competitive prices if the actor:

20181 (a) is a person engaged in the production, manufacture, or distribution of [any] a

20182 commodity in general use[-who] ; and

20183 (b) intentionally, for the purpose of destroying the competition of [any] a regular,

20184 established dealer in [such] the commodity, or to prevent the competition of [any] a

20185 person who in good faith intends and attempts to become a dealer, discriminates

20186 between different sections, communities, or cities of this state by selling the

20187 commodity at a lower rate in one section, community, or city, or any portion [thereof]

20188 of the section, community, or city, than the [person] actor charges for the commodity

20189 in another section, community, or city, after equalizing the distance from the point of

20190 production, manufacture, or distribution and freight rates[-therefrom, is guilty of

20191 unfair discrimination].

20192 (3) A violation of this section is subject to:

20193 (a) a fine of not less than \$500 and no more than \$4,000 for each offense; and

20194 (b) sanctions described in Subsection (4).

20195 (4)(a) If a complaint is made to the attorney general that a corporation has violated this

20196 section, the attorney general shall investigate the complaint, and for that purpose,

20197 may subpoena witnesses, administer oaths, take testimony, and require the production

20198 of books or other documents.

20199 (b) If in the attorney general's opinion, sufficient grounds exist for a prosecution after an

20200 investigation under Subsection (4)(a), the attorney general may prosecute an action in  
 20201 the name of the state to annul the charter or revoke the license of the corporation, and  
 20202 to permanently enjoin the corporation from doing business in this state.

20203 (c) If, in an action described in Subsection (4)(b), the court finds that the corporation is  
 20204 guilty of unfair discrimination under this section, the court shall annul the charter or  
 20205 revoke the license of the corporation and may permanently enjoin the corporation  
 20206 from transacting business in this state.

20207 Section 452. Section **76-16-403**, which is renumbered from Section 76-10-3001 is renumbered  
 20208 and amended to read:

20209 **~~[76-10-3001]~~76-16-403 (Effective 05/07/25). Fraudulent practice to affect market price.**

20210 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

20211 (2) ~~[Every person who]~~ An actor commits fraudulent practice to affect market price if  
 20212 the actor willfully makes or publishes [any] a false statement, spreads [any] a false rumor,  
 20213 or employs any other false or fraudulent means or device, with the intent to affect the  
 20214 market price of any kind of property[~~, is guilty of a class B misdemeanor]~~.

20215 (3) A violation of Subsection (2) is:

20216 (a) a class B misdemeanor; and

20217 (b) subject to a fine of not less than \$500 and no more than \$4,000 for each offense.

20218 Section 453. Section **76-16-404**, which is renumbered from Section 76-10-3005 is renumbered  
 20219 and amended to read:

20220 **~~[76-10-3005]~~76-16-404 (Effective 05/07/25). Unfair discrimination by a buyer of milk,**  
 20221 **cream,**

20221 **or butterfat.**

20222 (1) Terms defined in Sections 76-1-101.5, 76-16-101, and 76-16-401 apply to this section.

20223 (2) ~~[Any]~~ An actor commits unfair discrimination by a buyer of milk, cream, or  
 20224 butterfat if the actor:

20225 (a) is:

20226 (i) a person doing business in this state [and] that is engaged in the business of buying  
 20227 milk, cream, or butterfat for the purpose of sale or storage[~~, who,~~] ; or

20228 (ii) an officer or agent of a person described in Subsection (2)(a)(i); and

20229 (b) for the purpose of creating a monopoly or destroying the business of a competitor,  
 20230 discriminates between different sections, communities, localities, cities, or towns of  
 20231 this state by purchasing [the commodity or commodities] milk, cream, or butterfat at a  
 20232 higher price or rate in one section, community, location, city, or town than is paid for

20233 the same [~~commodity~~] milk, cream, or butterfat by the [~~person~~] actor in another  
 20234 section, community, locality, city, or town, after making due allowance for the  
 20235 difference, if any, in the grade or quality, and in the actual cost of transportation from  
 20236 the point of purchase to the point of manufacture, sale, or storage[~~, is guilty of unfair~~  
 20237 ~~discrimination, which is hereby prohibited and declared to be unlawful; and any~~  
 20238 ~~person, firm, company, association, or corporation, or any officer, agent, receiver, or~~  
 20239 ~~member of such firm, company, association, or corporation, found guilty of unfair~~  
 20240 ~~discrimination as herein defined shall be guilty of a class B misdemeanor].~~

20241 (3) A violation of Subsection (2) is:

20242 (a) a class B misdemeanor; and

20243 (b) subject to a fine of not less than \$500 and no more than \$4,000 for each offense.

20244 Section 454. Section **76-16-501**, which is renumbered from Section 76-10-3103 is renumbered  
 20245 and amended to read:

20246

#### **Part 5. Antitrust Offenses**

20247 **[76-10-3103]76-16-501 (Effective 05/07/25). Definitions.**

20248 As used in this part:

20249 (1) "Attempt to monopolize" means action taken without a legitimate business purpose and  
 20250 with a specific intent of destroying competition or controlling prices to substantially  
 20251 lessen competition, or creating a monopoly, where there is a dangerous probability of  
 20252 creating a monopoly.

20253 (2) "Attorney general" means the attorney general of the state or one of the attorney  
 20254 general's assistants.

20255 (3) "Commodity" includes [~~any~~] a product of the soil, [~~any~~] an article of merchandise or  
 20256 trade or commerce, and any other kind of real or personal property.

20257 (4) "Manufacturer" means the producer or originator of [~~any~~] a commodity or service.

20258 (5) "Service" includes [~~any~~] an activity that is performed in whole or in part for the purpose  
 20259 of financial gain including, but not limited to, personal service, professional service,  
 20260 rental, leasing or licensing for use.

20261 (6) "Trade or commerce" includes all economic activity involving, or relating to, [~~any~~] a  
 20262 commodity, service, or business activity, including the cost of exchange or  
 20263 transportation.

20264 Section 455. Section **76-16-502**, which is renumbered from Section 76-10-3102 is renumbered  
 20265 and amended to read:

20266 **[76-10-3102]76-16-502 (Effective 05/07/25). Legislative findings -- Interpretation of part.**

20267 (1)(a) The Legislature finds and determines that competition is fundamental to the free  
 20268 market system and that the unrestrained interaction of competitive forces will yield the best  
 20269 allocation of our economic resources, the lowest prices, the highest quality and the greatest  
 20270 material progress, while at the same time providing an environment conducive to the  
 20271 preservation of our democratic, political and social institutions.

20272

20273 (b) The purpose of this ~~[act is, therefore, to]~~ part is to encourage free and open  
 20274 competition in the interest of the general welfare and economy of this state by  
 20275 prohibiting monopolistic and unfair trade practices, combinations and conspiracies in  
 20276 restraint of trade or commerce and by providing adequate penalties for the  
 20277 enforcement of ~~[its]~~ the part's provisions.

20278 (2) The Legislature intends that the courts, in construing this part, will be guided by  
 20279 interpretations given by the federal courts to comparable federal antitrust statutes and by  
 20280 other state courts to comparable state antitrust statutes.

20281 Section 456. Section **76-16-503**, which is renumbered from Section 76-10-3117 is renumbered  
 20282 and amended to read:

20283 **[76-10-3117]76-16-503 (Effective 05/07/25). Statute of limitations.**

20284 (1) [Any] An action brought by the attorney general pursuant to this ~~[act]~~ part is barred if ~~[it]~~  
 20285 the action is not commenced within four years after the cause of action accrues.

20286 (2) Any other action pursuant to this ~~[act]~~ part is barred if ~~[it]~~ the action is not commenced  
 20287 within four years after the cause of action accrues, or within one year after the  
 20288 conclusion of an action brought by the state pursuant to this act based in whole or in part  
 20289 on any matter complained of in the subsequent action, whichever is the latter.

20290 Section 457. Section **76-16-504**, which is renumbered from Section 76-10-3105 is renumbered  
 20291 and amended to read:

20292 **[76-10-3105]76-16-504 (Effective 05/07/25). Exempt activities.**

20293 ~~[(1)]~~

20294 (1) This act may not be construed to prohibit:

20295 (a) the activities of ~~[any]~~ a public utility to the extent that those activities are subject to  
 20296 regulation by the public service commission, the state or federal department of  
 20297 transportation, the federal energy regulatory commission, the federal communications  
 20298 commission, the interstate commerce commission, or successor agencies;

20299 (b) the activities of ~~[any]~~ an insurer, insurance producer, independent insurance adjuster,

- 20300 or rating organization including, but not limited to, making or participating in joint  
 20301 underwriting or reinsurance arrangements, to the extent that those activities are  
 20302 subject to regulation by the commissioner of insurance;
- 20303 (c) the activities of securities dealers, issuers, or agents, to the extent that those activities  
 20304 are subject to regulation under the laws of either this state or the United States;
- 20305 (d) the activities of [~~any~~] a state or national banking institution, to the extent that the  
 20306 activities are regulated or supervised by state government officers or agencies under  
 20307 the banking laws of this state or by federal government officers or agencies under the  
 20308 banking laws of the United States;
- 20309 (e) the activities of [~~any~~] a state or federal savings and loan association to the extent that  
 20310 those activities are regulated or supervised by state government officers or agencies  
 20311 under the banking laws of this state or federal government officers or agencies under  
 20312 the banking laws of the United States;
- 20313 (f) the activities of a political subdivision to the extent authorized or directed by state  
 20314 law, consistent with the state action doctrine of federal antitrust law; or
- 20315 (g) the activities of an emergency medical service provider licensed under Title 53,  
 20316 Chapter 2d, Emergency Medical Services Act, to the extent that those activities are  
 20317 regulated by state government officers or agencies under that act.
- 20318 (2)(a) The labor of a human being is not a commodity or article of commerce.
- 20319 (b) Nothing contained in the antitrust laws shall be construed to forbid the existence and  
 20320 operation of labor, agricultural, or horticultural organizations, instituted for the  
 20321 purpose of mutual help and not having capital stock or conducted for profit, or to  
 20322 forbid or restrain individual members of these organizations from lawfully carrying  
 20323 out [~~their~~] the organizations' legitimate objects; nor may these organizations or  
 20324 membership in them be held to be illegal combinations or conspiracies in restraint of  
 20325 trade under the antitrust laws.
- 20326 [~~(3)(a)~~] As used in this section, an entity is also a [~~municipality~~] political subdivision if the  
 20327 entity was formed under Title 11, Chapter 13, Interlocal Cooperation Act, prior to  
 20328 January 1, 1981, and the entity is:
- 20329 [(i)] a project entity as defined in Section 11-13-103; [(ii)] an electric interlocal entity as  
 20330 defined in Section 11-13-103; or [(iii)] an energy services interlocal entity as defined in  
 20331 Section 11-13-103. [(b)] The activities of the entities under Subsection (3)(a) are authorized  
 20332 or directed by state law.
- 20333 Section 458. Section **76-16-505**, which is renumbered from Section 76-10-3106 is renumbered



20334 and amended to read:

20335 ~~[76-10-3106]~~76-16-505 (Effective 05/07/25). Attorney general's powers -- Investigations --  
20336 **Institution of actions -- Cooperation.**

20337 (1) The attorney general may investigate a suspected ~~[violations]~~ violation of this ~~[aet]~~ part  
20338 and institute an appropriate ~~[actions]~~ action regarding ~~[those]~~ the suspected ~~[violations]~~  
20339 violation as provided in this ~~[aet]~~ part.

20340 (2) ~~[Any violations of this act which come]~~

20341 (a) A violation of this part that comes to the attention of ~~[any]~~ a state government officer  
20342 or agency shall be reported to the attorney general.

20343 (b) All state government officers and agencies shall cooperate with, and assist in, ~~[any]~~ a  
20344 prosecution for violation of this ~~[aet]~~ part.

20345 (3) The attorney general may proceed under any antitrust laws in the state or federal courts  
20346 on behalf of this state, any of ~~[its]~~ the state's political subdivisions or agencies, or as  
20347 parens patriae on behalf of natural persons in this state.

20348 Section 459. Section ~~76-10-3107~~ **76-16-506**, which is renumbered from Section 76-10-3107 is renumbered  
20349 and amended to read:

20350 ~~[76-10-3107]~~76-16-506 (Effective 05/07/25). Civil antitrust investigations -- Demand for  
20351 **production of documents and responses to written interrogatories -- Oral examination --**  
20352 **Judicial order for compliance -- Confidentiality -- Subpoenas precluded.**

20353 (1) When the attorney general has reasonable cause to believe that ~~[any]~~ a person may be in  
20354 possession, custody, or control of any information, including ~~[any]~~ a document, material,  
20355 or testimony, relevant to a civil antitrust investigation, the attorney general may, ~~[prior to]~~  
20356 before the commencement of a civil action, issue and cause to be served upon that  
20357 person a written civil investigative demand requesting that person to:

20358 (a) produce any document or material for inspection, copying, or reproduction by the  
20359 state where the document or material is located or produced;

20360 (b) give oral testimony under oath, concerning the subject of the investigation;

20361 (c) respond to written interrogatories; or

20362 (d) furnish any combination of these.

20363 (2)(a) Each demand shall state:

20364 (i) the nature of the activities under investigation, constituting the alleged antitrust  
20365 violation, which may result in a violation of this part and the applicable provision  
20366 of law;

20367 (ii) that the recipient is entitled to counsel;

- 20368 (iii) that the information received in response to the demand may be used in a civil or  
20369 criminal proceeding;
- 20370 (iv) that if the recipient does not comply with the demand, the attorney general may  
20371 compel compliance by appearance, upon reasonable notice to the recipient, before  
20372 the [~~district~~]court in the judicial district where the recipient resides or does  
20373 business and only upon a showing before that [~~district~~]court that the requirements  
20374 of Subsection (7) have been met;
- 20375 (v) that the recipient has the right at any time before the return date of the demand, or  
20376 within 30 days, whichever period is shorter, to seek a court order determining the  
20377 validity of the demand; and
- 20378 (vi) that at any time during the proceeding the person may assert any applicable  
20379 privilege.
- 20380 (b) If the demand is for production of [~~any~~] a document or material, the demand shall  
20381 also:
- 20382 (i) describe the document or material to be produced with sufficient definiteness and  
20383 certainty as to permit the document or material to be fairly identified;
- 20384 (ii) prescribe return dates that provide a reasonable period of time within which the  
20385 document or material demanded may be assembled and made available for  
20386 inspection and reproduction; and
- 20387 (iii) identify the individual at the Office of the Attorney General to whom the  
20388 document or material shall be made available.
- 20389 (c) If the demand is for the giving of oral testimony, the demand shall also:
- 20390 (i) prescribe the date, time, and place at which oral testimony shall be commenced;
- 20391 (ii) state that an employee of the Office of the Attorney General shall conduct the  
20392 examination; and
- 20393 (iii) state that the recording or the transcript of the examination shall be submitted to  
20394 and maintained by the Office of the Attorney General.
- 20395 (d) If the demand is for responses to written interrogatories, the demand shall also:
- 20396 (i) state that each interrogatory shall be answered separately and fully in writing and  
20397 under oath, unless the person objects to the interrogatory, in which event the  
20398 reasons for objection shall be stated in lieu of an answer;
- 20399 (ii) state that the answers are to be signed by the person making them, and the  
20400 objections are to be signed by the attorney making them;
- 20401 (iii) identify by name and address the individual at the Office of the Attorney General

20402 on whom answers and objections provided under this Subsection (2)(d) are to be  
20403 served; and

20404 (iv) prescribe the date on or before which these answers and objections are to be  
20405 served on the identified individual.

20406 (3) The civil investigative demand may be served upon any person who is subject to the  
20407 jurisdiction of any Utah court and shall be served upon the person in the manner  
20408 provided for service of a subpoena.

20409 (4)(a) ~~[Any]~~ A document or material submitted in response to a demand served under  
20410 this section shall be accompanied by an affidavit, in the form the demand designates,  
20411 by the person, if a natural person, to whom the demand is directed or, if not a natural  
20412 person, by a person having knowledge of the facts and circumstances relating to the  
20413 production.

20414 (b) The affidavit shall state that every document or material required by the demand and  
20415 in the possession, custody, or control of the person to whom the demand is directed  
20416 has in good faith been produced and made available to the Office of the Attorney  
20417 General.

20418 (c) The affidavit shall identify any demanded document or material that is not produced  
20419 and state the reason why each item was not produced.

20420 (5)(a)(i) An examination of ~~[any]~~ a person pursuant to a demand for oral testimony  
20421 served under this section may only be taken before an officer authorized to  
20422 administer oaths or affirmations by the laws of the United States or of the place  
20423 where the examination is held.

20424 (ii) The officer before whom the testimony is to be taken shall put the witness on oath  
20425 or affirmation and shall personally, or by someone acting under the officer's  
20426 direction and in the officer's presence, record the testimony of the witness.

20427 (iii) If the testimony is taken stenographically, ~~[it]~~ the testimony shall be transcribed  
20428 and the officer before whom the testimony is taken shall promptly transmit the  
20429 transcript of the testimony to the Office of the Attorney General.

20430 (b) When taking oral testimony, all persons other than personnel from the Office of the  
20431 Attorney General, the witness, counsel for the witness, and the officer before whom  
20432 the testimony is to be taken shall be excluded from the place where the examination  
20433 is held.

20434 (c) The oral testimony of ~~[any]~~ a person taken pursuant to a demand served under this  
20435 section shall be taken in the county where the person resides or transacts business or

- 20436 in any other place agreed upon by the attorney general and the person.
- 20437 (d)(i) When testimony is fully transcribed, the transcript shall be certified by the
- 20438 officer before whom the testimony was taken and submitted to the witness for
- 20439 examination and signing, in accordance with Rule 30(e) of the Utah Rules of Civil
- 20440 Procedure[~~-, Rule 30(e)~~].
- 20441 (ii) A copy of the deposition shall be furnished free of charge to a witness upon the
- 20442 witness's request.
- 20443 (e) [~~Any~~] A change in testimony recorded by nonstenographic means shall be made in
- 20444 the manner provided in Rule 30 of the Utah Rules of Civil Procedure[~~-, Rule 30,~~] for
- 20445 changing deposition testimony recorded by nonstenographic means.
- 20446 (f) [~~Any~~]
- 20447 (i) A person compelled to appear under a demand for oral testimony under this
- 20448 section may be accompanied, represented, and advised by counsel.
- 20449 (ii) Counsel may advise the person, in confidence, either upon the request of the
- 20450 person or upon counsel's own initiative, with respect to any question asked of the
- 20451 person.
- 20452 (iii) The person or counsel may object on the record to any question, in whole or in
- 20453 part, and shall briefly state for the record the reason for the objection.
- 20454 (iv) An objection may properly be made, received, and entered upon the record when
- 20455 it is claimed that the person is entitled to refuse to answer the question on grounds
- 20456 of any constitutional or other legal right or privilege, including the privilege
- 20457 against self-incrimination.
- 20458 (v) If the person refuses to answer any question, the attorney general may petition the
- 20459 district court for an order compelling the person to answer the question.
- 20460 (g) If [~~any~~] a person compelled to appear under a demand for oral testimony or other
- 20461 information pursuant to this section refuses to answer any questions or produce
- 20462 information on grounds of the privilege against self-incrimination, the testimony of
- 20463 that person may be compelled as in criminal cases.
- 20464 (h) [~~Any~~]
- 20465 (i) A person appearing for oral examination pursuant to a demand served under this
- 20466 section is entitled to the same fees and mileage [~~which~~] that are paid to witnesses
- 20467 in the district courts of the state of Utah.
- 20468 (ii) Witness fees and expenses shall be tendered and paid as in any civil action.
- 20469 (6) The providing of [~~any~~] information in response to a civil investigative demand issued

20470 pursuant to the provisions of this part shall be considered part of an official proceeding  
 20471 as defined in Section 76-8-501.

20472 (7)(a)(i) If a person fails to comply with the demand served upon ~~him~~ the person  
 20473 under this section, the attorney general may file in the district court of the county  
 20474 in which the person resides, is found, or does business, a petition for an order  
 20475 compelling compliance with the demand.

20476 (ii) Notice of hearing of the petition and a copy of the petition shall be served upon  
 20477 the person, who may appear in opposition to the petition.

20478 (iii) If the court finds that the demand is proper, that there is reasonable cause to  
 20479 believe there has been a violation of this part, and that the information sought is  
 20480 relevant to the violation, ~~it~~ the court shall order the person to comply with the  
 20481 demand, subject to modifications the court may prescribe.

20482 (b)(i)(A) At any time before the return date specified in a demand or within 30  
 20483 days after the demand has been served, whichever period is shorter, the person  
 20484 who has been served may file a petition for an order modifying or setting aside  
 20485 the demand.

20486 (B) This petition shall be filed in the ~~district~~ court in the county of the person's  
 20487 residence, principal office, or place of business, or in the ~~district~~ court in Salt  
 20488 Lake County.

20489 (C) The petition shall specify each ground upon which the petitioner relies in  
 20490 seeking the relief sought.

20491 (D) The petition may be based upon ~~any~~ a failure of the demand to comply with  
 20492 the provisions of this section or upon any constitutional or other legal right or  
 20493 privilege of the petitioner.

20494 (E) The petitioner shall serve notice of hearing of the petition and a copy of the  
 20495 petition upon the attorney general.

20496 (F) The attorney general may submit an answer to the petition within 30 days after  
 20497 receipt of the petition.

20498 (ii)(A) After a hearing on the petition described in Subsection (7)(b)(i), and for  
 20499 good cause shown, the court may make any further order in the proceedings  
 20500 that justice requires to protect the person from unreasonable annoyance,  
 20501 embarrassment, oppression, burden, or expense.

20502 (B) At ~~any~~ a hearing pursuant to this section it is the attorney general's burden to  
 20503 establish that the demand is proper, that there is reasonable cause to believe

20504 that there has been a violation of this part, and that the information sought is  
20505 relevant to the violation.

20506 (8)(a) The attorney general may enter into a confidentiality agreement in lieu of, or in  
20507 addition to, issuing a civil investigative demand, when the attorney general has  
20508 reasonable cause to believe that ~~[any]~~ a person may be in possession, custody, or  
20509 control of ~~[any]~~ information relevant to a civil antitrust investigation or civil antitrust  
20510 action.

20511 (b) In ~~[any]~~ a civil antitrust action, the court may issue a confidentiality order, which may  
20512 incorporate a confidentiality agreement.

20513 (c)(i) The confidentiality agreement or confidentiality order may address any  
20514 procedure, testimony taken, or document or material produced under this section.

20515 (ii) The agreement or order may define to whom access will be given, the conditions  
20516 and the restrictions to the access, and how the testimony, document, or material  
20517 will be safeguarded.

20518 (iii) The agreement or order may require that documentation of testimony and any  
20519 other document or material:

20520 [(i)] (A) be returned to the designated person; or

20521 [(ii)] (B) notwithstanding the provisions of Section 63A-12-105 and any retention  
20522 schedule promulgated pursuant to Section 63G-2-604, be destroyed by the  
20523 attorney general at a designated time, in which case this requirement is binding  
20524 upon the attorney general.

20525 (9)(a) Any procedure, testimony taken, or document or material produced under this  
20526 section, whether produced pursuant to a civil investigative demand, confidentiality  
20527 agreement, or confidentiality order, shall be kept confidential by the attorney general  
20528 unless confidentiality is waived in writing by the person who has testified, or  
20529 produced a document or material.

20530 (b) Any testimony taken or document or material produced under this section may be  
20531 used in a civil antitrust action, provided that the use is not restricted or prohibited  
20532 under a confidentiality agreement or confidentiality order, unless that restriction or  
20533 prohibition is waived by the person from whom the information was obtained.

20534 (c) Notwithstanding any other provision of this section, the attorney general may  
20535 disclose testimony taken or a document or material obtained under this section,  
20536 without either the consent of the person from whom it was received or the person  
20537 being investigated, to:

- 20538 (i) ~~[any]~~ a grand jury; and
- 20539 (ii) officers and employees of federal or state law enforcement agencies, provided the
- 20540 person from whom the information was obtained is notified 20 days prior to
- 20541 disclosure, and the federal or state law enforcement agency certifies that the
- 20542 information will be:
- 20543 (A) maintained in confidence, as required by Subsection (9)(a); and
- 20544 (B) used only for official law enforcement purposes.
- 20545 (10) Use of a civil investigative demand under this action precludes the invocation by the
- 20546 attorney general of Section 77-22-2.
- 20547 Section 460. Section **76-16-507**, which is renumbered from Section 76-10-3116 is renumbered
- 20548 and amended to read:
- 20549 **~~[76-10-3116]~~76-16-507 (Effective 05/07/25). Venue of an action brought by the state --**
- 20550 **Transfer.**
- 20551 ~~[Any]~~ An action brought by the state pursuant to this ~~[aet]~~ part shall be brought in
- 20552 any county ~~[wherein]~~ in which the defendant resides or does business, or at the option of the
- 20553 defendant, ~~[such]~~ the action shall be transferred, upon motion made within 30 days after
- 20554 commencement of the action, to Salt Lake County.
- 20555 Section 461. Section **76-16-508**, which is renumbered from Section 76-10-3115 is renumbered
- 20556 and amended to read:
- 20557 **~~[76-10-3115]~~76-16-508 (Effective 05/07/25). Attorney general to advocate for the policy of**
- 20558 **competition.**
- 20559 The attorney general ~~[shall have]~~ has the authority and responsibility to advocate
- 20560 for the policy of competition before all political subdivisions of this state and all public
- 20561 agencies whose actions may affect the interests of persons in this state.
- 20562 Section 462. Section **76-16-509**, which is renumbered from Section 76-10-3108 is renumbered
- 20563 and amended to read:
- 20564 **~~[76-10-3108]~~76-16-509 (Effective 05/07/25). Attorney general may bring action for**
- 20565 **injunctive relief, damages, and civil penalty.**
- 20566 (1) The attorney general may bring an action for appropriate injunctive relief, a civil
- 20567 penalty, and damages in the name of the state, any of ~~[its]~~ the state's political
- 20568 subdivisions or agencies, or as parens patriae on behalf of natural persons in this state,
- 20569 for a violation of this ~~[aet]~~ part.
- 20570 (2) Actions may be brought under this ~~[section]~~ part regardless of whether the plaintiff dealt
- 20571 directly or indirectly with the defendant.

20572 (3) This remedy is an additional remedy to any other remedies provided by law~~[.–It]~~ and  
 20573 may not diminish or offset any other remedy.

20574 ~~[(2)]~~(4) ~~[Any]~~ An individual who violates this act is subject to a civil penalty of not more  
 20575 than \$100,000 for each violation.

20576 (5) ~~[Any]~~ A person, other than an individual, who violates this act is subject to a civil  
 20577 penalty of not more than \$500,000 for each violation.

20578 Section 463. Section **76-16-510**, which is renumbered from Section 76-10-3104 is renumbered  
 20579 and amended to read:

20580 ~~[76-10-3104]~~**76-16-510 (Effective 05/07/25). Illegal anticompetitive activities.**

20581 ~~[(4)]~~ Every contract, combination in the form of trust or otherwise, or conspiracy in  
 20582 restraint of trade or commerce is declared to be illegal. ~~[(2)]~~ It ~~[shall be]~~ is unlawful for any  
 20583 person to monopolize, or attempt to monopolize, or combine or conspire with any other  
 20584 person or persons to monopolize, any part of trade or commerce.

20585 Section 464. Section **76-16-511**, which is renumbered from Section 76-10-3109 is renumbered  
 20586 and amended to read:

20587 ~~[76-10-3109]~~**76-16-511 (Effective 05/07/25). Person may bring action for injunctive relief**  
 20588 **and damages -- Treble damages -- Recovery of actual damages or civil penalty by state or**  
 20589 **political subdivisions -- Immunity of political subdivisions from damages, costs, or**  
 20590 **attorney fees -- Conviction as prima facie evidence.**

20591 (1)(a)(i) A person who is a citizen of this state or a resident of this state and who is  
 20592 injured or is threatened with injury in ~~[his]~~ the person's business or property by a  
 20593 violation of ~~[the Utah Antitrust Act]~~ this part may bring an action for injunctive  
 20594 relief and damages, regardless of whether the person dealt directly or indirectly  
 20595 with the defendant.

20596 (ii) This remedy is in addition to any other remedies provided by law~~[.–It]~~ and may  
 20597 not diminish or offset any other remedy.

20598 (b) Subject to the provisions of Subsections (3), (4), and (5), the court shall award three  
 20599 times the amount of damages sustained, plus the cost of suit and a reasonable  
 20600 attorney fees, in addition to granting any appropriate temporary, preliminary, or  
 20601 permanent injunctive relief.

20602 (2)(a) If the court determines that a judgment in the amount of three times the damages  
 20603 awarded plus attorney fees and costs will directly cause the insolvency of the  
 20604 defendant, the court shall reduce the amount of judgment to the highest sum that  
 20605 would not cause the defendant's insolvency.



- 20606 (b) The court may not reduce a judgment to an amount less than the amount of damages  
20607 sustained plus the costs of suit and reasonable attorney fees.
- 20608 (3) The state or any of its political subdivisions may recover three times the amount of  
20609 damages it sustains and the civil penalty provided by [~~the Utah Antitrust Act~~] this part, in  
20610 addition to injunctive relief, costs of suit, and reasonable attorney fees.
- 20611 (4) No damages, costs, or attorney fees may be recovered under this section:
- 20612 (a) from any political subdivision;
- 20613 (b) from the official or employee of any political subdivision acting in an official  
20614 capacity; or
- 20615 (c) against any person based on any official action directed by a political subdivision or [  
20616 its] the political subdivision's official or employee acting in an official capacity.
- 20617 (5) Subsection (4) does not apply to cases filed before April 27, 1987, unless the defendant  
20618 establishes and the court determines that in light of all the circumstances, including the  
20619 posture of litigation and the availability of alternative relief, it would be inequitable not  
20620 to apply Subsection (4) to a pending case.
- 20621 (6)(a) When a defendant has been sued in one or more actions by both direct and  
20622 indirect purchasers, whether in state court or federal court, a defendant shall be  
20623 entitled to prove as a partial or complete defense to a claim for damages that the  
20624 damages incurred by the plaintiff or plaintiffs have been passed on to others who are  
20625 entitled to recover so as to avoid duplication of recovery of damages.
- 20626 (b) In an action by indirect purchasers, any damages or settlement amounts paid to direct  
20627 purchasers for the same alleged antitrust violations shall constitute a defense in the  
20628 amount paid on a claim by indirect purchasers under this [~~chapter~~] part so as to avoid  
20629 duplication of recovery of damages.
- 20630 (7)(a) It shall be presumed, in the absence of proof to the contrary, that the injured  
20631 persons who dealt directly with the defendant incurred at least 1/3 of the damages,  
20632 and shall, therefore, recover at least 1/3 of the awarded damages.
- 20633 (b) It shall also be presumed, in the absence of proof to the contrary, that the injured  
20634 persons who dealt indirectly with the defendant incurred at least 1/3 of the damages,  
20635 and shall, therefore, recover at least 1/3 of the awarded damages.
- 20636 (c) The final 1/3 of the damages shall be awarded by the court to those injured persons  
20637 determined by the court as most likely to have absorbed the damages.
- 20638 (8)(a) There is a presumption, in the absence of proof to the contrary and subject to  
20639 Subsection (7), that each level in a product's or service's distribution chain passed on

- 20640 any and all increments in its cost due to an increase in the cost of an ingredient or a  
20641 component product or service that was caused by a violation of this ~~[chapter]~~ part.
- 20642 (b) ~~[This]~~ The amount described in Subsection (8)(a) will be presumed, in the absence of  
20643 evidence to the contrary, to be equal to the change in the cost, in dollars and cents, of  
20644 the ingredient, component product, or service to its first purchaser.
- 20645 (9)(a) The attorney general shall be notified by the plaintiff about the filing of ~~[any]~~ a  
20646 class action involving antitrust violations that includes plaintiffs from this state.
- 20647 (b) The attorney general shall receive a copy of each filing described in Subsection (9)(a)  
20648 from each plaintiff.
- 20649 (c) The attorney general may, in his or her discretion, intervene or file amicus briefs in  
20650 the case, and may be heard on the question of the fairness or appropriateness of any  
20651 proposed settlement agreement.
- 20652 (10) If, in a class action or parens patriae action filed under this ~~[chapter]~~ part, including the  
20653 settlement of ~~[any]~~ an action, it is not feasible to return any part of the recovery to the  
20654 injured plaintiffs, the court shall order the residual funds be applied to benefit the  
20655 specific class of injured plaintiffs, to improve antitrust enforcement generally by  
20656 depositing the residual funds into the Attorney General Litigation Fund created by  
20657 Section ~~[76-10-3114]~~ 67-5-40, or both.
- 20658 (11) In ~~[any]~~ an action brought under this ~~[chapter]~~ part, the court shall approve all attorney  
20659 fees and arrangements for the payment of attorney fees, including contingency fee  
20660 agreements.
- 20661 (12)(a) Except as provided in Subsection (12)(b), in an action brought by the state, a  
20662 final judgment or decree determining that a person has criminally violated this part is  
20663 prima facie evidence against that person in an action brought under this section as to  
20664 all matters with respect to which the judgment or decree would be an estoppel  
20665 between the parties to the judgment or decree.
- 20666 (b) Subsection (12)(a) does not apply to a judgment entered under a no contest plea or a  
20667 decree entered before any testimony has been taken.
- 20668 Section 465. Section **76-16-512**, which is renumbered from Section 76-10-3112 is renumbered  
20669 and amended to read:
- 20670 **[76-10-3112]76-16-512 (Effective 05/07/25). Fine for violation -- Certain vertical**  
20671 **agreements**  
20672 **excluded -- Nolo contendere.**
- 20672 (1)(~~a~~) Any person who violates Section ~~[76-10-3104]~~ 76-16-510 by price fixing, bid

20673 rigging, agreeing among competitors to divide customers or territories, or by  
 20674 engaging in a group boycott with specific intent of eliminating competition is guilty  
 20675 of a third degree felony and, notwithstanding Sections 76-3-301 and 76-3-302, is  
 20676 subject to:

20677 ~~[(i)]~~ (a) if an individual, a fine not to exceed \$100,000; or

20678 ~~[(ii)]~~ (b) if by a person other than an individual, a fine not to exceed \$500,000.

20679 ~~[(b)]~~ (c) Subsection (1)(a) may not be construed to include vertical agreements between a  
 20680 manufacturer, its distributors, or their subdistributors dividing customers and  
 20681 territories solely involving the manufacturer's commodity or service where the  
 20682 manufacturer distributes its commodity or service both directly and through  
 20683 distributors or subdistributors in competition with itself.

20684 ~~[(2)]~~(2) A defendant may plead nolo contendere to a charge brought under this title but  
 20685 only with the consent of the court.

20686 (3) The court may accept the plea only after due consideration of the views of the parties  
 20687 and the interest of the public in the effective administration of justice.

20688 Section 466. Section **76-17-101** is enacted to read:

20689

## CHAPTER 17. OFFENSES CONCERNING KICKBACKS, PYRAMID

### SCHEMES, AND PATTERNS OF UNLAWFUL ACTIVITY

20691

#### Part 1. General Provisions

20692 **76-17-101** (Effective 05/07/25). Definitions.

20693 Reserved.

20694 Section 467. Section **76-17-201** is enacted to read:

20695

#### Part 2. Offenses Concerning Kickbacks

20696 **76-17-201** (Effective 05/07/25). Definitions.

20697 As used in this part:

20698 (1) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration,  
 20699 that is:

20700 (a) direct or indirect;

20701 (b) overt or covert; or

20702 (c) in cash or in kind.

20703 (2) "Kickback or bribe" does not include:

- 20704 (a) a fee that is:
- 20705 (i) shared between two or more individuals, each of whom is licensed to practice law;
- 20706 and
- 20707 (ii) charged for services provided in the individual's capacity as a licensee described
- 20708 in Subsection (2)(a)(i); or
- 20709 (b) payment for medical services rendered.
- 20710 Section 468. Section **76-17-202**, which is renumbered from Section 76-10-3201 is renumbered
- 20711 and amended to read:
- 20712 **[76-10-3201]76-17-202 (Effective 05/07/25). Unlawful conduct concerning a kickback or**
- 20713 **bribe.**
- 20714 [(1) As used in this section:]
- 20715 [(a) "Kickback or bribe" means a rebate, compensation, or any other form of remuneration,
- 20716 that is:]
- 20717 [(i) direct or indirect;]
- 20718 [(ii) overt or covert; or]
- 20719 [(iii) in cash or in kind.]
- 20720 [(b) "Kickback or bribe" does not include:]
- 20721 [(i) a fee that is:]
- 20722 [(A) shared between two or more individuals, each of whom is licensed to practice law;
- and]
- 20723 [(B) charged for services provided in the individual's capacity as a licensee described in
- 20724 Subsection (1)(b)(i)(A); or]
- 20725 [(ii) payment for medical services rendered.]
- 20726 [(2)] (1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-201 apply to this
- 20727 section.
- 20728 (2)[(a)] An actor commits unlawful conduct concerning a kickback or bribe if the actor:
- 20729 (a) [~~may not solicit or receive~~] solicits or receives a kickback or bribe in return for the
- 20730 referral of a person to another person for the furnishing of [~~any~~] a good or service that
- 20731 relates to [~~any~~] an insurance claim or a claim for damages[~~;~~] ; or
- 20732 (b) [~~An actor may not offer or pay~~] offers or pays a kickback or bribe to induce the
- 20733 referral of a person to another person for the furnishing of [~~any~~] a good or service that
- 20734 relates to [~~any~~] an insurance claim or a claim for damages.
- 20735 (3) A violation of Subsection (2) is a third degree felony.
- 20736 (4)(a) This section does not apply to an individual licensed to practice law or a medical

20737 provider when referring a client for medical treatment or evaluation, if the referral is  
20738 made without compensation.

20739 ~~[(5)]~~ (b) This section does not apply to an individual licensed to practice law when:

20740 ~~[(a)]~~ (i) paying a lien, contractual reimbursement, or medical bill on behalf of a client  
20741 from proceeds of a settlement or judgment; or

20742 ~~[(b)]~~ (ii) marketing to, or engaging in client development activities with, an individual  
20743 licensed to provide medical treatment or evaluation, if the marketing or client  
20744 development activities are not for the purpose of inducing the individual licensed  
20745 to provide medical treatment or evaluation to refer a particular person to the  
20746 individual licensed to practice law.

20747 Section 469. Section **76-17-301**, which is renumbered from Section 76-6a-101 is renumbered  
20748 and amended to read:

20749

### Part 3. Offenses Concerning Pyramid Schemes

20750 ~~[76-6a-101]~~**76-17-301 (Effective 05/07/25). Definitions.**

20751 As used in this ~~[chapter]~~ part:

20752 ~~[(1)(a)]~~ (1)~~[(i)]~~ "Compensation" means money, money bonuses, overrides, prizes, or  
20753 other real or personal property, tangible or intangible.

20754 ~~[(ii)]~~ (2) "Compensation" does not include payment based on the sale of goods or services to  
20755 anyone purchasing the goods or services for actual personal use or consumption.

20756 ~~[(b)]~~ (3) "Consideration" does not include:

20757 ~~[(i)]~~ (a) payment for sales demonstration equipment or materials furnished at cost for use  
20758 in making sales and not for resale; or

20759 ~~[(ii)]~~ (b) time or effort spent in selling or recruiting activities.

20760 ~~[(e)]~~ (4) "Person" includes a business trust, estate, trust, joint venture, or any other legal or  
20761 commercial entity.

20762 ~~[(d)]~~ (5) "Pyramid scheme" means ~~[any]~~ a sales device or plan under which a person gives  
20763 consideration to another person in exchange for compensation or the right to receive  
20764 compensation that is derived primarily from the introduction of other persons into the  
20765 sales device or plan rather than from the sale of goods, services, or other property.

20766 ~~[(2) Terms defined in Section 76-1-101.5 apply to this part.]~~

20767 Section 470. Section **76-17-302**, which is renumbered from Section 76-6a-104 is renumbered  
20768 and amended to read:

20769

**~~[76-6a-104]~~76-17-302 (Effective 05/07/25). Rights of person giving consideration in pyramid**

20770 **scheme.**

20771 (1) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this section.

20772 (2)(a) ~~[Any]~~ A person giving consideration in connection with a pyramid scheme may,  
20773 notwithstanding any agreement to the contrary, declare the person's giving of  
20774 consideration and the related sale or contract for sale void, and may bring a court  
20775 action to recover the consideration.

20776 (b) In an action brought under Subsection ~~[(1)(a)]~~ (2)(a), the court shall, in addition to  
20777 any judgment awarded to the plaintiff, require the defendant to pay to the plaintiff  
20778 interest as provided in Section 15-1-4, reasonable ~~[attorneys']~~ attorney fees, and the  
20779 costs of the action reduced by any compensation paid by the defendant to the plaintiff  
20780 in connection with the pyramid scheme.

20781 ~~[(2)]~~ (3)(a) The rights, remedies, and penalties provided in this ~~[chapter]~~ part are  
20782 independent of and supplemental to each other and to any other right, remedy or  
20783 penalty available in law or equity.

20784 (b) Nothing contained in this ~~[chapter]~~ part shall be construed to diminish or abrogate  
20785 any other right, remedy or penalty.

20786 Section 471. Section **76-17-303**, which is renumbered from Section 76-6a-102 is renumbered  
20787 and amended to read:

**~~[76-6a-102]~~76-17-303 (Effective 05/07/25). Conducting a pyramid scheme.**

20789 (1) Terms defined in ~~[Section]~~ Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this  
20790 section.

20791 (2) An actor commits ~~[the offense of]~~ conducting a pyramid scheme if the actor knowingly  
20792 organizes, establishes, promotes, or administers a pyramid scheme.

20793 (3) A violation of Subsection (2) is a third degree felony.

20794 (4) It is not a defense to an action brought under this section that:

20795 (a) the sales device or plan limits the number of persons who may be introduced into the  
20796 sales device or plan;

20797 (b) the sales device or plan includes additional conditions affecting eligibility for  
20798 introduction into the sales device or plan or when compensation may be received  
20799 from the sales device or plan; or

20800 (c) a person receives property or services in addition to the compensation or right to  
20801 receive compensation in connection with a pyramid scheme.

- 20802 (5) The appropriate county attorney or district attorney has primary responsibility for  
 20803 investigating and prosecuting a criminal violation of this section.
- 20804 (6)(a) A violation under this section constitutes a violation of Section 13-11-4.
- 20805 (b) A criminal conviction under this section is prima facie evidence of a violation of  
 20806 Section 13-11-4.
- 20807 (c) In addition to prosecution under this section, a violation of this section shall be  
 20808 civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah  
 20809 Consumer Sales Practices Act.
- 20810 Section 472. Section **76-17-304**, which is renumbered from Section 76-6a-103 is renumbered  
 20811 and amended to read:
- 20812 **[76-6a-103]76-17-304 (Effective 05/07/25). Participating in a pyramid scheme.**
- 20813 (1) Terms defined in [~~Section~~] Sections 76-1-101.5, 76-17-101, and 76-17-301 apply to this  
 20814 section.
- 20815 (2) An actor commits~~[the offense of]~~ participating in a pyramid scheme if the actor  
 20816 participates in a pyramid scheme only by receiving compensation for the introduction of  
 20817 another person into the pyramid scheme rather than from the sale of goods, services, or  
 20818 other property.
- 20819 (3) A violation of Subsection (2) is a class B misdemeanor.
- 20820 (4) It is not a defense to an action brought under this section that:
- 20821 (a) the sales device or plan limits the number of persons who may be introduced into the  
 20822 sales device or plan;
- 20823 (b) the sales device or plan includes additional conditions affecting eligibility for  
 20824 introduction into the sales device or plan or when compensation may be received  
 20825 from the sales device or plan; or
- 20826 (c) a person receives property or services in addition to the compensation or right to  
 20827 receive compensation in connection with a pyramid scheme.
- 20828 (5) The appropriate county attorney or district attorney has primary responsibility for  
 20829 investigating and prosecuting a criminal violation of this section.
- 20830 (6)(a) A violation under this section constitutes a violation of Section 13-11-4.
- 20831 (b) A criminal conviction under this section is prima facie evidence of a violation of  
 20832 Section 13-11-4.
- 20833 (c) In addition to prosecution under this section, a violation of this section shall be  
 20834 civilly investigated and prosecuted as prescribed by Title 13, Chapter 11, Utah  
 20835 Consumer Sales Practices Act.

20836 Section 473. Section **76-17-401**, which is renumbered from Section 76-10-1602 is renumbered  
 20837 and amended to read:

20838

**Part 4. Offenses Concerning Patterns of Unlawful Activity**

20839 **~~[76-10-1602]~~ 76-17-401 (Effective 05/07/25). Definitions.**

20840 As used in this part:

20841 (1)(a) "Enterprise" means [~~any~~] an individual, sole proprietorship, partnership,

20842 corporation, business trust, association, or other legal entity, and [~~any~~] a union or

20843 group of individuals associated in fact although not a legal entity[~~, and~~].

20844 (b) "Enterprise" includes illicit as well as licit entities.

20845 (2) "Pattern of unlawful activity" means engaging in conduct [~~which~~] that constitutes the

20846 commission of at least three episodes of unlawful activity, which episodes are not

20847 isolated, but have the same or similar purposes, results, participants, victims, or methods

20848 of commission, or otherwise are interrelated by distinguishing characteristics. Taken

20849 together, the episodes shall demonstrate continuing unlawful conduct and be related

20850 either to each other or to the enterprise. At least one of the episodes comprising a

20851 pattern of unlawful activity shall have occurred after July 31, 1981. The most recent act

20852 constituting part of a pattern of unlawful activity as defined by this part shall have

20853 occurred within five years of the commission of the next preceding act alleged as part of

20854 the pattern.

20855 (3) "Person" includes [~~any~~] an individual or entity capable of holding a legal or beneficial

20856 interest in property, including state, county, and local governmental entities.

20857 (4) "Unlawful activity" means to directly engage in conduct or to solicit, request, command,

20858 encourage, or intentionally aid another person to engage in conduct [~~which~~] that would

20859 constitute [~~any~~] an offense described by the following crimes or categories of crimes, or

20860 to attempt or conspire to engage in an act [~~which~~] that would constitute any of those

20861 offenses, regardless of whether the act is in fact charged or indicted by [~~any~~] an authority

20862 or is classified as a misdemeanor or a felony:

20863 (a) an act prohibited by the criminal provisions under Title 13, Chapter 10, Unauthorized

20864 Recording Practices Act;

20865 (b) an act prohibited by the criminal provisions under Title 19, Environmental Quality

20866 Code, Sections 19-1-101 through 19-7-109;

20867 (c) taking, destroying, or possessing wildlife or parts of wildlife for the primary purpose

20868 of sale, trade, or other pecuniary gain under Title 23A, Wildlife Resources Act, or



- 20869 Section 23A-5-311;
- 20870 (d) false claims for medical benefits, kickbacks, or other acts prohibited under Title 26B,  
20871 Chapter 3, Part 11, Utah False Claims Act, Sections 26B-3-1101 through 26B-3-1112;
- 20872 (e) an act prohibited by the criminal provisions under Title 32B, Chapter 4, Criminal  
20873 Offenses and Procedure Act;
- 20874 (f) an act prohibited by the criminal provisions under Title 57, Chapter 11, Utah  
20875 Uniform Land Sales Practices Act;
- 20876 (g) an act prohibited by the criminal provisions under Title 58, Chapter 37, Utah  
20877 Controlled Substances Act, or Title 58, Chapter 37b, Imitation Controlled Substances  
20878 Act, Title 58, Chapter 37c, Utah Controlled Substance Precursor Act, or Title 58,  
20879 Chapter 37d, Clandestine Drug Lab Act;
- 20880 (h) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform  
20881 Securities Act;
- 20882 (i) an act prohibited by the criminal provisions under Title 63G, Chapter 6a, Utah  
20883 Procurement Code;
- 20884 (j) assault under Section\_76-5-102;
- 20885 (k) aggravated assault under Section 76-5-103;
- 20886 (l) a threat of terrorism under Section 76-5-107.3;
- 20887 (m) a criminal homicide offense under Section 76-5-201;
- 20888 (n) kidnapping under Section\_76-5-301;
- 20889 (o) aggravated kidnapping under Section\_76-5-302;
- 20890 (p) human trafficking for labor under Section 76-5-308;
- 20891 (q) human trafficking for sexual exploitation under Section 76-5-308.1;
- 20892 (r) human smuggling under Section 76-5-308.3;
- 20893 (s) human trafficking of a child under Section76-5-308.5;
- 20894 (t) benefiting from trafficking and human smuggling under Section\_76-5-309;
- 20895 (u) aggravated human trafficking under Section\_76-5-310;
- 20896 (v) sexual exploitation of a minor under Section 76-5b-201;
- 20897 (w) aggravated sexual exploitation of a minor under Section\_76-5b-201.1;
- 20898 (x) arson under Section 76-6-102;
- 20899 (y) aggravated arson under Section76-6-103;
- 20900 (z) causing a catastrophe under Section 76-6-105;
- 20901 (aa) burglary under Section 76-6-202;
- 20902 (bb) aggravated burglary under Section\_76-6-203;

- 20903 (cc) burglary of a vehicle under Section 76-6-204;
- 20904 (dd) manufacture or possession of an instrument for burglary or theft under Section  
20905 76-6-205;
- 20906 (ee) robbery under Section 76-6-301;
- 20907 (ff) aggravated robbery under Section\_76-6-302;
- 20908 (gg) theft under Section 76-6-404;
- 20909 (hh) theft by deception under Section 76-6-405;
- 20910 (ii) theft by extortion under Section 76-6-406;
- 20911 (jj) receiving stolen property under Section 76-6-408;
- 20912 (kk) theft of services under Section 76-6-409;
- 20913 (ll) forgery under Section 76-6-501;
- 20914 (mm) unlawful use of financial transaction card under Section\_76-6-506.2;
- 20915 (nn) unlawful acquisition, possession, or transfer of financial transaction card under  
20916 Section\_76-6-506.3;
- 20917 (oo) financial transaction card offenses under Section\_76-6-506.6;
- 20918 (pp) deceptive business practices under Section 76-6-507;
- 20919 (qq) bribery or receiving bribe by person in the business of selection, appraisal, or  
20920 criticism of goods under Section 76-6-508;
- 20921 (rr) bribery of a labor official under Section 76-6-509;
- 20922 (ss) defrauding creditors under Section 76-6-511;
- 20923 (tt) acceptance of deposit by insolvent financial institution under Section 76-6-512;
- 20924 (uu) unlawful dealing with property by fiduciary under Section 76-6-513;
- 20925 (vv) [~~bribery or threat to influence~~] unlawful influence of a contest under Section  
20926 76-6-514;
- 20927 (ww) making a false credit report under Section 76-6-517;
- 20928 (xx) criminal simulation under Section 76-6-518;
- 20929 (yy) criminal usury under Section 76-6-520;
- 20930 (zz) insurance fraud under Section 76-6-521;
- 20931 (aaa) retail theft under Section 76-6-602;
- 20932 (bbb) computer crimes under Section 76-6-703;
- 20933 (ccc) identity fraud under Section 76-6-1102;
- 20934 (ddd) mortgage fraud under Section 76-6-1203;
- 20935 (eee) sale of a child under Section 76-7-203;
- 20936 (fff) bribery [~~to influence official or political actions~~] or offering a bribe under Section

20937 76-8-103;  
 20938 (ggg) threat to influence official or political action under Section 76-8-104;  
 20939 (hhh) receiving bribe or bribery by public servant under Section 76-8-105;  
 20940 (iii) receiving bribe for endorsement of person as a public servant under Section  
 20941 76-8-106;  
 20942 (jjj) bribery for endorsement of person as public servant under Section 76-8-106.1;  
 20943 (kkk) official misconduct based on unauthorized act or failure of duty under Section  
 20944 76-8-201;  
 20945 (lll) official misconduct concerning inside information under Section 76-8-202;  
 20946 (mmm) obstruction of justice in a criminal investigation or proceeding under Section  
 20947 76-8-306;  
 20948 (nnn) acceptance of bribe or bribery to prevent criminal prosecution under Section  
 20949 76-8-308;  
 20950 (ooo) harboring or concealing offender who has escaped from official custody under  
 20951 Section 76-8-309.2;  
 20952 (ppp) making a false or inconsistent material statement under Section 76-8-502;  
 20953 (qqq) making a false or inconsistent statement under Section 76-8-503;  
 20954 (rrr) making a written false statement under Section 76-8-504;  
 20955 (sss) tampering with a witness under Section 76-8-508;  
 20956 (ttt) retaliation against a witness, victim, or informant under Section 76-8-508.3;  
 20957 (uuu) receiving or soliciting a bribe as a witness under Section 76-8-508.7;  
 20958 (vvv) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;  
 20959 (www) tampering with evidence under Section 76-8-510.5;  
 20960 (xxx) falsification or alteration of a government record under Section 76-8-511, if the  
 20961 record is a record described in Title 20A, Election Code, or Title 36, Chapter 11,  
 20962 Lobbyist Disclosure and Regulation Act;  
 20963 (yyy) public assistance fraud by an applicant for public assistance under Section  
 20964 76-8-1203.1;  
 20965 (zzz) public assistance fraud by a recipient of public assistance under Section  
 20966 76-8-1203.3;  
 20967 (aaaa) public assistance fraud by a provider under Section 76-8-1203.5;  
 20968 (bbbb) fraudulently misappropriating public assistance funds under Section 76-8-1203.7;  
 20969 (cccc) false statement to obtain or increase unemployment compensation under Section  
 20970 76-8-1301;

20971 (dddd) false statement to prevent or reduce unemployment compensation or liability  
 20972 under Section 76-8-1302;

20973 (eeee) unlawful failure to comply with Employment Security Act requirements under  
 20974 Section 76-8-1303;

20975 (ffff) unlawful use or disclosure of employment information under Section 76-8-1304;

20976 (gggg) intentionally or knowingly causing one animal to fight with another under  
 20977 Subsection ~~[76-9-301(2)(d) or (e), or Section 76-9-301.1]~~ 76-13-202(2)(d) or (3), or  
 20978 Section 76-13-205 or 76-13-206 concerning dog fighting;

20979 (hhhh) ~~[possession, use, or removal of explosives, chemical, or incendiary devices or~~  
 20980 ~~parts]~~ unlawful conduct involving an explosive, chemical, or incendiary device under  
 20981 Section ~~[76-10-306]~~ 76-15-210;

20982 (iiii) unlawful conduct involving an explosive, chemical, or incendiary part under Section  
 20983 76-15-211;

20984 ~~[(iiii)]~~ (jjjj) delivery to common carrier, mailing, or placement on premises of an  
 20985 incendiary device under Section ~~[76-10-307]~~ 76-15-209;

20986 ~~[(jjjj)]~~ (kkkk) possession of a deadly weapon with intent to assault under Section [  
 20987 ~~76-10-507]~~ 76-11-206;

20988 ~~[(kkkk)]~~ (llll) unlawful marking of pistol or revolver under Section ~~[76-10-521]~~ 53-5a-105;

20989 ~~[(llll)]~~ (mmmm) alteration of number or mark on pistol or revolver under Section [  
 20990 ~~76-10-522]~~ 53-5a-106;

20991 ~~[(mmmm)]~~ (nnnn) forging or counterfeiting trademarks, trade name, or trade device  
 20992 under Section ~~[76-10-1002]~~ 76-16-302;

20993 ~~[(nnnn)]~~ (oooo) selling goods under counterfeited trademark, trade name, or trade  
 20994 devices under Section ~~[76-10-1003]~~ 76-16-303;

20995 ~~[(oooo)]~~ (pppp) sales in containers bearing registered trademark of substituted articles  
 20996 under Section ~~[76-10-1004]~~ 76-16-304;

20997 ~~[(pppp)]~~ (qqqq) selling or dealing with article bearing registered trademark or service  
 20998 mark with intent to defraud under Section ~~[76-10-1006]~~ 76-16-306;

20999 ~~[(qqqq)]~~ (rrrr) participating in gambling under Section ~~[76-10-1102]~~ 76-9-1402;

21000 (ssss) permitting gambling under Section, 76-9-1403;

21001 (tttt) online gambling prohibition under Section 76-9-1404;

21002 (uuuu) gambling promotion under Section 76-9-1405;

21003 ~~[(rrrr)]~~ (vvvv) gambling fraud under Section ~~[76-10-1103]~~ 76-9-1406;

21004 ~~[(ssss)]~~ gambling promotion under Section ~~76-10-1104;~~

21005 [(tttt)] (www) possessing a gambling device or record under Section [76-10-1105]  
21006 76-9-1407;  
21007 [(uuuu)] (xxxx) obtaining a benefit from a confidence game under Section [76-10-1109]  
21008 76-9-1410;  
21009 [(vvvv)] (yyyy) distributing pornographic material under Section [76-10-1204] 76-5c-202;  
21010 [(zzzz)] aiding or abetting a minor in distributing pornographic material under Section  
21011 76-5c-203;  
21012 [(wwww)] (aaaa) inducing acceptance of pornographic material under Section [  
21013 76-10-1205] 76-5c-204;  
21014 [(xxxx)] (bbbb) [~~dealing in harmful material to a minor~~] distributing material harmful to  
21015 minors under Section [76-10-1206] 76-5c-205;  
21016 [(cccc)] aiding or abetting a minor in distributing material harmful to minors under  
21017 Section 76-5c-206;  
21018 [(yyyy)] (dddd) distribution of [~~pornographic films~~] a pornographic file for exhibition  
21019 under Section [76-10-1222] 76-5c-305;  
21020 [(zzzz)] (eeee) indecent public [~~displays~~] display in the presence of a minor under  
21021 Section [76-10-1228] 76-5c-207;  
21022 [(aaaa)] (ffff) prostitution under Section [76-10-1302] 76-5c-202;  
21023 [(bbbb)] (gggg) aiding prostitution under Section [76-10-1304] 76-5c-206;  
21024 [(eeee)] (hhhh) exploiting prostitution under Section [76-10-1305] 76-5c-207;  
21025 [(dddd)] (iiii) aggravated exploitation of prostitution under Section [76-10-1306]  
21026 76-5d-208;  
21027 [(eeee)] (jjjj) communications fraud under Section [76-10-1801] 76-6-525;  
21028 [(ffff)] (kkkk) an act prohibited by the criminal provisions of [~~Part 19, Money~~  
21029 ~~Laundrying and Currency Transaction Reporting Act]~~ Chapter 9, Part 16, Money  
21030 Laundrying and Currency Transaction Reporting;  
21031 [(gggg)] (llll) vehicle compartment for contraband under Section [76-10-2801]  
21032 76-9-1902 or 76-9-1903;  
21033 [(hhhh)] (mmmm) an act prohibited by the criminal provisions of the laws governing  
21034 taxation in this state; or  
21035 [(iiii)] (nnnn) an act illegal under the laws of the United States and enumerated in 18  
21036 U.S.C. Sec. 1961(1)(B), (C), and (D).  
21037 Section 474. Section **76-17-402**, which is renumbered from Section 76-10-1604 is renumbered  
21038 and amended to read:

21039 ~~[76-10-1604]~~**76-17-402 (Effective 05/07/25). Enforcement authority of peace officers.**

21040 Notwithstanding any law to the contrary, peace officers in ~~[the state of Utah shall]~~

21041 this state have the authority to enforce the criminal provisions of this ~~[act]~~ part by initiating

21042 investigations, assisting grand juries, obtaining indictments, filing informations, and assisting

21043 in the prosecution of criminal cases through the attorney general or county attorneys' offices.

21044 Section 475. Section **76-17-403**, which is renumbered from Section 76-10-1605 is renumbered

21045 and amended to read:

21046 ~~[76-10-1605]~~**76-17-403 (Effective 05/07/25). Remedies of person injured by a pattern of**

21047 **unlawful activity -- Double damages -- Costs, including attorney fees -- Arbitration --**

21048 **Agency -- Burden of proof -- Actions by attorney general or county attorney -- Dismissal**

21049 **-- Statute of limitations -- Authorized orders of a court.**

21050 (1)(a) A person injured in ~~[his]~~ the person's person, business, or property by a person

21051 engaged in conduct forbidden by ~~[any provision of Section 76-10-1603]~~ Section

21052 76-17-407 may bring an action in a court with jurisdiction under Title 78A, Judiciary

21053 and Judicial Administration, to recover twice the damages that the person sustains,

21054 regardless of whether:

21055 ~~[(a)]~~ (i) the injury is separate or distinct from the injury suffered as a result of the acts

21056 or conduct constituting the pattern of unlawful conduct alleged as part of the cause

21057 of action; or

21058 ~~[(b)]~~ (ii) the conduct has been adjudged criminal by ~~[any]~~ a court of the state or of the

21059 United States.

21060 (2) A party who prevails on a cause of action brought under this section recovers the cost of

21061 the suit, including reasonable attorney fees.

21062 (3) All actions arising under this section ~~[which]~~ that are grounded in fraud are subject to

21063 arbitration under Title 78B, Chapter 11, Utah Uniform Arbitration Act.

21064 (4)(a) In all actions under this section, a principal is liable for actual damages for harm

21065 caused by an agent acting within the scope of either ~~[his]~~ the agent's employment or

21066 apparent authority.

21067 (b) A principal is liable for double damages only if the pattern of unlawful activity

21068 alleged and proven as part of the cause of action was authorized, solicited, requested,

21069 commanded, undertaken, performed, or recklessly tolerated by the board of directors

21070 or a high managerial agent acting within the scope of ~~[his]~~ the agent's employment.

21071 (5) In all actions arising under this section, the burden of proof is clear and convincing

21072 evidence.

- 21073 (6) The attorney general, county attorney, or, if within a prosecution district, the district  
 21074 attorney may maintain [~~actions~~] an action under this section on behalf of the state, the  
 21075 county, or any person injured by a person engaged in conduct forbidden by [~~any~~  
 21076 ~~provision of Section 76-10-1603~~] Section 76-17-407, to prevent, restrain, or remedy  
 21077 injury as defined in this section and may recover the damages and costs allowed by this  
 21078 section.
- 21079 (7) In all actions under this section, the elements of each claim or cause of action shall be  
 21080 stated with particularity against each defendant.
- 21081 (8) If an action, claim, or counterclaim brought or asserted by a private party under this  
 21082 section is dismissed [~~prior to~~] before trial or disposed of on summary judgment, or if it is  
 21083 determined at trial that there is no liability, the prevailing party shall recover from the  
 21084 party who brought the action or asserted the claim or counterclaim the amount of [~~its~~] the  
 21085 prevailing party's reasonable expenses incurred because of the defense against the  
 21086 action, claim, or counterclaim, including a reasonable [~~attorney's~~] attorney fee.
- 21087 (9)(a) An action or proceeding brought under this section shall be commenced within  
 21088 three years after the conduct prohibited by Section [~~76-10-1603~~] 76-17-407 terminates  
 21089 or the cause of action accrues, whichever is later.
- 21090 (b) [~~This provision~~] Subsection (9)(a) supersedes any limitation to the contrary.
- 21091 (10)(a) In any action brought under this section, the court may prevent, restrain, or  
 21092 remedy injury as defined by this section by issuing appropriate orders after making  
 21093 provisions for the rights of innocent persons.
- 21094 (b) Before liability is determined in any action brought under this section, the court may:  
 21095 (i) issue restraining orders and injunctions;  
 21096 (ii) require satisfactory performance bonds or any other bond [~~it~~] the court considers  
 21097 appropriate and necessary in connection with any property or [~~any~~] requirement  
 21098 imposed upon a party by the court; and  
 21099 (iii) enter any other order the court considers necessary and proper.
- 21100 (c) After a determination of liability, the court may, in addition to granting the relief  
 21101 allowed in Subsection (1), do any one or all of the following:  
 21102 (i) order [~~any~~] a person to divest [~~himself~~] the person's self of any interest in or any  
 21103 control, direct or indirect, of [~~any~~] an enterprise;  
 21104 (ii) impose reasonable restrictions on the future activities or investments of [~~any~~] a  
 21105 person, including prohibiting [~~any~~] a person from engaging in the same type of  
 21106 endeavor as the enterprise engaged in, to the extent the Utah Constitution and the

21107 Constitution of the United States permit; or  
 21108 (iii) order the dissolution or reorganization of [any] an enterprise.  
 21109 (d)(i) However, if an action is brought to obtain any relief provided by this section,  
 21110 and if the conduct prohibited by [~~Section 76-10-1603~~] Section 76-17-407 has for  
 21111 its pattern of unlawful activity acts or conduct illegal under Section [~~76-10-1204,~~  
 21112 ~~76-10-1205, 76-10-1206, or 76-10-1222,~~] 76-5c-202, 76-5c-203, 76-5c-204,  
 21113 76-5c-205, 76-5c-206, or 76-5c-305, the court may not enter [any] an order that  
 21114 would amount to a prior restraint on the exercise of an affected party's rights under  
 21115 the First Amendment to the Constitution of the United States, or Article I, Sec. 15  
 21116 of the Utah Constitution.  
 21117 (ii) The court shall, upon the request of [any] an affected party, and upon the notice to  
 21118 all parties, [~~prior to~~] before the issuance of [any] an order provided for in this  
 21119 subsection, and at any later time, hold hearings as necessary to determine whether  
 21120 any materials at issue are obscene or pornographic and to determine if there is  
 21121 probable cause to believe that any act or conduct alleged violates Section [  
 21122 ~~76-10-1204, 76-10-1205, 76-10-1206, or 76-10-1222~~] 76-5c-202, 76-5c-203,  
 21123 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305.  
 21124 (iii) In making [~~its~~] the court's findings, the court shall be guided by the same  
 21125 considerations required of a court making similar findings in criminal cases  
 21126 brought under Section [~~76-10-1204, 76-10-1205, 76-10-1206, or 76-10-1222~~]  
 21127 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205, 76-5c-206, or 76-5c-305, including,  
 21128 but not limited to, the definitions in Sections [~~76-10-1201, 76-10-1203, and~~  
 21129 ~~76-10-1216~~] 76-5c-101 and 76-5c-301, and the exemptions in Section [~~76-10-1226~~]  
 21130 76-5c-302.

21131 Section 476. Section **76-17-404**, which is renumbered from Section 76-10-1607 is renumbered  
 21132 and amended to read:

21133 **[76-10-1607]76-17-404 (Effective 05/07/25). Evidentiary value of a criminal judgment in a**  
 21134 **civil proceeding.**

21135 A final judgment or decree rendered in favor of the state or a county in [any] a  
 21136 criminal proceeding brought by this state or a county shall preclude the defendant from  
 21137 denying the essential allegations of the criminal offense in [any] a subsequent civil proceeding.

21138 Section 477. Section **76-17-405**, which is renumbered from Section 76-10-1609 is renumbered  
 21139 and amended to read:

21140 **[76-10-1609]76-17-405 (Effective 05/07/25). Prospective application.**



- 21141 (1) ~~[The amendments to the Utah Pattern of Unlawful Activity Act]~~ Except as provided  
 21142 in Subsection (2), amendments to this part are prospective in nature and apply only to  
 21143 civil causes of action accruing after ~~[the effective date of this act]~~ April 27, 1987.
- 21144 (2) ~~[However, crimes committed prior to the effective date of this act]~~ A crime committed  
 21145 before April 27, 1987, may comprise part of a pattern of unlawful activity if at least one  
 21146 of the criminal episodes comprising that pattern occurs after ~~[the effective date of this act]~~  
 21147 April 27, 1987, and the pattern otherwise meets the definition of pattern of unlawful  
 21148 activity as defined in Section ~~[76-10-1602]~~ 76-17-401.

21149 Section 478. Section **76-17-406**, which is renumbered from Section 76-10-1608 is renumbered  
 21150 and amended to read:

21151 **~~[76-10-1608]~~76-17-406 (Effective 05/07/25). Severability clause.**

21152 If any part or application of ~~[the Utah Pattern of Unlawful Activity Act]~~ this part is  
 21153 held invalid, the remainder of this part, or ~~[its]~~ the part's application to other situations or  
 21154 persons, is not affected.

21155 Section 479. Section **76-17-407**, which is renumbered from Section 76-10-1603 is renumbered  
 21156 and amended to read:

21157 **~~[76-10-1603]~~76-17-407 (Effective 05/07/25). Prohibited conduct concerning a pattern of**  
 21158 **unlawful activity.**

21159 (1)(a) As used in this section, "net proceeds" of a violation of this section means  
 21160 property acquired as a result of the violation minus the direct costs of acquiring the  
 21161 property.

21162 (b) Terms defined in Sections 76-1-101.5, 76-17-101, and 76-17-401 apply to this  
 21163 section.

21164 (2) An actor commits prohibited conduct concerning a pattern of unlawful activity if the  
 21165 actor:

21166 (a) ~~[It is unlawful for any person who-]~~

21167 (i) has received [any-]proceeds derived, whether directly or indirectly, from a pattern  
 21168 of unlawful activity in which the [person] actor has participated as a principal[-, to  
 21169 use or invest,-] ; and

21170 (ii) uses or invests, directly or indirectly, any part of [that] the income described in  
 21171 Subsection (2)(a)(i), or the proceeds of the income, or the proceeds derived from  
 21172 the investment or use of those proceeds, in the acquisition of [any] an interest in, or  
 21173 the establishment or operation of, [any] an enterprise[-] ;

21174 ~~[(2)] (b) [It is unlawful for any person through a pattern of unlawful activity to acquire or~~

21175            ~~maintain~~] acquires or maintains, directly or indirectly, [~~any~~] through a pattern of

21176            unlawful activity, an interest in or control of [~~any~~] an enterprise[-] ;

21177            [(3)] (c)(i) [~~It is unlawful for any person~~] is employed by or associated with [~~any~~] an

21178            enterprise; and

21179            (ii) [~~to conduct or participate~~] conducts or participates, whether directly or indirectly,

21180            in the conduct of [~~that~~] the enterprise's affairs through a pattern of unlawful activity[-] ;

21181            or

21182            [(4)] (d) [~~It is unlawful for any person to conspire to violate any provision of Subsection~~

21183            ~~(1), (2), or (3)] conspires to violate Subsection (2)(a), (b), or (c).~~

21184            (3) A violation of Subsection (2) is a second degree felony.

21185            (4) In addition to penalties prescribed by law, the court may order an actor to pay to the

21186            state, if the attorney general brought the action, or to the county, if the county attorney

21187            or district attorney brought the action, the costs of investigating and prosecuting the

21188            offense and the costs of securing the forfeitures provided for in this section.

21189            (5) In lieu of a fine otherwise authorized by law for a violation of this section, an actor who

21190            derives net proceeds from a conduct prohibited by this section may be fined not more

21191            than twice the amount of the net proceeds.

21192            (6) Upon a conviction for a violation of this section, and in addition to a penalty prescribed

21193            by law, the court may do any or all of the following:

21194            (a) order restitution to any victim or rightful owner of property obtained, directly or

21195            indirectly, from:

21196            (i) the conduct constituting the pattern of unlawful activity; or

21197            (ii) any act or conduct constituting the pattern of unlawful activity that is proven as

21198            part of the violation of this section;

21199            (b) order the actor to divest the actor of any interest in or any control, direct or indirect,

21200            of an enterprise;

21201            (c) impose reasonable restrictions on the future activities or investments of any person,

21202            including prohibiting the person from engaging in the same type of endeavor as the

21203            enterprise engaged in, to the extent the Utah Constitution and the Constitution of the

21204            United States permit; or

21205            (d) order the dissolution or reorganization of an enterprise.

21206            (7) If a violation of this section is based on a pattern of unlawful activity consisting of acts

21207            or conduct in violation of Section 76-5c-202, 76-5c-203, 76-5c-204, 76-5c-205,

21208            76-5c-206, or 76-5c-305, the court may not enter an order that would amount to a prior

21209 restraint on the exercise of an affected party's rights under the First Amendment to the  
 21210 Constitution of the United States or Utah Constitution, Article I, Section 15.

21211 Section 480. Section **77-2-9** is amended to read:

21212 **77-2-9 (Effective 05/07/25). Offenses ineligible for diversion.**

21213 (1) A magistrate may not grant a diversion for:

21214 (a) a capital felony;

21215 (b) a felony in the first degree;

21216 (c) any case involving a sexual offense against a victim who is under 14 years old;

21217 (d) any motor vehicle related offense involving alcohol or drugs;

21218 (e) any case involving using a motor vehicle in the commission of a felony;

21219 (f) driving a motor vehicle or commercial motor vehicle on a revoked or suspended  
 21220 license;

21221 (g) any case involving operating a commercial motor vehicle in a negligent manner  
 21222 causing the death of another including the offenses of:

21223 (i) manslaughter under Section 76-5-205; or

21224 (ii) negligent homicide under Section 76-5-206; or

21225 (h) a crime of domestic violence as defined in Section 77-36-1.

21226 (2) When an individual is alleged to have committed any violation of Title 76, Chapter 5,

21227 Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or

21228 76-5-420, while under 16 years old, the court may enter a diversion in the matter if the

21229 court enters on the record the court's findings that:

21230 (a) the offenses could have been adjudicated in juvenile court but for the delayed

21231 reporting or delayed filing of the information in the district court, unless the offenses  
 21232 are before the court in accordance with Section 80-6-502 or 80-6-504;

21233 (b) the individual did not use coercion or force;

21234 (c) there is no more than three years' difference between the ages of the participants; and

21235 (d) it would be in the best interest of the person to grant diversion.

21236 Section 481. Section **77-7a-104** is amended to read:

21237 **77-7a-104 (Effective 05/07/25). Activation and use of body-worn cameras.**

21238 (1) An officer using a body-worn camera shall verify that the equipment is properly

21239 functioning as is reasonably within the officer's ability.

21240 (2) An officer shall report any malfunctioning equipment to the officer's supervisor if:

21241 (a) the body-worn camera issued to the officer is not functioning properly upon initial  
 21242 inspection; or

- 21243 (b) an officer determines that the officer's body-worn camera is not functioning properly  
21244 at any time while the officer is on duty.
- 21245 (3) An officer shall wear the body-worn camera so that it is clearly visible to the person  
21246 being recorded.
- 21247 (4) An officer shall activate the body-worn camera prior to any law enforcement encounter,  
21248 or as soon as reasonably possible.
- 21249 (5) An officer shall record in an uninterrupted manner until after the conclusion of a law  
21250 enforcement encounter, except as an interruption of a recording is allowed under this  
21251 section.
- 21252 (6) When going on duty and off duty, an officer who is issued a body-worn camera shall  
21253 record the officer's name, identification number, and the current time and date, unless  
21254 the information is already available due to the functionality of the body-worn camera.
- 21255 (7) If a body-worn camera was present during a law enforcement encounter, the officer  
21256 shall document the presence of the body-worn camera in any report or other official  
21257 record of a contact.
- 21258 (8) When a body-worn camera has been activated, the officer may not deactivate the  
21259 body-worn camera until the officer's direct participation in the law enforcement  
21260 encounter is complete, except as provided in Subsection (9).
- 21261 (9) An officer may deactivate a body-worn camera:
- 21262 (a) to consult with a supervisor or another officer;
- 21263 (b) during a significant period of inactivity;
- 21264 (c) during a conversation with a sensitive victim of crime, a witness of a crime, or an  
21265 individual who wishes to report or discuss criminal activity if:
- 21266 (i) the individual who is the subject of the recording requests that the officer  
21267 deactivate the officer's body-worn camera; and
- 21268 (ii) the officer believes that the value of the information outweighs the value of the  
21269 potential recording and records the request by the individual to deactivate the  
21270 body-worn camera; or
- 21271 (d) during a conversation with a victim of a sexual offense, as described in Title 76,  
21272 Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418,  
21273 76-5-419, or 76-5-420, or domestic violence, as defined in Section 77-36-1, if:
- 21274 (i) the officer is conducting an evidence-based lethality assessment;
- 21275 (ii) the victim or the officer believes that deactivating the body-worn camera  
21276 recording:

- 21277 (A) will encourage complete and accurate information sharing by the victim; or  
 21278 (B) is necessary to protect the safety or identity of the victim; and  
 21279 (iii) the officer's body-worn camera is reactivated as soon as reasonably possible after  
 21280 the evidence-based lethality assessment is complete.
- 21281 (10) If an officer deactivates or fails to activate a body-worn camera in violation of this  
 21282 section, the officer shall document the reason for deactivating or for failing to activate a  
 21283 body-worn camera in a written report.
- 21284 (11)(a) For purposes of this Subsection (11):
- 21285 (i) "Health care facility" means the same as that term is defined in Section 78B-3-403.  
 21286 (ii) "Health care provider" means the same as that term is defined in Section  
 21287 78B-3-403.  
 21288 (iii) "Hospital" means the same as that term is defined in Section 78B-3-403.  
 21289 (iv) "Human service program" means the same as that term is defined in Section  
 21290 26B-2-101.
- 21291 (b) An officer may not activate a body-worn camera in a hospital, health care facility,  
 21292 human service program, or the clinic of a health care provider, except during a law  
 21293 enforcement encounter, and with notice under Section 77-7a-105.
- 21294 (12) A violation of this section may not serve as the sole basis to dismiss a criminal case or  
 21295 charge.
- 21296 (13) Nothing in this section precludes a law enforcement agency from establishing internal  
 21297 agency policies for an officer's failure to comply with the requirements of this section.  
 21298 Section 482. Section **77-11a-402** is amended to read:  
 21299 **77-11a-402 (Effective 05/07/25). Disposition of seized property and contraband**  
 21300 **-- Return of seized property.**
- 21301 (1)(a) Except as provided in Subsection (1)(b), if a prosecuting attorney determines that  
 21302 seized property no longer needs to be retained as evidence under Chapter 11c,  
 21303 Retention of Evidence, the prosecuting attorney may:
- 21304 (i) petition the court to apply the property that is money towards restitution, fines,  
 21305 fees, or monetary judgments owed by the owner of the property;  
 21306 (ii) petition the court for an order transferring ownership of weapons to the agency  
 21307 with custody for the agency's use and disposal in accordance with Section  
 21308 77-11a-403 if the owner:
- 21309 (A) is the individual who committed the offense for which the weapon was seized;  
 21310 or

- 21311 (B) may not lawfully possess the weapon; or
- 21312 (iii) notify the agency with custody of the property or contraband that:
- 21313 (A) the property may be returned to the owner in accordance with Section
- 21314 77-11a-301 if the owner may lawfully possess the property; or
- 21315 (B) the contraband may be disposed of or destroyed.
- 21316 (b) If a prosecuting attorney determines that a firearm seized from an individual as a
- 21317 result of an offense committed under Subsection [~~76-10-529(2)(a)(i)~~] 76-11-215(2)(a)
- 21318 no longer needs to be retained for court proceedings, the prosecuting attorney shall
- 21319 notify the agency with custody of the firearm that the property shall be returned to the
- 21320 individual if the individual may lawfully possess the firearm.
- 21321 (2) Before returning a firearm to an individual, the agency returning the firearm shall
- 21322 confirm, through the Bureau of Criminal Identification, that the individual is eligible to
- 21323 lawfully possess and receive firearms.
- 21324 (3)(a) Except as provided in Subsection (3)(b), if the agency is unable to locate the
- 21325 owner of the property or the owner is not entitled to lawfully possess the property,
- 21326 the agency may:
- 21327 (i) apply the property to a public interest use;
- 21328 (ii) sell the property at public auction and apply the proceeds of the sale to a public
- 21329 interest use; or
- 21330 (iii) destroy the property if the property is unfit for a public interest use or for sale.
- 21331 (b) If the property described in Subsection (3)(a) is a firearm, the agency shall dispose of
- 21332 the firearm in accordance with Section 77-11a-403.
- 21333 (4) Before applying the property or the proceeds from the sale of the property to a public
- 21334 interest use, the agency shall obtain from the legislative body of the agency's jurisdiction:
- 21335 (a) permission to apply the property or the proceeds to public interest use; and
- 21336 (b) the designation and approval of the public interest use of the property or the proceeds.
- 21337 (5) If a peace officer seizes property that at the time of seizure is held by a pawn or
- 21338 secondhand business in the course of the pawn or secondhand business's business, the
- 21339 provisions of Section 13-32a-116 shall apply to the disposition of the property.
- 21340 Section 483. Section **77-11b-102** is amended to read:
- 21341 **77-11b-102 (Effective 05/07/25). Property subject to forfeiture.**
- 21342 (1)(a) Except as provided in Subsection (2), (3), (4), or (5), an agency may seek to
- 21343 forfeit:
- 21344 (i) seized property that was used to facilitate the commission of an offense that is a

- 21345 violation of federal or state law; or
- 21346 (ii) seized proceeds.
- 21347 (b) An agency, or the prosecuting attorney, may not forfeit the seized property of an
- 21348 innocent owner or an interest holder.
- 21349 (2) If seized property is used to facilitate an offense that is a violation of Section [  
 21350 ~~76-10-1204, 76-10-1205, 76-10-1206, or 76-10-1222~~] 76-5c-202, 76-5c-203, 76-5c-204,  
 21351 76-5c-205, 76-5c-206, or 76-5c-305, an agency may not forfeit the property if the  
 21352 forfeiture would constitute a prior restraint on the exercise of an affected party's rights  
 21353 under the First Amendment to the Constitution of the United States or Utah Constitution,  
 21354 Article I, Section 15, or would otherwise unlawfully interfere with the exercise of the  
 21355 party's rights under the First Amendment to the Constitution of the United States or Utah  
 21356 Constitution, Article I, Section 15.
- 21357 (3) If a motor vehicle is used in an offense that is a violation of Section 41-6a-502,  
 21358 41-6a-517, a local ordinance that complies with the requirements of Subsection  
 21359 41-6a-510(1), Subsection 76-5-102.1(2)(b), or Section 76-5-207, an agency may not  
 21360 seek forfeiture of the motor vehicle, unless:
- 21361 (a) the operator of the vehicle has previously been convicted of an offense committed  
 21362 after May 12, 2009, that is:
- 21363 (i) a felony driving under the influence violation under Section 41-6a-502 or  
 21364 Subsection 76-5-102.1(2)(a);
- 21365 (ii) a felony violation under Subsection 76-5-102.1(2)(b);
- 21366 (iii) a violation under Section 76-5-207; or
- 21367 (iv) operating a motor vehicle with any amount of a controlled substance in an  
 21368 individual's body and causing serious bodily injury or death, as codified before  
 21369 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection  
 21370 58-37-8(2)(g); or
- 21371 (b) the operator of the vehicle was driving on a denied, suspended, revoked, or  
 21372 disqualified license and:
- 21373 (i) the denial, suspension, revocation, or disqualification under Subsection (3)(b)(ii)  
 21374 was imposed because of a violation under:
- 21375 (A) Section 41-6a-502;
- 21376 (B) Section 41-6a-517;
- 21377 (C) a local ordinance that complies with the requirements of Subsection  
 21378 41-6a-510(1);

- 21379 (D) Section 41-6a-520.1;
- 21380 (E) operating a motor vehicle with any amount of a controlled substance in an
- 21381 individual's body and causing serious bodily injury or death, as codified before
- 21382 May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
- 21383 58-37-8(2)(g);
- 21384 (F) Section 76-5-102.1;
- 21385 (G) Section 76-5-207; or
- 21386 (H) a criminal prohibition as a result of a plea bargain after having been originally
- 21387 charged with violating one or more of the sections or ordinances described in
- 21388 Subsections (3)(b)(i)(A) through (G); or
- 21389 (ii) the denial, suspension, revocation, or disqualification described in Subsection
- 21390 (3)(b)(i):
- 21391 (A) is an extension imposed under Subsection 53-3-220(2) of a denial, suspension,
- 21392 revocation, or disqualification; and
- 21393 (B) the original denial, suspension, revocation, or disqualification was imposed
- 21394 because of a violation described in Subsection (3)(b)(i).
- 21395 (4) If a peace officer seizes property incident to an arrest solely for possession of a
- 21396 controlled substance under Subsection 58-37-8(2)(a)(i) but not Subsection
- 21397 58-37-8(2)(b)(i), an agency may not seek to forfeit the property that was seized in
- 21398 accordance with the arrest.
- 21399 (5) If a peace officer seizes an individual's firearm as the result of an offense under Section [
- 21400 76-10-529] 76-11-215, an agency may not seek to forfeit the individual's firearm if the
- 21401 individual may lawfully possess the firearm.
- 21402 Section 484. Section **77-11d-101** is amended to read:
- 21403 **77-11d-101 (Effective 05/07/25). Definitions.**
- 21404 As used in this chapter:
- 21405 (1) "Interest holder" means the same as that term is defined in Section 77-11a-101.
- 21406 (2)(a) "Lost or mislaid property":
- 21407 (i) means any property that comes into the possession of a peace officer or law
- 21408 enforcement agency:
- 21409 (A) that is not claimed by anyone who is identified as the owner of the property; or
- 21410 (B) for which no owner or interest holder can be found after a reasonable and
- 21411 diligent search;
- 21412 (ii) includes any property received by a peace officer or law enforcement agency



- 21413 from a person claiming to have found the property; and
- 21414 (iii) does not include property seized by a peace officer in accordance with Chapter
- 21415 11a, Seizure of Property and Contraband.
- 21416 (b) "Lost or mislaid property" includes a firearm or other dangerous weapon received by
- 21417 a law enforcement agency at an airport under Subsection [~~76-10-529(6)~~] 76-11-215(7).
- 21418 (3) "Owner" means the same as that term is defined in Section 77-11a-101.
- 21419 (4) "Public interest use" means:
- 21420 (a) use by a governmental agency as determined by the agency's legislative body; or
- 21421 (b) donation to a nonprofit charity registered with the state.
- 21422 Section 485. Section **77-11d-105** is amended to read:
- 21423 **77-11d-105 (Effective 05/07/25). Disposition of unclaimed property.**
- 21424 (1)(a) Except as provided in Subsection (6), if the owner of any lost or mislaid property
- 21425 cannot be determined or notified, or if the owner of the property is determined and
- 21426 notified, and fails to appear and claim the property after three months of the
- 21427 property's receipt by the local law enforcement agency, the agency shall:
- 21428 (i) publish notice of the intent to dispose of the unclaimed property on Utah's Public
- 21429 Legal Notice Website established in Subsection 45-1-101(2)(b);
- 21430 (ii) post a similar notice on the public website of the political subdivision within
- 21431 which the law enforcement agency is located; and
- 21432 (iii) post a similar notice in a public place designated for notice within the law
- 21433 enforcement agency.
- 21434 (b) The notice shall:
- 21435 (i) give a general description of the item; and
- 21436 (ii) the date of intended disposition.
- 21437 (c) The agency may not dispose of the lost or mislaid property until at least eight days
- 21438 after the date of publication and posting.
- 21439 (2)(a) If no claim is made for the lost or mislaid property within nine days of
- 21440 publication and posting, the agency shall notify the person who turned the property
- 21441 over to the local law enforcement agency, if it was turned over by a person under
- 21442 Section 77-11d-103.
- 21443 (b) Except as provided in Subsection (4), if that person has complied with the provisions
- 21444 of this chapter, the person may take the lost or mislaid property if the person:
- 21445 (i) pays the costs incurred for advertising and storage; and
- 21446 (ii) signs a receipt for the item.

- 21447 (3) If the person who found the lost or mislaid property fails to take the property under the  
 21448 provisions of this chapter, the agency shall:
- 21449 (a) apply the property to a public interest use as provided in Subsection (4);  
 21450 (b) sell the property at public auction and apply the proceeds of the sale to a public  
 21451 interest use; or  
 21452 (c) destroy the property if it is unfit for a public interest use or sale.
- 21453 (4)(a) Before applying the lost or mislaid property to a public interest use, the agency  
 21454 having possession of the property shall obtain from the agency's legislative body:
- 21455 (i) permission to apply the property to a public interest use; and  
 21456 (ii) the designation and approval of the public interest use of the property.
- 21457 (b) If the agency is a private law enforcement agency as defined in Subsection 53-19-102  
 21458 (4), the agency may apply the lost or mislaid property to a public interest use as  
 21459 provided in Subsection (4)(a) after obtaining the permission, designation, and  
 21460 approval of the legislative body of the municipality in which the agency is located.
- 21461 (5) Any person employed by a law enforcement agency who finds property may not claim  
 21462 or receive property under this section.
- 21463 (6)(a) If the lost or mislaid property is a firearm or other dangerous weapon received by  
 21464 a law enforcement agency under Subsection [~~76-10-529(6)~~] 76-11-215(7), the law  
 21465 enforcement agency may dispose of the firearm or other dangerous weapon three  
 21466 months after the property's receipt by the law enforcement agency if the owner of the  
 21467 firearm or other dangerous weapon, or the owner's agent:
- 21468 (i) fails to retrieve the firearm or other dangerous weapon; or  
 21469 (ii) is legally prohibited from possessing the firearm or other dangerous weapon.
- 21470 (b) A law enforcement agency may dispose of a firearm under Subsection (6)(a) by  
 21471 following the procedures described in Section 77-11a-403, disposition of firearms no  
 21472 longer needed as evidence.
- 21473 Section 486. Section **77-20-203** is amended to read:
- 21474 **77-20-203 (Effective 05/07/25). County sheriff authority to release an individual**  
 21475 **from jail on own recognizance.**
- 21476 (1) As used in this section:
- 21477 (a)(i) "Qualifying domestic violence offense" means the same as that term is defined  
 21478 in Subsection 77-36-1.1(4).  
 21479 (ii) "Qualifying domestic violence offense" does not include criminal mischief as  
 21480 described in Section 76-6-106.

- 21481 (b) "Qualifying offense" means the same as that term is defined in Section 78B-7-801.
- 21482 (c) "Violent felony" means the same as that term is defined in Section 76-3-203.5.
- 21483 (2) Except as provided in Subsection (3), a county jail official may release an individual
- 21484 from a jail facility on the individual's own recognizance if:
- 21485 (a) the individual was arrested without a warrant;
- 21486 (b) the individual was not arrested for:
- 21487 (i) a violent felony;
- 21488 (ii) a qualifying offense;
- 21489 (iii) the offense of driving under the influence or driving with a measurable
- 21490 controlled substance in the body if the offense results in death or serious bodily
- 21491 injury to an individual; or
- 21492 (iv) an offense described in Subsection 76-9-101(4)(b);
- 21493 (c) law enforcement has not submitted a probable cause statement to a court or
- 21494 magistrate;
- 21495 (d) the individual agrees in writing to appear for any future criminal proceedings related
- 21496 to the arrest; and
- 21497 (e) the individual qualifies for release under the written policy described in Subsection
- 21498 (4) for the county.
- 21499 (3) A county jail official may not release an individual from a jail facility if the individual is
- 21500 subject to a 72-hour hold placed on the individual by the Department of Corrections as
- 21501 described in Section 64-13-29.
- 21502 (4)(a) A county sheriff shall create and approve a written policy for the county that
- 21503 governs the release of an individual on the individual's own recognizance.
- 21504 (b) The written policy shall describe the criteria an individual shall meet to be released
- 21505 on the individual's own recognizance.
- 21506 (c) A county sheriff may include in the written policy the criteria for release relating to:
- 21507 (i) criminal history;
- 21508 (ii) prior instances of failing to appear for a mandatory court appearance;
- 21509 (iii) current employment;
- 21510 (iv) residency;
- 21511 (v) ties to the community;
- 21512 (vi) an offense for which the individual was arrested;
- 21513 (vii) any potential criminal charges that have not yet been filed;
- 21514 (viii) the individual's health condition;

- 21515 (ix) any potential risks to a victim, a witness, or the public; and  
21516 (x) any other similar factor a sheriff determines is relevant.
- 21517 (5)(a) Except as provided in Subsection (5)(b)(ii), a jail facility shall detain an  
21518 individual for up to 24 hours from booking if:
- 21519 (i) the individual is on supervised probation or parole and that information is  
21520 reasonably available; and  
21521 (ii) the individual was arrested for:
- 21522 (A) a violent felony; or  
21523 (B) a qualifying domestic violence offense.
- 21524 (b) The jail facility shall:
- 21525 (i) notify the entity supervising the individual's probation or parole that the individual  
21526 is being detained; and  
21527 (ii) release the individual:
- 21528 (A) to the Department of Corrections if the Department of Corrections supervises  
21529 the individual and requests the individual's release; or  
21530 (B) if a court or magistrate orders release.
- 21531 (c) This Subsection (5) does not prohibit a jail facility from holding the individual in  
21532 accordance with this chapter for a new criminal offense.
- 21533 (6) This section does not prohibit a court and a county from entering into an agreement  
21534 regarding release.
- 21535 Section 487. Section **77-20-204** is amended to read:
- 21536 **77-20-204 (Effective 05/07/25). County jail authority to release an individual**  
21537 **from jail on monetary bail.**
- 21538 (1) As used in this section, "eligible felony offense" means a third degree felony violation  
21539 under:
- 21540 (a) Section 23A-4-501 or 23A-4-502;  
21541 (b) Section 23A-5-311;  
21542 (c) Section 23A-5-313;  
21543 (d) Title 76, Chapter 6, Part 4, Theft;  
21544 (e) Title 76, Chapter 6, Part 5, Fraud;  
21545 (f) Title 76, Chapter 6, Part 6, Retail Theft;  
21546 (g) Title 76, Chapter 6, Part 7, Utah Computer Crimes Act;  
21547 (h) Title 76, Chapter 6, Part 8, Library Theft;  
21548 (i) Title 76, Chapter 6, Part 9, Cultural Sites Protection;

- 21549 (j) Title 76, Chapter 6, Part 10, Mail Box Damage and Mail Theft;
- 21550 (k) Title 76, Chapter 6, Part 11, Identity Fraud Act;
- 21551 (l) Title 76, Chapter 6, Part 12, Utah Mortgage Fraud Act;
- 21552 (m) Title 76, Chapter 6, Part 13, Utah Automated Sales Suppression Device Act;
- 21553 (n) Title 76, Chapter 6, Part 14, Regulation of Metal Dealers;
- 21554 (o) Title 76, Chapter 6a, Pyramid Scheme Act;
- 21555 (p) Title 76, Chapter 7, Offenses Against the Family;
- 21556 (q) Title 76, Chapter 7a, Abortion Prohibition;
- 21557 (r) Title 76, Chapter 12, Part 2, Electronic Communication Abuse;
- 21558 (s) Title 76, Chapter 12, Part 3, Privacy Offenses; or
- 21559 (t) Title 76, Chapter 13, Offenses Involving Cruelty to Animals.
- 21560 [~~(r) Title 76, Chapter 9, Part 2, Electronic Communication and Telephone Abuse;~~]
- 21561 [~~(s) Title 76, Chapter 9, Part 3, Cruelty to Animals;~~]
- 21562 [~~(t) Title 76, Chapter 9, Part 4, Offenses Against Privacy;~~]
- 21563 [~~(u) Title 76, Chapter 9, Part 5, Libel; or]~~
- 21564 [~~(v) Title 76, Chapter 9, Part 6, Offenses Against the Flag.]~~
- 21565 (2) Except as provided in Subsection (7)(a), a county jail official may fix a financial
- 21566 condition for an individual if:
- 21567 (a)(i) the individual is ineligible to be released on the individual's own recognizance
- 21568 under Section 77-20-203;
- 21569 (ii) the individual is arrested for, or charged with:
- 21570 (A) a misdemeanor offense under state law; or
- 21571 (B) a violation of a city or county ordinance that is classified as a class B or C
- 21572 misdemeanor offense;
- 21573 (iii) the individual agrees in writing to appear for any future criminal proceedings
- 21574 related to the arrest; and
- 21575 (iv) law enforcement has not submitted a probable cause statement to a magistrate; or
- 21576 (b)(i) the individual is arrested for, or charged with, an eligible felony offense;
- 21577 (ii) the individual is not on pretrial release for a separate criminal offense;
- 21578 (iii) the individual is not on probation or parole;
- 21579 (iv) the primary risk posed by the individual is the risk of failure to appear;
- 21580 (v) the individual agrees in writing to appear for any future criminal proceedings
- 21581 related to the arrest; and
- 21582 (vi) law enforcement has not submitted a probable cause statement to a magistrate.

- 21583 (3) A county jail official may not fix a financial condition at a monetary amount that  
21584 exceeds:
- 21585 (a) \$5,000 for an eligible felony offense;  
21586 (b) \$1,950 for a class A misdemeanor offense;  
21587 (c) \$680 for a class B misdemeanor offense;  
21588 (d) \$340 for a class C misdemeanor offense;  
21589 (e) \$150 for a violation of a city or county ordinance that is classified as a class B  
21590 misdemeanor; or  
21591 (f) \$80 for a violation of a city or county ordinance that is classified as a class C  
21592 misdemeanor.
- 21593 (4) If an individual is arrested for more than one offense, and the county jail official fixes a  
21594 financial condition for release:
- 21595 (a) the county jail official shall fix the financial condition at a single monetary amount;  
21596 and  
21597 (b) the single monetary amount may not exceed the monetary amount under Subsection  
21598 (3) for the highest level of offense for which the individual is arrested.
- 21599 (5) Except as provided in Subsection (7)(b), an individual shall be released if the individual  
21600 posts a financial condition fixed by a county jail official in accordance with this section.
- 21601 (6) If a county jail official fixes a financial condition for an individual, law enforcement  
21602 shall submit a probable cause statement in accordance with Rule 9 of the Utah Rules of  
21603 Criminal Procedure after the county jail official fixes the financial condition.
- 21604 (7) Once a magistrate begins a review of an individual's case under Rule 9 of the Utah  
21605 Rules of Criminal Procedure:
- 21606 (a) a county jail official may not fix or modify a financial condition for an individual;  
21607 and  
21608 (b) if a county jail official fixed a financial condition for the individual before the  
21609 magistrate's review, the individual may no longer be released on the financial  
21610 condition.
- 21611 (8) A jail facility may not release an individual subject to a 72-hour hold placed on the  
21612 individual by the Department of Corrections as described in Section 64-13-29.
- 21613 (9) This section does not prohibit a court and a county from entering into an agreement  
21614 regarding release.

21615 Section 488. Section **77-22-2.5** is amended to read:

21616 **77-22-2.5 (Effective 05/07/25). Court orders for criminal investigations for**

21617 **records concerning an electronic communications system or service or remote computing**  
 21618 **service -- Content -- Fee for providing information.**

21619 (1) As used in this section:

21620 (a)(i) "Electronic communication" means any transfer of signs, signals, writing,  
 21621 images, sounds, data, or intelligence of any nature transmitted in whole or in part  
 21622 by a wire, radio, electromagnetic, photoelectronic, or photooptical system.

21623 (ii) "Electronic communication" does not include:

21624 (A) a wire or oral communication;

21625 (B) a communication made through a tone-only paging device;

21626 (C) a communication from a tracking device; or

21627 (D) electronic funds transfer information stored by a financial institution in a  
 21628 communications system used for the electronic storage and transfer of funds.

21629 (b) "Electronic communications service" means a service which provides for users the  
 21630 ability to send or receive wire or electronic communications.

21631 (c) "Electronic communications system" means a wire, radio, electromagnetic,  
 21632 photooptical, or photoelectronic facilities for the transmission of wire or electronic  
 21633 communications, and a computer facilities or related electronic equipment for the  
 21634 electronic storage of the communication.

21635 (d) "Internet service provider" means the same as that term is defined in Section [  
 21636 ~~76-10-1230~~] 76-5c-401.

21637 (e) "Prosecutor" means the same as that term is defined in Section 77-22-4.5.

21638 (f) "Remote computing service" means the provision to the public of computer storage  
 21639 or processing services by means of an electronic communications system.

21640 (g) "Sexual offense against a minor" means:

21641 (i) sexual exploitation of a minor or attempted sexual exploitation of a minor in  
 21642 violation of Section 76-5b-201;

21643 (ii) aggravated sexual exploitation of a minor or attempted aggravated sexual  
 21644 exploitation of a minor in violation of Section 76-5b-201.1;

21645 (iii) a sexual offense or attempted sexual offense committed against a minor in  
 21646 violation of Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section  
 21647 76-5-417, 76-5-418, 76-5-419, or 76-5-420;

21648 (iv) dealing in or attempting to deal in material harmful to a minor in violation of [  
 21649 ~~Section 76-10-1206~~] Sections 76-5c-205 and 76-5c-206;

21650 (v) enticement of a minor or attempted enticement of a minor in violation of Section [

- 21651                    ~~76-4-401]~~ 76-5-417;
- 21652                    (vi) human trafficking of a child in violation of Section 76-5-308.5; or
- 21653                    (vii) aggravated sexual extortion of a child in violation of Section 76-5b-204.
- 21654 (2) When a law enforcement agency is investigating a sexual offense against a minor, an
- 21655                    offense of stalking under Section 76-5-106.5, or an offense of child kidnapping under
- 21656                    Section 76-5-301.1, and has reasonable suspicion that an electronic communications
- 21657                    system or service or remote computing service has been used in the commission of a
- 21658                    criminal offense, a law enforcement agent shall:
- 21659                    (a) articulate specific facts showing reasonable grounds to believe that the records or
- 21660                    other information sought, as designated in Subsections (2)(c)(i) through (v), are
- 21661                    relevant and material to an ongoing investigation;
- 21662                    (b) present the request to a prosecutor for review and authorization to proceed; and
- 21663                    (c) submit the request to a magistrate for a court order, consistent with 18 U.S.C. Sec.
- 21664                    2703 and 18 U.S.C. Sec. 2702, to the electronic communications system or service or
- 21665                    remote computing service provider that owns or controls the Internet protocol
- 21666                    address, websites, email address, or service to a specific telephone number, requiring
- 21667                    the production of the following information, if available, upon providing in the court
- 21668                    order the Internet protocol address, email address, telephone number, or other
- 21669                    identifier, and the dates and times the address, telephone number, or other identifier
- 21670                    is suspected of being used in the commission of the offense:
- 21671                    (i) names of subscribers, service customers, and users;
- 21672                    (ii) addresses of subscribers, service customers, and users;
- 21673                    (iii) records of session times and durations;
- 21674                    (iv) length of service, including the start date and types of service utilized; and
- 21675                    (v) telephone or other instrument subscriber numbers or other subscriber identifiers,
- 21676                    including a temporarily assigned network address.
- 21677 (3) A court order issued under this section shall state that the electronic communications
- 21678                    system or service or remote computing service provider shall produce a record under
- 21679                    Subsections (2)(c)(i) through (v) that is reasonably relevant to the investigation of the
- 21680                    suspected criminal activity or offense as described in the court order.
- 21681 (4)(a) An electronic communications system or service or remote computing service
- 21682                    provider that provides information in response to a court order issued under this
- 21683                    section may charge a fee, not to exceed the actual cost, for providing the information.
- 21684                    (b) The law enforcement agency conducting the investigation shall pay the fee.



- 21685 (5) The electronic communications system or service or remote computing service provider  
 21686 served with or responding to the court order may not disclose the court order to the  
 21687 account holder identified pursuant to the court order for a period of 90 days.
- 21688 (6) If the electronic communications system or service or remote computing service  
 21689 provider served with the court order does not own or control the Internet protocol  
 21690 address, websites, or email address, or provide service for the telephone number that is  
 21691 the subject of the court order, the provider shall notify the investigating law enforcement  
 21692 agency that the provider does not have the information.
- 21693 (7) There is no cause of action against a provider or wire or electronic communication  
 21694 service, or the provider or service's officers, employees, agents, or other specified  
 21695 persons, for providing information, facilities, or assistance in accordance with the terms  
 21696 of the court order issued under this section or statutory authorization.
- 21697 (8)(a) A court order issued under this section is subject to the provisions of Title 77,  
 21698 Chapter 23b, Access to Electronic Communications.
- 21699 (b) Rights and remedies for providers and subscribers under Title 77, Chapter 23b,  
 21700 Access to Electronic Communications, apply to providers and subscribers subject to a  
 21701 court order issued under this section.
- 21702 (9) A prosecutorial agency shall annually on or before February 15 report to the  
 21703 Commission on Criminal and Juvenile Justice:
- 21704 (a) the number of requests for court orders authorized by the prosecutorial agency;  
 21705 (b) the number of orders issued by the court and the criminal offense, pursuant to  
 21706 Subsection (2), each order was used to investigate; and  
 21707 (c) if the court order led to criminal charges being filed, the type and number of offenses  
 21708 charged.
- 21709 Section 489. Section **77-23a-8** is amended to read:
- 21710 **77-23a-8 (Effective 05/07/25). Court order to authorize or approve interception**  
 21711 **-- Procedure.**
- 21712 (1) The attorney general of the state, any assistant attorney general specially designated by  
 21713 the attorney general, any county attorney, district attorney, deputy county attorney, or  
 21714 deputy district attorney specially designated by the county attorney or by the district  
 21715 attorney, may authorize an application to a judge of competent jurisdiction for an order  
 21716 for an interception of wire, electronic, or oral communications by any law enforcement  
 21717 agency of the state, the federal government or of any political subdivision of the state  
 21718 that is responsible for investigating the type of offense for which the application is made.

- 21719 (2) The judge may grant the order in conformity with the required procedures when the  
21720 interception sought may provide or has provided evidence of the commission of:
- 21721 (a) an act:
- 21722 (i) prohibited by the criminal provisions of:
- 21723 (A) Title 58, Chapter 37, Utah Controlled Substances Act;
- 21724 (B) Title 58, Chapter 37c, Utah Controlled Substance Precursor Act; or
- 21725 (C) Title 58, Chapter 37d, Clandestine Drug Lab Act; and
- 21726 (ii) punishable by a term of imprisonment of more than one year;
- 21727 (b) an act prohibited by the criminal provisions under Title 61, Chapter 1, Utah Uniform  
21728 Securities Act, and punishable by a term of imprisonment of more than one year;
- 21729 (c) an offense:
- 21730 (i) of:
- 21731 (A) attempt under Section 76-4-101;
- 21732 (B) conspiracy under Section 76-4-201;
- 21733 (C) criminal solicitation of an adult, Section 76-4-203; or
- 21734 (D) criminal solicitation of a minor, Section 76-4-205; and
- 21735 (ii) punishable by a term of imprisonment of more than one year;
- 21736 (d) a threat of terrorism offense punishable by a maximum term of imprisonment of  
21737 more than one year under Section 76-5-107.3;
- 21738 (e)(i) aggravated murder under Section 76-5-202;
- 21739 (ii) murder under Section 76-5-203; or
- 21740 (iii) manslaughter under Section 76-5-205;
- 21741 (f)(i) kidnapping under Section 76-5-301;
- 21742 (ii) child kidnapping under Section 76-5-301.1;
- 21743 (iii) aggravated kidnapping under Section 76-5-302;
- 21744 (iv) human trafficking for labor under Section 76-5-308;
- 21745 (v) human trafficking for sexual exploitation under Section 76-5-308.1;
- 21746 (vi) human trafficking of a child under Section 76-5-308.5;
- 21747 (vii) human smuggling under Section 76-5-308.3;
- 21748 (viii) aggravated human trafficking under Section 76-5-310; or
- 21749 (ix) aggravated human smuggling under Section 76-5-310.1;
- 21750 (g)(i) arson under Section 76-6-102; or
- 21751 (ii) aggravated arson under Section 76-6-103;
- 21752 (h)(i) burglary under Section 76-6-202; or

- 21753 (ii) aggravated burglary under Section 76-6-203;
- 21754 (i)(i) robbery under Section 76-6-301; or
- 21755 (ii) aggravated robbery under Section 76-6-302;
- 21756 (j) an offense:
- 21757 (i) of:
- 21758 (A) theft under Section 76-6-404;
- 21759 (B) theft by deception under Section 76-6-405; or
- 21760 (C) theft by extortion under Section 76-6-406; and
- 21761 (ii) punishable by a maximum term of imprisonment of more than one year;
- 21762 (k) an offense of receiving stolen property that is punishable by a maximum term of
- 21763 imprisonment of more than one year under Section 76-6-408;
- 21764 (l) a financial card transaction offense punishable by a maximum term of imprisonment
- 21765 of more than one year under Section 76-6-506.2, 76-6-506.3, or 76-6-506.6;
- 21766 (m) bribery of a labor official under Section 76-6-509;
- 21767 (n) bribery or threat to influence a publicly exhibited contest under Section 76-6-514;
- 21768 (o) a criminal simulation offense punishable by a maximum term of imprisonment of
- 21769 more than one year under Section 76-6-518;
- 21770 (p) criminal usury under Section 76-6-520;
- 21771 (q) insurance fraud punishable by a maximum term of imprisonment of more than one
- 21772 year under Section 76-6-521;
- 21773 (r) a violation under Title 76, Chapter 6, Part 7, Utah Computer Crimes Act, punishable
- 21774 by a maximum term of imprisonment of more than one year under Section 76-6-703;
- 21775 (s) bribery to influence official or political actions under Section 76-8-103;
- 21776 (t) misusing public money or public property under Section 76-8-402;
- 21777 (u) tampering with a witness under Section 76-8-508;
- 21778 (v) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 21779 (w) tampering or retaliating against a juror under Section 76-8-508.5;
- 21780 (x) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 21781 (y) extortion or bribery to dismiss a criminal proceeding under Section 76-8-509;
- 21782 (z) obstruction of justice in a criminal investigation or proceeding under Section
- 21783 76-8-306;
- 21784 (aa) harboring or concealing offender who has escaped from official custody under
- 21785 Section 76-8-309.2;
- 21786 (bb) destruction of property to interfere with preparations for defense or war under

21787 Section 76-8-802;

21788 (cc) an attempt to commit crimes of sabotage under Section 76-8-804;

21789 (dd) conspiracy to commit crimes of sabotage under Section 76-8-805;

21790 (ee) advocating criminal syndicalism or sabotage under Section 76-8-902;

21791 (ff) assembling for advocating criminal syndicalism or sabotage under Section 76-8-903;

21792 (gg) riot punishable by a maximum term of imprisonment of more than one year under

21793 Section 76-9-101;

21794 (hh) dog fighting, training dogs for fighting, or dog fighting exhibitions punishable by a

21795 maximum term of imprisonment of more than one year under Section ~~[76-9-301.1]~~

21796 76-13-205;

21797 ~~[(ii) possession, use, or removal of an explosive, chemical, or incendiary device and~~

21798 ~~parts under Section 76-10-306;]~~

21799 ~~[(jj) (ii) delivery to a common carrier or mailing of an explosive, chemical, or~~

21800 ~~incendiary device under Section [76-10-307] 76-15-209;~~

21801 (jj) unlawful conduct involving an explosive, chemical, or incendiary device under

21802 Section 76-15-210;

21803 (kk) unlawful conduct involving an explosive, chemical, or incendiary part under

21804 Section 76-15-211;

21805 ~~[(kk) (ll) exploiting prostitution under Section [76-10-1305] 76-5d-207;~~

21806 ~~[(H) (mm) aggravated exploitation of prostitution under Section [76-10-1306] 76-5d-208;~~

21807 ~~[(mm) (nn) bus hijacking[or assault with intent to commit hijacking] under Section [~~

21808 ~~76-10-1504] 76-9-1502;~~

21809 (oo) assault with intent to commit bus hijacking under Section 76-9-1503;

21810 ~~[(nn) (pp) [discharging firearms and hurling missiles] unlawful discharge of a firearm or~~

21811 ~~hurling of a missile into a bus or terminal under Section [76-10-1505] 76-9-1504;~~

21812 ~~[(oo) (qq) violations under [Title 76, Chapter 10, Part 16, Pattern of Unlawful Activity~~

21813 ~~Act] Title 76, Chapter 17, Part 4, Offenses Concerning a Pattern of Unlawful Activity,~~

21814 ~~and the offenses listed under the definition of unlawful activity in the act, including~~

21815 ~~the offenses not punishable by a maximum term of imprisonment of more than one~~

21816 ~~year when those offenses are investigated as predicates for the offenses prohibited by~~

21817 ~~the act under Section [76-10-1602] 76-17-401;~~

21818 ~~[(pp) (rr) communications fraud under Section [76-10-1801] 76-6-525;~~

21819 ~~[(qq) (ss) money laundering under Sections [76-10-1903 and 76-10-1904] 76-9-1602 and~~

21820 ~~76-9-1603; or~~

21821 ~~[(tt)]~~ (tt) reporting by a person engaged in a trade or business when the offense is  
 21822 punishable by a maximum term of imprisonment of more than one year under Section [  
 21823 ~~76-10-1906]~~ 76-9-1604.

21824 Section 490. Section **77-36-1** is amended to read:

21825 **77-36-1 (Effective 05/07/25). Definitions.**

21826 As used in this chapter:

- 21827 (1) "Cohabitant" means the same as that term is defined in Section 78B-7-102.
- 21828 (2) "Department" means the Department of Public Safety.
- 21829 (3) "Divorced" means an individual who has obtained a divorce under Title 81, Chapter 4,  
 21830 Part 4, Divorce.
- 21831 (4)(a) "Domestic violence" or "domestic violence offense" means any criminal offense  
 21832 involving violence or physical harm or threat of violence or physical harm, or any  
 21833 attempt, conspiracy, or solicitation to commit a criminal offense involving violence  
 21834 or physical harm, when committed by one cohabitant against another.
- 21835 (b) "Domestic violence" or "domestic violence offense" includes the commission of or  
 21836 attempt to commit, any of the following offenses by one cohabitant against another:
- 21837 (i) aggravated assault under Section 76-5-103;
- 21838 (ii) aggravated cruelty to an animal under [~~Subsection 76-9-301(4)]~~ Section 76-13-203,  
 21839 with the intent to harass or threaten the other cohabitant;
- 21840 (iii) assault under Section 76-5-102;
- 21841 (iv) criminal homicide under Section 76-5-201;
- 21842 (v) harassment under Section 76-5-106;
- 21843 (vi) electronic communication harassment under [~~Section 76-9-201]~~ Sections  
 21844 76-12-202, 76-12-203, and 76-12-204;
- 21845 (vii) kidnapping, child kidnapping, or aggravated kidnapping under Sections 76-5-301,  
 21846 76-5-301.1, and 76-5-302;
- 21847 (viii) mayhem under Section 76-5-105;
- 21848 (ix) propelling a bodily substance or material, as described in Section 76-5-102.9;
- 21849 (x) sexual offenses under Title 76, Chapter 5, Part 4, Sexual Offenses, not including  
 21850 Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, and [-]sexual exploitation of a  
 21851 minor and aggravated sexual exploitation of a minor, as described in Sections  
 21852 76-5b-201 and 76-5b-201.1;
- 21853 (xi) stalking under Section 76-5-106.5;
- 21854 (xii) unlawful detention and unlawful detention of a minor under Section 76-5-304;

- 21855 (xiii) violation of a protective order or ex parte protective order under Section  
 21856 76-5-108;
- 21857 (xiv) an offense against property under Title 76, Chapter 6, Part 1, Property  
 21858 Destruction, Title 76, Chapter 6, Part 2, Burglary and Criminal Trespass, or Title  
 21859 76, Chapter 6, Part 3, Robbery;
- 21860 (xv) possession of a deadly weapon with criminal intent under Section ~~[76-10-507]~~  
 21861 76-11-206;
- 21862 (xvi) discharge of a firearm from a vehicle, near a highway, or in the direction of any  
 21863 person, building, or vehicle under Section ~~[76-10-508]~~ 76-11-207;
- 21864 (xvii) disorderly conduct under Section 76-9-102, if a conviction or adjudication of  
 21865 disorderly conduct is the result of a plea agreement in which the perpetrator was  
 21866 originally charged with a domestic violence offense otherwise described in this  
 21867 Subsection (4), except that a conviction or adjudication of disorderly conduct as a  
 21868 domestic violence offense, in the manner described in this Subsection (4)(p), does  
 21869 not constitute a misdemeanor crime of domestic violence under 18 U.S.C. Sec.  
 21870 921, and is exempt from the federal Firearms Act, 18 U.S.C. Sec. 921 et seq.;
- 21871 (xviii) child abuse under Section 76-5-114;
- 21872 (xix) threatening use of a dangerous weapon under Section ~~[76-10-506]~~ 76-11-205;
- 21873 (xx) threatening violence under Section 76-5-107;
- 21874 (xxi) tampering with a witness under Section 76-8-508;
- 21875 (xxii) retaliation against a witness, victim, or informant under Section 76-8-508.3;
- 21876 (xxiii) receiving or soliciting a bribe as a witness under Section 76-8-508.7;
- 21877 (xxiv) unlawful distribution of an intimate image under Section 76-5b-203;
- 21878 (xxv) unlawful distribution of a counterfeit intimate image under Section 76-5b-205;
- 21879 (xxvi) sexual battery under Section ~~[76-9-702.1]~~ 76-5-418;
- 21880 (xxvii) voyeurism under Section ~~[76-9-702.7]~~ 76-12-306;
- 21881 ~~(xxviii)~~ recorded or photographed voyeurism under Section 76-12-307;
- 21882 ~~(xxix)~~ distribution of images obtained through voyeurism under Section 76-12-308;
- 21883 ~~[(xxviii)]~~ ~~(xxx)~~ damage to or interruption of a communication device under Section  
 21884 76-6-108; or
- 21885 ~~[(xxix)]~~ ~~(xxxi)~~ an offense under Subsection 78B-7-806(1).
- 21886 (5) "Jail release agreement" means the same as that term is defined in Section 78B-7-801.
- 21887 (6) "Jail release court order" means the same as that term is defined in Section 78B-7-801.
- 21888 (7) "Marital status" means married and living together, divorced, separated, or not married.

- 21889 (8) "Married and living together" means a couple whose marriage was solemnized under  
 21890 Section 81-2-305 or 81-2-407 and who are living in the same residence.
- 21891 (9) "Not married" means any living arrangement other than married and living together,  
 21892 divorced, or separated.
- 21893 (10) "Protective order" includes an order issued under Subsection 78B-7-804(3).
- 21894 (11) "Pretrial protective order" means a written order:
- 21895 (a) specifying and limiting the contact a person who has been charged with a domestic  
 21896 violence offense may have with an alleged victim or other specified individuals; and
- 21897 (b) specifying other conditions of release under Section 78B-7-802 or 78B-7-803,  
 21898 pending trial in the criminal case.
- 21899 (12) "Sentencing protective order" means a written order of the court as part of sentencing  
 21900 in a domestic violence case that limits the contact an individual who is convicted or  
 21901 adjudicated of a domestic violence offense may have with a victim or other specified  
 21902 individuals under Section 78B-7-804.
- 21903 (13) "Separated" means a couple who have had their marriage solemnized under Section  
 21904 81-2-305 or 81-2-407 and who are not living in the same residence.
- 21905 (14) "Victim" means a cohabitant who has been subjected to domestic violence.  
 21906 Section 491. Section **77-36-2.1** is amended to read:
- 21907 **77-36-2.1 (Effective 05/07/25). Duties of law enforcement officers -- Notice to**  
 21908 **victims -- Lethality assessments.**
- 21909 (1) As used in this section:)
- 21910 (a) "Criminal justice system victim advocate" means the same as that term is defined in  
 21911 Section 77-38-403.
- 21912 (b)(i) "Dating relationship" means a social relationship of a romantic or intimate  
 21913 nature, or a relationship which has romance or intimacy as a goal by one or both  
 21914 parties, regardless of whether the relationship involves sexual intimacy.
- 21915 (ii) "Dating relationship" does not include casual fraternization in a business,  
 21916 educational, or social context.
- 21917 (c) "Intimate partner" means an emancipated individual under Section 15-2-1 or an  
 21918 individual who is 16 years old or older who:
- 21919 (i) is or was a spouse of the other party;
- 21920 (ii) is or was living as if a spouse of the other party;
- 21921 (iii) has or had one or more children in common with the other party;
- 21922 (iv) is the biological parent of the other party's unborn child;

- 21923 (v) is or was in a consensual sexual relationship with the other party; or  
 21924 (vi) is or was in a dating relationship with the other party.
- 21925 (d) "Nongovernment organization victim advocate" means the same as that term is  
 21926 defined in Section 77-38-403.
- 21927 (e) "Primary purpose domestic violence organization" means a contract provider of  
 21928 domestic violence services as described in Section 80-2-301.
- 21929 (2) A law enforcement officer who responds to an allegation of domestic violence shall:
- 21930 (a) use all reasonable means to protect the victim and prevent further violence, including:
- 21931 (i) taking the action that, in the officer's discretion, is reasonably necessary to provide  
 21932 for the safety of the victim and any family or household member;
- 21933 (ii) confiscating the weapon or weapons involved in the alleged domestic violence;
- 21934 (iii) making arrangements for the victim and any child to obtain emergency housing  
 21935 or shelter;
- 21936 (iv) providing protection while the victim removes essential personal effects;
- 21937 (v) arrange, facilitate, or provide for the victim and any child to obtain medical  
 21938 treatment;
- 21939 (vi) arrange, facilitate, or provide the victim with immediate and adequate notice of  
 21940 the rights of victims and of the remedies and services available to victims of  
 21941 domestic violence, in accordance with Subsection (3); and
- 21942 (vii) providing the pamphlet created by the department under Section 53-5c-201 to  
 21943 the victim if the allegation of domestic violence:
- 21944 (A) includes a threat of violence as described in Section 76-5-107;
- 21945 (B) results, or would result, in the owner cohabitant becoming a restricted person  
 21946 under Section [~~76-10-503~~] 76-11-302; or
- 21947 (C) is accompanied by a completed lethality assessment that demonstrates the  
 21948 cohabitant is at high risk of being further victimized; and
- 21949 (b) if the allegation of domestic violence is against an intimate partner, complete the  
 21950 lethality assessment protocols described in this section.
- 21951 (3)(a) A law enforcement officer shall give written notice to the victim in simple  
 21952 language, describing the rights and remedies available under this chapter, Title 78B,  
 21953 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, and Title 78B, Chapter 7, Part  
 21954 2, Child Protective Orders.
- 21955 (b) The written notice shall include:
- 21956 (i) a statement that the forms needed in order to obtain an order for protection are



- 21957 available from the court clerk's office in the judicial district where the victim  
21958 resides or is temporarily domiciled;
- 21959 (ii) a list of shelters, services, and resources available in the appropriate community,  
21960 together with telephone numbers, to assist the victim in accessing any needed  
21961 assistance; and
- 21962 (iii) the information required to be provided to both parties in accordance with  
21963 Subsections 78B-7-802(8) and (9) .
- 21964 (4) If a weapon is confiscated under this section, the law enforcement agency shall return  
21965 the weapon to the individual from whom the weapon is confiscated if a domestic  
21966 violence protective order is not issued or once the domestic violence protective order is  
21967 terminated.
- 21968 (5) A law enforcement officer shall complete a lethality assessment form by asking the  
21969 victim:
- 21970 (a) if the aggressor has ever used a weapon against the victim or threatened the victim  
21971 with a weapon;
- 21972 (b) if the aggressor has ever threatened to kill the victim or the victim's children;
- 21973 (c) if the victim believes the aggressor will try to kill the victim;
- 21974 (d) if the aggressor has ever tried to choke the victim;
- 21975 (e) if the aggressor has a gun or could easily get a gun;
- 21976 (f) if the aggressor is violently or constantly jealous, or controls most of the daily  
21977 activities of the victim;
- 21978 (g) if the victim left or separated from the aggressor after they were living together or  
21979 married;
- 21980 (h) if the aggressor is unemployed;
- 21981 (i) if the aggressor has ever attempted suicide, to the best of the victim's knowledge;
- 21982 (j) if the victim has a child that the aggressor believes is not the aggressor's biological  
21983 child;
- 21984 (k) if the aggressor follows or spies on the victim, or leaves threatening messages for the  
21985 victim; and
- 21986 (l) if there is anything else that worries the victim about the victim's safety and, if so,  
21987 what worries the victim.
- 21988 (6) A law enforcement officer shall comply with Subsection (7) if:
- 21989 (a) the victim answers affirmatively to any of the questions in Subsections (5)(a) through  
21990 (d);

- 21991 (b) the victim answers negatively to the questions in Subsections (5)(a) through (d), but  
21992 affirmatively to at least four of the questions in Subsections (5)(e) through (k); or  
21993 (c) as a result of the victim's response to the question in Subsection (5)(l), the law  
21994 enforcement officer believes the victim is in a potentially lethal situation.
- 21995 (7) If the criteria in Subsections (6)(a), (b), or (c) are met, the law enforcement officer shall:  
21996 (a) advise the victim of the results of the assessment;  
21997 (b) refer the victim to a nongovernment organization victim advocate at a primary  
21998 purpose domestic violence organization; and  
21999 (c) refer the victim to a criminal justice system victim advocate if the responding law  
22000 enforcement agency has a criminal justice system victim advocate available.
- 22001 (8) If a victim does not or is unable to provide information to a law enforcement officer  
22002 sufficient to allow the law enforcement officer to complete a lethality assessment form,  
22003 or does not speak or is unable to speak with a nongovernment organization victim  
22004 advocate, the law enforcement officer shall document this information on the lethality  
22005 assessment form and submit the information to the Department of Public Safety under  
22006 Subsection (9).
- 22007 (9)(a) Except as provided in Subsection (9)(b), a law enforcement officer shall submit  
22008 the results of a lethality assessment to the Department of Public Safety while on  
22009 scene.  
22010 (b) If a law enforcement officer is not reasonably able to submit the results of a lethality  
22011 assessment while on scene, the law enforcement officer shall submit the results of the  
22012 lethality assessment to the Department of Public Safety as soon as practicable.  
22013 (c)(i) Before the reporting mechanism described in Subsection (10)(a) is developed,  
22014 a law enforcement officer shall submit the results of a lethality assessment to the  
22015 Department of Public Safety using means prescribed by the Department of Public  
22016 Safety.  
22017 (ii) After the reporting mechanism described in Subsection (10)(a) is developed, a  
22018 law enforcement officer shall submit the results of a lethality assessment to the  
22019 Department of Public Safety using that reporting mechanism.
- 22020 (10) The Department of Public Safety shall:  
22021 (a) as soon as practicable, develop and maintain a reporting mechanism by which a law  
22022 enforcement officer will submit the results of a lethality assessment as required by  
22023 Subsection (9);  
22024 (b) provide prompt analytical support to a law enforcement officer who submits the

- 22025 results of a lethality assessment using the reporting mechanism described in  
 22026 Subsection (10)(a); and  
 22027 (c) create and maintain a database of lethality assessment data provided under this  
 22028 section.
- 22029 (11)(a) Subject to Subsection (11)(b), a law enforcement officer shall include the results  
 22030 of a lethality assessment and any related, relevant analysis provided by the  
 22031 Department of Public Safety under Subsection (10), with:
- 22032 (i) a probable cause statement submitted in accordance with Rule 9 of the Utah Rules  
 22033 of Criminal Procedure; and  
 22034 (ii) an incident report prepared in accordance with Section 77-36-2.2.
- 22035 (b) In a probable cause statement or incident report, a law enforcement officer may not  
 22036 include information about how or where a victim was referred under Subsection (7)(b).  
 22037 Section 492. Section **77-37-2** is amended to read:
- 22038 **77-37-2 (Effective 05/07/25). Definitions.**
- 22039 As used in this chapter:
- 22040 (1) "Alleged sexual offender" means the same as that term is defined in Section 53-10-801.  
 22041 (2) "Child" means a person who is younger than 18 years old, unless otherwise specified in  
 22042 statute. The rights to information as extended in this chapter also apply to the parents,  
 22043 custodian, or legal guardians of children.  
 22044 (3) "Family member" means spouse, child, sibling, parent, grandparent, or legal guardian.  
 22045 (4) "HIV infection" means the same as that term is defined in Section 53-10-801.  
 22046 (5) "Sexual assault kit" means the same as that term is defined in Section 53-10-902.  
 22047 (6) "Sexual offense" means any conduct described in:  
 22048 (a) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 22049 76-5-418, 76-5-419, or 76-5-420;  
 22050 (b) Title 76, Chapter 5b, Sexual Exploitation Act;  
 22051 (c) Section 76-7-102, incest;  
 22052 (d) Section [~~76-9-702~~] 76-5-419, lewdness; or  
 22053 (e) Section [~~76-9-702.1~~] 76-5-418, sexual battery.  
 22054 (7) "Victim" means an individual, including a minor, against whom an offense has been  
 22055 allegedly committed.  
 22056 (8) "Witness" means any person who has been subpoenaed or is expected to be summoned  
 22057 to testify for the prosecution or who by reason of having relevant information is subject  
 22058 to call or likely to be called as a witness for the prosecution, whether any action or

22059 proceeding has commenced.

22060 Section 493. Section **77-38-3** is amended to read:

22061 **77-38-3 (Effective 05/07/25). Notification to victims -- Initial notice, election to**  
22062 **receive subsequent notices -- Form of notice -- Protected victim information -- Pretrial**  
22063 **criminal no contact order.**

22064 (1) Within seven days after the day on which felony criminal charges are filed against a  
22065 defendant, the prosecuting agency shall provide an initial notice to reasonably  
22066 identifiable and locatable victims of the crime contained in the charges, except as  
22067 otherwise provided in this chapter.

22068 (2) The initial notice to the victim of a crime shall provide information about electing to  
22069 receive notice of subsequent important criminal justice hearings listed in Subsections  
22070 77-38-2(5)(a) through (g) and rights under this chapter.

22071 (3) The prosecuting agency shall provide notice to a victim of a crime:

22072 (a) for the important criminal justice hearings, provided in Subsections 77-38-2(5)(a)  
22073 through (g), which the victim has requested; and

22074 (b) for a restitution request to be submitted in accordance with Section 77-38b-202.

22075 (4)(a) The responsible prosecuting agency may provide initial and subsequent notices in  
22076 any reasonable manner, including telephonically, electronically, orally, or by means  
22077 of a letter or form prepared for this purpose.

22078 (b) In the event of an unforeseen important criminal justice hearing, described in  
22079 Subsections 77-38-2(5)(a) through (g) for which a victim has requested notice, a  
22080 good faith attempt to contact the victim by telephone shall be considered sufficient  
22081 notice, provided that the prosecuting agency subsequently notifies the victim of the  
22082 result of the proceeding.

22083 (5)(a) The court shall take reasonable measures to ensure that its scheduling practices  
22084 for the proceedings provided in Subsections 77-38-2(5)(a) through (g) permit an  
22085 opportunity for victims of crimes to be notified.

22086 (b) The court shall consider whether any notification system that the court might use to  
22087 provide notice of judicial proceedings to defendants could be used to provide notice  
22088 of judicial proceedings to victims of crimes.

22089 (6) A defendant or, if it is the moving party, the Division of Adult Probation and Parole,  
22090 shall give notice to the responsible prosecuting agency of any motion for modification of  
22091 any determination made at any of the important criminal justice hearings provided in  
22092 Subsections 77-38-2(5)(a) through (g) in advance of any requested court hearing or

- 22093 action so that the prosecuting agency may comply with the prosecuting agency's  
22094 notification obligation.
- 22095 (7)(a) Notice to a victim of a crime shall be provided by the Board of Pardons and  
22096 Parole for the important criminal justice hearing under Subsection 77-38-2(5)(h).
- 22097 (b) The board may provide notice in any reasonable manner, including telephonically,  
22098 electronically, orally, or by means of a letter or form prepared for this purpose.
- 22099 (8) Prosecuting agencies and the Board of Pardons and Parole are required to give notice to  
22100 a victim of a crime for the proceedings provided in Subsections 77-38-2(5)(a) through (g)  
22101 only where the victim has responded to the initial notice, requested notice of subsequent  
22102 proceedings, and provided a current address and telephone number if applicable.
- 22103 (9) To facilitate the payment of restitution and the notice of hearings regarding restitution, a  
22104 victim who seeks restitution and notice of restitution hearings shall provide the court  
22105 with the victim's current address and telephone number.
- 22106 (10)(a) Law enforcement and criminal justice agencies shall refer any requests for  
22107 notice or information about crime victim rights from victims to the responsible  
22108 prosecuting agency.
- 22109 (b) In a case in which the Board of Pardons and Parole is involved, the responsible  
22110 prosecuting agency shall forward any request for notice the prosecuting agency has  
22111 received from a victim to the Board of Pardons and Parole.
- 22112 (11) In all cases where the number of victims exceeds 10, the responsible prosecuting  
22113 agency may send any notices required under this chapter in the prosecuting agency's  
22114 discretion to a representative sample of the victims.
- 22115 (12)(a) A victim's address, telephone number, and victim impact statement maintained  
22116 by a peace officer, prosecuting agency, Youth Parole Authority, Division of Juvenile  
22117 Justice and Youth Services, Department of Corrections, Utah State Courts, and Board  
22118 of Pardons and Parole, for purposes of providing notice under this section, are  
22119 classified as protected under Subsection 63G-2-305(10).
- 22120 (b) The victim's address, telephone number, and victim impact statement is available  
22121 only to the following persons or entities in the performance of their duties:
- 22122 (i) a law enforcement agency, including the prosecuting agency;
- 22123 (ii) a victims' right committee as provided in Section 77-37-5;
- 22124 (iii) a governmentally sponsored victim or witness program;
- 22125 (iv) the Department of Corrections;
- 22126 (v) the Utah Office for Victims of Crime;

- 22127 (vi) the Commission on Criminal and Juvenile Justice;
- 22128 (vii) the Utah State Courts; and
- 22129 (viii) the Board of Pardons and Parole.
- 22130 (13) The notice provisions as provided in this section do not apply to misdemeanors as
- 22131 provided in Section 77-38-5 and to important juvenile justice hearings as provided in
- 22132 Section 77-38-2.
- 22133 (14)(a) When a defendant is charged with a felony crime under Sections 76-5-301
- 22134 through 76-5-310.1 regarding kidnapping, human trafficking, and human smuggling;
- 22135 Sections 76-5-401 through 76-5-413.2 regarding sexual offenses; or Section [
- 22136 ~~76-10-1306~~] 76-5d-208 regarding aggravated exploitation of prostitution, the court
- 22137 may, during any court hearing where the defendant is present, issue a pretrial
- 22138 criminal no contact order:
- 22139 (i) prohibiting the defendant from harassing, telephoning, contacting, or otherwise
- 22140 communicating with the victim directly or through a third party;
- 22141 (ii) ordering the defendant to stay away from the residence, school, place of
- 22142 employment of the victim, and the premises of any of these, or any specified place
- 22143 frequented by the victim or any designated family member of the victim directly
- 22144 or through a third party; and
- 22145 (iii) ordering any other relief that the court considers necessary to protect and provide
- 22146 for the safety of the victim and any designated family or household member of the
- 22147 victim.
- 22148 (b) Violation of a pretrial criminal no contact order issued pursuant to this section is a
- 22149 third degree felony.
- 22150 (c)(i) The court shall provide to the victim a certified copy of any pretrial criminal
- 22151 no contact order that has been issued if the victim can be located with reasonable
- 22152 effort.
- 22153 (ii) The court shall also transmit the pretrial criminal no contact order to the statewide
- 22154 domestic violence network in accordance with Section 78B-7-113.
- 22155 (15)(a) When a case involving a victim may resolve before trial with a plea deal, the
- 22156 prosecutor shall notify the victim of that possibility as soon as practicable.
- 22157 (b) Upon the request of a victim described in Subsection (15)(a), the prosecutor shall
- 22158 explain the available details of an anticipated plea deal.
- 22159 Section 494. Section **77-38-601** is amended to read:
- 22160 **77-38-601 (Effective 05/07/25). Definitions.**

- 22161 As used in this part:
- 22162 (1) "Abuse" means any of the following:
- 22163 (a) "abuse" as that term is defined in Section 76-5-111 or 80-1-102; or
- 22164 (b) "child abuse" as that term is defined in Section 76-5-109.
- 22165 (2) "Actual address" means the residential street address of the program participant that is
- 22166 stated in a program participant's application for enrollment or on a notice of a change of
- 22167 address under Section 77-38-610.
- 22168 (3) "Assailant" means an individual who commits or threatens to commit abuse, human
- 22169 trafficking, domestic violence, stalking, or a sexual offense against an applicant for the
- 22170 program or a minor or incapacitated individual residing with an applicant for the
- 22171 program.
- 22172 (4) "Assigned address" means an address designated by the commission and assigned to a
- 22173 program participant.
- 22174 (5) "Authorization card" means a card issued by the commission that identifies a program
- 22175 participant as enrolled in the program with the program participant's assigned address
- 22176 and the date on which the program participant will no longer be enrolled in the program.
- 22177 (6) "Commission" means the State Commission on Criminal and Juvenile Justice created in
- 22178 Section 63M-7-201.
- 22179 (7) "Domestic violence" means the same as that term is defined in Section 77-36-1.
- 22180 (8) "Human trafficking" means a human trafficking offense under Section 76-5-308.
- 22181 (9) "Incapacitated individual" means an individual who is incapacitated, as defined in
- 22182 Section 75-1-201.
- 22183 (10)(a) "Mail" means first class letters or flats delivered by the United States Postal
- 22184 Service, including priority, express, and certified mail.
- 22185 (b) "Mail" does not include a package, parcel, periodical, or catalogue, unless the
- 22186 package, parcel, periodical, or catalogue is clearly identifiable as:
- 22187 (i) being sent by a federal, state, or local agency or another government entity; or
- 22188 (ii) a pharmaceutical or medical item.
- 22189 (11) "Minor" means an individual who is younger than 18 years old.
- 22190 (12) "Notification form" means a form issued by the commission that a program participant
- 22191 may send to a person demonstrating that the program participant is enrolled in the
- 22192 program.
- 22193 (13) "Program" means the Safe at Home Program created in Section 77-38-602.
- 22194 (14) "Program assistant" means an individual designated by the commission under Section

- 22195 77-38-604 to assist an applicant or program participant.
- 22196 (15) "Program participant" means an individual who is enrolled under Section 77-38-606 by  
22197 the commission to participate in the program.
- 22198 (16) "Record" means the same as that term is defined in Section 63G-2-103.
- 22199 (17) "Sexual offense" means:
- 22200 (a) a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, not including  
22201 Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420; or
- 22202 (b) a sexual exploitation offense under Title 76, Chapter 5b, Part 2, Sexual Exploitation.
- 22203 (18) "Stalking" means the same as that term is defined in Section 76-5-106.5.
- 22204 (19) "State or local government entity" means a county, municipality, higher education  
22205 institution, special district, special service district, or any other political subdivision of  
22206 the state or an administrative subunit of the executive, legislative, or judicial branch of  
22207 this state, including:
- 22208 (a) a law enforcement entity or any other investigative entity, agency, department,  
22209 division, bureau, board, or commission; or
- 22210 (b) an individual acting or purporting to act for or on behalf of a state or local entity,  
22211 including an elected or appointed public official.
- 22212 (20) "Victim" means a victim of abuse, domestic violence, human trafficking, stalking, or  
22213 sexual assault.
- 22214 Section 495. Section **77-39-101** is amended to read:
- 22215 **77-39-101 (Effective 05/07/25). Investigation of sales of alcohol, tobacco**  
22216 **products, electronic cigarette products, nicotine products, and cannabinoid products to**  
22217 **underage individuals.**
- 22218 (1) As used in this section:
- 22219 (a) "Cannabinoid product" means the same as that term is defined in Section 4-41-102.
- 22220 (b) "Electronic cigarette product" means the same as that term is defined in Section [  
22221 ~~76-10-101~~] 76-9-1101.
- 22222 (c) "Nicotine product" means the same as that term is defined in Section [~~76-10-101~~]  
22223 76-9-1101.
- 22224 (d) "Peace officer" means the same as the term is described in Section 53-13-109.
- 22225 (e) "Tobacco product" means the same as that term is defined in Section [~~76-10-101~~]  
22226 76-9-1101.
- 22227 (2)(a) A peace officer may investigate the possible violation of:
- 22228 (i) Section 32B-4-403 by requesting an individual under 21 years old to enter into



- 22229 and attempt to purchase or make a purchase of alcohol from a retail establishment;
- 22230 (ii) Section [~~76-10-114~~] 76-9-1116 by requesting an individual under 21 years old to
- 22231 enter into and attempt to purchase or make a purchase from a retail establishment
- 22232 of:
- 22233 (A) a tobacco product;
- 22234 (B) an electronic cigarette product; or
- 22235 (C) a nicotine product; or
- 22236 (iii) Subsection 4-41-105(2)(d) by requesting an individual under 21 years old to
- 22237 enter into and attempt to purchase or make a purchase of a cannabinoid product
- 22238 that contains THC or a THC analog from a retail establishment.
- 22239 (b) A peace officer who is present at the site of a proposed purchase shall direct,
- 22240 supervise, and monitor the individual requested to make the purchase.
- 22241 (c) Immediately following a purchase or attempted purchase or as soon as practical the
- 22242 supervising peace officer shall inform the cashier and the proprietor or manager of
- 22243 the retail establishment that the attempted purchaser was under the legal age to
- 22244 purchase:
- 22245 (i) alcohol;
- 22246 (ii)(A) a tobacco product;
- 22247 (B) an electronic cigarette product; or
- 22248 (C) a nicotine product; or
- 22249 (iii) a cannabinoid product that contains THC or a THC analog.
- 22250 (d) If a citation or information is issued, the citation or information shall be issued
- 22251 within seven days after the day on which the purchase occurs.
- 22252 (3)(a) If an individual under 18 years old is requested to attempt a purchase, a written
- 22253 consent of that individual's parent or guardian shall be obtained before the individual
- 22254 participates in any attempted purchase.
- 22255 (b) An individual requested by the peace officer to attempt a purchase may:
- 22256 (i) be a trained volunteer; or
- 22257 (ii) receive payment, but may not be paid based on the number of successful
- 22258 purchases of alcohol, tobacco products, electronic cigarette products, nicotine
- 22259 products, or cannabinoid products that contain THC or a THC analog.
- 22260 (4) The individual requested by the peace officer to attempt a purchase and anyone
- 22261 accompanying the individual attempting a purchase may use false identification in
- 22262 attempting the purchase if:

- 22263 (a) the Department of Public Safety created in Section 53-1-103 provides the false  
22264 identification;
- 22265 (b) the false identification:
- 22266 (i) accurately represents the individual's age; and  
22267 (ii) displays a current photo of the individual; and
- 22268 (c) the peace officer maintains possession of the false identification at all times outside  
22269 the attempt to purchase.
- 22270 (5) An individual requested to attempt to purchase or make a purchase pursuant to this  
22271 section is immune from prosecution, suit, or civil liability for the purchase of, attempted  
22272 purchase of, or possession of alcohol, a tobacco product, an electronic cigarette product,  
22273 a nicotine product, or a cannabinoid product that contains THC or a THC analog if a  
22274 peace officer directs, supervises, and monitors the individual.
- 22275 (6)(a) Except as provided in Subsection (6)(b), a purchase attempted under this section  
22276 shall be conducted within a 12-month period:
- 22277 (i) on a random basis at any one retail establishment location, not more often than  
22278 four times for the attempted purchase of alcohol;
- 22279 (ii) a minimum of two times at a retail establishment that sells tobacco products,  
22280 electronic cigarette products, or nicotine products for the attempted purchase of a  
22281 tobacco product, an electronic cigarette product, or a nicotine product; and
- 22282 (iii) a minimum of one time at a retail establishment that sells a cannabinoid product  
22283 that contains THC or a THC analog.
- 22284 (b) This section does not prohibit an investigation or an attempt to purchase alcohol, a  
22285 tobacco product, an electronic cigarette product, or a nicotine product under this  
22286 section if:
- 22287 (i) there is reasonable suspicion to believe the retail establishment has sold alcohol, a  
22288 tobacco product, an electronic cigarette product, a nicotine product, or a  
22289 cannabinoid product that contains THC or a THC analog to an individual under  
22290 the age established by Section 32B-4-403, Section ~~[76-10-114]~~ 76-9-1116, or  
22291 Subsection 4-41-105(2)(d); and
- 22292 (ii) the supervising peace officer makes a written record of the grounds for the  
22293 reasonable suspicion.
- 22294 (7)(a) The peace officer exercising direction, supervision, and monitoring of the  
22295 attempted purchase shall make a report of the attempted purchase, whether or not a  
22296 purchase was made.

- 22297 (b) The report required by this Subsection (7) shall include:
- 22298 (i) the name of the supervising peace officer;
- 22299 (ii) the name of the individual attempting the purchase;
- 22300 (iii) a photograph of the individual attempting the purchase showing how that
- 22301 individual appeared at the time of the attempted purchase;
- 22302 (iv) the name and description of the cashier or proprietor from whom the individual
- 22303 attempted the purchase;
- 22304 (v) the name and address of the retail establishment; and
- 22305 (vi) the date and time of the attempted purchase.

22306 Section 496. Section **77-40a-101** is amended to read:

22307 **77-40a-101 (Effective 05/07/25). Definitions.**

22308 As used in this chapter:

- 22309 (1) "Agency" means a state, county, or local government entity that generates or maintains
- 22310 records relating to an investigation, arrest, detention, or conviction for an offense for
- 22311 which expungement may be ordered.
- 22312 (2) "Automatic expungement" means the expungement of records of an investigation,
- 22313 arrest, detention, or conviction of an offense without the filing of a petition.
- 22314 (3) "Bureau" means the Bureau of Criminal Identification of the Department of Public
- 22315 Safety established in Section 53-10-201.
- 22316 (4) "Certificate of eligibility" means a document issued by the bureau stating that the
- 22317 criminal record and all records of arrest, investigation, and detention associated with a
- 22318 case that is the subject of a petition for expungement is eligible for expungement.
- 22319 (5) "Civil accounts receivable" means the same as that term is defined in Section
- 22320 77-32b-102.
- 22321 (6) "Civil judgment of restitution" means the same as that term is defined in Section
- 22322 77-32b-102.
- 22323 (7) "Clean slate eligible case" means a case that is eligible for automatic expungement
- 22324 under Section 77-40a-205.
- 22325 (8) "Conviction" means judgment by a criminal court on a verdict or finding of guilty after
- 22326 trial, a plea of guilty, or a plea of nolo contendere.
- 22327 (9) "Court" means a district court or a justice court.
- 22328 (10) "Criminal accounts receivable" means the same as that term is defined in Section
- 22329 77-32b-102.
- 22330 (11) "Criminal protective order" means the same as that term is defined in Section

- 22331 78B-7-102.
- 22332 (12) "Criminal stalking injunction" means the same as that term is defined in Section
- 22333 78B-7-102.
- 22334 (13) "Department" means the Department of Public Safety established in Section 53-1-103.
- 22335 (14) "Drug possession offense" means:
- 22336 (a) an offense described in Subsection 58-37-8(2), except for:
- 22337 (i) an offense under Subsection 58-37-8(2)(b)(i), possession of 100 pounds or more
- 22338 of marijuana;
- 22339 (ii) an offense enhanced under Subsection 58-37-8(2)(e), violation in a correctional
- 22340 facility; or
- 22341 (iii) an offense for driving with a controlled substance illegally in the person's body
- 22342 and negligently causing serious bodily injury or death of another, as codified
- 22343 before May 4, 2022, Laws of Utah 2021, Chapter 236, Section 1, Subsection
- 22344 58-37-8(2)(g);
- 22345 (b) an offense described in Subsection 58-37a-5(1), use or possession of drug
- 22346 paraphernalia;
- 22347 (c) an offense described in Section 58-37b-6, possession or use of an imitation
- 22348 controlled substance; or
- 22349 (d) any local ordinance which is substantially similar to any of the offenses described in
- 22350 this Subsection (14).
- 22351 (15)(a) "Expunge" means to remove a record from public inspection by:
- 22352 (i) sealing the record; or
- 22353 (ii) restricting or denying access to the record.
- 22354 (b) "Expunge" does not include the destruction of a record.
- 22355 (16) "Indigent" means a financial status that results from a court finding that a petitioner is
- 22356 financially unable to pay the fee to file a petition for expungement under Section
- 22357 78A-2-302.
- 22358 (17) "Jurisdiction" means a state, district, province, political subdivision, territory, or
- 22359 possession of the United States or any foreign country.
- 22360 (18)(a) "Minor regulatory offense" means, except as provided in Subsection (18)(c), a
- 22361 class B or C misdemeanor offense or a local ordinance.
- 22362 (b) "Minor regulatory offense" includes an offense under Section [~~76-9-701~~] 76-9-110 or [~~76-10-105~~] 76-9-1106.
- 22363
- 22364 (c) "Minor regulatory offense" does not include:

- 22365 (i) any drug possession offense;
- 22366 (ii) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and  
22367 Reckless Driving;
- 22368 (iii) an offense under Sections 73-18-13 through 73-18-13.6;
- 22369 (iv) except as provided in Subsection (18)(b), an offense under Title 76, Utah  
22370 Criminal Code; or
- 22371 (v) any local ordinance that is substantially similar to an offense listed in Subsections  
22372 (18)(c)(i) through (iv).
- 22373 (19) "Petitioner" means an individual applying for expungement under this chapter.
- 22374 (20) "Plea in abeyance" means the same as that term is defined in Section 77-2a-1.
- 22375 (21) "Record" means a book, letter, document, paper, map, plan, photograph, film, card,  
22376 tape, recording, electronic data, or other documentary material, regardless of physical  
22377 form or characteristics, that:
- 22378 (a) is contained in the agency's file regarding the arrest, detention, investigation,  
22379 conviction, sentence, incarceration, probation, or parole of an individual; and
- 22380 (b) is prepared, owned, received, or retained by an agency, including a court.
- 22381 (22) "Special certificate" means a document issued as described in Subsection  
22382 77-40a-304(1)(c) by the bureau stating that the criminal record and all records of arrest,  
22383 investigation, and detention associated with the case that is the subject of a petition for  
22384 expungement is eligible for expungement.
- 22385 (23)(a) "Traffic offense" means, except as provided in Subsection (23)(b):
- 22386 (i) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
22387 under Title 41, Chapter 6a, Traffic Code;
- 22388 (ii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
22389 under Title 53, Chapter 3, Part 2, Driver Licensing Act;
- 22390 (iii) an infraction, a class B misdemeanor offense, or a class C misdemeanor offense  
22391 under Title 73, Chapter 18, State Boating Act; and
- 22392 (iv) all local ordinances that are substantially similar to an offense listed in  
22393 Subsections (23)(a)(i) through (iii).
- 22394 (b) "Traffic offense" does not mean:
- 22395 (i) an offense under Title 41, Chapter 6a, Part 5, Driving Under the Influence and  
22396 Reckless Driving;
- 22397 (ii) an offense under Sections 73-18-13 through 73-18-13.6; or
- 22398 (iii) any local ordinance that is substantially similar to an offense listed in Subsection

- 22399 (23)(b)(i) or (ii).
- 22400 (24) "Traffic offense case" means that each offense in the case is a traffic offense.
- 22401 Section 497. Section **77-40a-205** is amended to read:
- 22402 **77-40a-205 (Effective 05/07/25). Automatic expungement of state records for a**
- 22403 **clean slate case.**
- 22404 (1) A court shall issue an order of expungement, without the filing of a petition, for all
- 22405 records of the case that are held by the court and the bureau if:
- 22406 (a) on and after October 1, 2024, but before January 1, 2026, the individual submitted a
- 22407 form requesting expungement of a case as described in Section 77-40a-204;
- 22408 (b) the case is eligible for expungement under this section; and
- 22409 (c) the prosecuting agency does not object to the expungement of the case as described
- 22410 in Subsection (6).
- 22411 (2) Except as otherwise provided in Subsection (3), a case is eligible for expungement
- 22412 under this section if:
- 22413 (a)(i) each conviction within the case is a conviction for:
- 22414 (A) a misdemeanor offense for possession of a controlled substance in violation of
- 22415 Subsection 58-37-8(2)(a)(i);
- 22416 (B) a class B misdemeanor offense;
- 22417 (C) a class C misdemeanor offense; or
- 22418 (D) an infraction; and
- 22419 (ii) the following time periods have passed after the day on which the individual is
- 22420 adjudicated:
- 22421 (A) at least five years for the conviction of a class C misdemeanor offense or an
- 22422 infraction;
- 22423 (B) at least six years for the conviction of a class B misdemeanor offense; or
- 22424 (C) at least seven years for the conviction of a class A misdemeanor offense for
- 22425 possession of a controlled substance in violation of Subsection 58-37-8(2)(a)(i);
- 22426 or
- 22427 (b)(i) the case is dismissed as a result of a successful completion of a plea in
- 22428 abeyance agreement governed by Subsection 77-2a-3(2)(b) or the case is
- 22429 dismissed without prejudice;
- 22430 (ii) each charge within the case is:
- 22431 (A) a misdemeanor offense for possession of a controlled substance in violation of
- 22432 Subsection 58-37-8(2)(a)(i);

- 22433 (B) a class B misdemeanor offense;
- 22434 (C) a class C misdemeanor offense; or
- 22435 (D) an infraction; and
- 22436 (iii) the following time periods have passed after the day on which the case is
- 22437 dismissed:
- 22438 (A) at least five years for a charge in the case for a class C misdemeanor offense
- 22439 or an infraction;
- 22440 (B) at least six years for a charge in the case for a class B misdemeanor offense; or
- 22441 (C) at least seven years for a charge in the case for a class A misdemeanor offense
- 22442 for possession of a controlled substance in violation of Subsection 58-37-8
- 22443 (2)(a)(i).
- 22444 (3) A case is not eligible for expungement under this section if:
- 22445 (a) the individual has a total number of convictions in courts of this state that exceed the
- 22446 limits under Subsection 77-40a-303(4) or (5) without taking into consideration:
- 22447 (i) the exception in Subsection 77-40a-303(7); or
- 22448 (ii) any infraction, traffic offense, or minor regulatory offense;
- 22449 (b) there is a criminal proceeding for a misdemeanor or felony offense pending in a
- 22450 court of this state against the individual, unless the proceeding is for a traffic offense;
- 22451 (c) for an individual seeking an automatic expungement on and after January 1, 2025,
- 22452 the individual is incarcerated in the state prison or on probation or parole that is
- 22453 supervised by the Department of Corrections;
- 22454 (d) the case resulted in the individual being found not guilty by reason of insanity;
- 22455 (e) the case establishes a criminal accounts receivable that:
- 22456 (i) has been entered as a civil accounts receivable or a civil judgment of restitution
- 22457 and transferred to the Office of State Debt Collection under Section 77-18-114; or
- 22458 (ii) has not been satisfied according to court records; or
- 22459 (f) the case resulted in a plea held in abeyance or a conviction for the following offenses:
- 22460 (i) any of the offenses listed in Subsection 77-40a-303(2)(a);
- 22461 (ii) an offense against the person in violation of Title 76, Chapter 5, Offenses Against
- 22462 the Individual;
- 22463 (iii) a weapons offense in violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] Title
- 22464 76, Chapter 11, Weapons;
- 22465 (iv) sexual battery in violation of Section [~~76-9-702.1~~] 76-5-418;
- 22466 (v) an act of lewdness in violation of Section [~~76-9-702~~] 76-5-419 or [~~76-9-702.5~~]

- 22467                    76-5-420;
- 22468                   (vi) an offense in violation of Title 41, Chapter 6a, Part 5, Driving Under the
- 22469                    Influence and Reckless Driving;
- 22470                   (vii) damage to or interruption of a communication device in violation of Section
- 22471                    76-6-108;
- 22472                   (viii) a domestic violence offense as defined in Section 77-36-1; or
- 22473                   (ix) any other offense classified in the Utah Code as a felony or a class A
- 22474                    misdemeanor other than a class A misdemeanor conviction for possession of a
- 22475                    controlled substance in violation of Subsection 58-37-8(2)(a)(i).
- 22476 (4) A prosecuting agency that has complied with Rule 42 of the Utah Rules of Criminal
- 22477        Procedure shall receive notice on a monthly basis for any case prosecuted by that agency
- 22478        that appears to be eligible for automatic expungement under this section.
- 22479 (5) Within 35 days after the day on which the notice described in Subsection (4) is sent, the
- 22480        prosecuting agency shall provide written notice in accordance with Rule 42 of the Utah
- 22481        Rules of Criminal Procedure if the prosecuting agency objects to an automatic
- 22482        expungement for any of the following reasons:
- 22483        (a) the prosecuting agency believes that the case is not eligible for expungement under
- 22484        this section after reviewing the agency record;
- 22485        (b) the individual has not paid restitution to the victim as ordered by the court; or
- 22486        (c) the prosecuting agency has a reasonable belief, grounded in supporting facts, that an
- 22487        individual involved in the case is continuing to engage in criminal activity within or
- 22488        outside of the state.
- 22489 (6) If a prosecuting agency provides written notice of an objection for a reason described in
- 22490        Subsection (5) within 35 days after the day on which the notice under Subsection (4) is
- 22491        sent, the court may not proceed with automatic expungement of the case.
- 22492 (7) If 35 days pass after the day on which the notice described in Subsection (4) is sent
- 22493        without the prosecuting agency providing written notice of an objection under
- 22494        Subsection (5), the court shall proceed with automatic expungement of the case.
- 22495 (8) If a court issues an order of expungement under Subsection (1), the court shall:
- 22496        (a) expunge all records of the case held by the court in accordance with Section
- 22497        77-40a-401; and
- 22498        (b) notify the bureau and the prosecuting agency identified in the case, based on
- 22499        information available to the court, of the order of expungement.
- 22500        Section 498. Section **77-40a-403** is amended to read:



- 22501           **77-40a-403 (Effective 05/07/25). Release and use of expunged records --**  
 22502 **Agencies.**
- 22503 (1)(a) An agency with an expunged record, or any employee of an agency with an  
 22504 expunged record, may not knowingly or intentionally divulge any information  
 22505 contained in the expunged record to any person, or another agency, without a court  
 22506 order unless:
- 22507           (i) specifically authorized by Subsection (4) or Section 77-40a-404; or  
 22508           (ii) subject to Subsection (1)(b), the information in an expunged record is being  
 22509                 shared with another agency through a records management system that both  
 22510                 agencies use for the purpose of record management.
- 22511 (b) An agency with a records management system may not disclose any information in  
 22512 an expunged record to another agency or person, or allow another agency or person  
 22513 access to an expunged record, if that agency or person does not use the records  
 22514 management system for the purpose of record management.
- 22515 (2) The following entities or agencies may receive information contained in expunged  
 22516 records upon specific request:
- 22517 (a) the Board of Pardons and Parole;  
 22518 (b) Peace Officer Standards and Training;  
 22519 (c) federal authorities if required by federal law;  
 22520 (d) the State Board of Education;  
 22521 (e) the Commission on Criminal and Juvenile Justice, for purposes of investigating  
 22522 applicants for judicial office; and  
 22523 (f) a research institution or an agency engaged in research regarding the criminal justice  
 22524 system if:
- 22525           (i) the research institution or agency provides a legitimate research purpose for  
 22526                 gathering information from the expunged records;  
 22527           (ii) the research institution or agency enters into a data sharing agreement with the  
 22528                 court or agency with custody of the expunged records that protects the  
 22529                 confidentiality of any identifying information in the expunged records;  
 22530           (iii) any research using expunged records does not include any individual's name or  
 22531                 identifying information in any product of that research; and  
 22532           (iv) any product resulting from research using expunged records includes a disclosure  
 22533                 that expunged records were used for research purposes.
- 22534 (3) Except as otherwise provided by this section or by court order, a person, an agency, or

- 22535 an entity authorized by this section to view expunged records may not reveal or release  
22536 any information obtained from the expunged records to anyone outside the specific  
22537 request, including distribution on a public website.
- 22538 (4) A prosecuting attorney may communicate with another prosecuting attorney, or another  
22539 prosecutorial agency, regarding information in an expunged record that includes a  
22540 conviction, or a charge dismissed as a result of a successful completion of a plea in  
22541 abeyance agreement, for:
- 22542 (a) stalking as described in Section 76-5-106.5;
- 22543 (b) a domestic violence offense as defined in Section 77-36-1;
- 22544 (c) an offense that would require the individual to register as a sex offender, kidnap  
22545 offender, or child abuse offender as defined in Section 77-41-102; or
- 22546 (d) a weapons offense under [~~Title 76, Chapter 10, Part 5, Weapons~~] Title 76, Chapter  
22547 11, Weapons.
- 22548 (5) Except as provided in Subsection (7), a prosecuting attorney may not use an expunged  
22549 record for the purpose of a sentencing enhancement or as a basis for charging an  
22550 individual with an offense that requires a prior conviction.
- 22551 (6) The bureau may also use the information in the bureau's index as provided in Section  
22552 53-5-704.
- 22553 (7) If an individual is charged with a felony, or an offense eligible for enhancement based  
22554 on a prior conviction, after obtaining an order of expungement, the prosecuting attorney  
22555 may petition the court in which the individual is charged to open the expunged records  
22556 upon a showing of good cause.
- 22557 (8)(a) For judicial sentencing, a court may order any records expunged under this  
22558 chapter or Section 77-27-5.1 to be opened and admitted into evidence.
- 22559 (b) The records are confidential and are available for inspection only by the court,  
22560 parties, counsel for the parties, and any other person who is authorized by the court to  
22561 inspect them.
- 22562 (c) At the end of the action or proceeding, the court shall order the records expunged  
22563 again.
- 22564 (d) Any person authorized by this Subsection (8) to view expunged records may not  
22565 reveal or release any information obtained from the expunged records to anyone  
22566 outside the court.
- 22567 (9) Records released under this chapter are classified as protected under Section 63G-2-305  
22568 and are accessible only as provided under Title 63G, Chapter 2, Part 2, Access to

- 22569 Records, and Subsection 53-10-108(2)(k) for records held by the bureau.
- 22570 Section 499. Section **77-41-102** is amended to read:
- 22571 **77-41-102 (Effective 05/07/25). Definitions.**
- 22572 As used in this chapter:
- 22573 (1) "Child abuse offender" means an individual:
- 22574 (a) who has been convicted in this state of a violation of:
- 22575 (i) aggravated child abuse under Subsection 76-5-109.2(3)(a) or (b); or
- 22576 (ii) attempting, soliciting, or conspiring to commit aggravated child abuse under
- 22577 Subsection 76-5-109.2(3)(a) or (b);
- 22578 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
- 22579 commit a crime in another jurisdiction, including a state, federal, or military court,
- 22580 that is substantially equivalent to the offense listed in Subsection (1)(a); and
- 22581 (ii)(A) who is a Utah resident; or
- 22582 (B) who is not a Utah resident but is in this state for a total of 10 days in a
- 22583 12-month period, regardless of whether the offender intends to permanently
- 22584 reside in this state;
- 22585 (c)(i)(A) who is required to register as a child abuse offender in another
- 22586 jurisdiction of original conviction;
- 22587 (B) who is required to register as a child abuse offender by a state, a federal, or a
- 22588 military court; or
- 22589 (C) who would be required to register as a child abuse offender if residing in the
- 22590 jurisdiction of the conviction regardless of the date of the conviction or a
- 22591 previous registration requirement; and
- 22592 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of
- 22593 whether the offender intends to permanently reside in this state;
- 22594 (d)(i)(A) who is a nonresident regularly employed or working in this state; or
- 22595 (B) who is a student in this state; and
- 22596 (ii)(A) who was convicted of the offense listed in Subsection (1)(a) or a
- 22597 substantially equivalent offense in another jurisdiction; or
- 22598 (B) who is required to register in the individual's state of residence based on a
- 22599 conviction for an offense that is not substantially equivalent to an offense listed
- 22600 in Subsection (1)(a);
- 22601 (e) who is found not guilty by reason of insanity in this state or in another jurisdiction of
- 22602 the offense listed in Subsection (1)(a); or

- 22603 (f)(i) who is adjudicated under Section 80-6-701 for the offense listed in Subsection  
22604 (1)(a); and
- 22605 (ii) who has been committed to the division for secure care, as defined in Section  
22606 80-1-102, for that offense if:
- 22607 (A) the individual remains in the division's custody until 30 days before the  
22608 individual's 21st birthday;
- 22609 (B) the juvenile court extended the juvenile court's jurisdiction over the individual  
22610 under Section 80-6-605 and the individual remains in the division's custody  
22611 until 30 days before the individual's 25th birthday; or
- 22612 (C) the individual is moved from the division's custody to the custody of the  
22613 department before expiration of the division's jurisdiction over the individual.
- 22614 (2) "Bureau" means the Bureau of Criminal Identification of the Department of Public  
22615 Safety established in section 53-10-201.
- 22616 (3) "Business day" means a day on which state offices are open for regular business.
- 22617 (4) "Certificate of eligibility" means a document issued by the Bureau of Criminal  
22618 Identification showing that the offender has met the requirements of Section 77-41-112.
- 22619 (5)(a) "Convicted" means a plea or conviction of:
- 22620 (i) guilty;
- 22621 (ii) guilty with a mental illness; or
- 22622 (iii) no contest.
- 22623 (b) "Convicted" includes, unless otherwise specified, the period a plea is held in  
22624 abeyance pursuant to a plea in abeyance agreement as defined in Section 77-2a-1.
- 22625 (c) "Convicted" does not include:
- 22626 (i) a withdrawn or dismissed plea in abeyance;
- 22627 (ii) a diversion agreement; or
- 22628 (iii) an adjudication of a minor for an offense under Section 80-6-701.
- 22629 (6) "Department" means the Department of Public Safety.
- 22630 (7) "Division" means the Division of Juvenile Justice and Youth Services.
- 22631 (8) "Employed" or "carries on a vocation" includes employment that is full time or part  
22632 time, whether financially compensated, volunteered, or for the purpose of government or  
22633 educational benefit.
- 22634 (9) "Indian Country" means:
- 22635 (a) all land within the limits of any Indian reservation under the jurisdiction of the  
22636 United States government, regardless of the issuance of any patent, and includes

- 22637 rights-of-way running through the reservation;
- 22638 (b) all dependent Indian communities within the borders of the United States whether
- 22639 within the original or subsequently acquired territory, and whether or not within the
- 22640 limits of a state; and
- 22641 (c) all Indian allotments, including the Indian allotments to which the Indian titles have
- 22642 not been extinguished, including rights-of-way running through the allotments.
- 22643 (10) "Jurisdiction" means any state, Indian Country, United States Territory, or property
- 22644 under the jurisdiction of the United States military, Canada, the United Kingdom,
- 22645 Australia, or New Zealand.
- 22646 (11) "Kidnap offender" means an individual, other than a natural parent of the victim:
- 22647 (a) who has been convicted in this state of a violation of:
- 22648 (i) kidnapping under Subsection 76-5-301(2)(c) or (d);
- 22649 (ii) child kidnapping under Section 76-5-301.1;
- 22650 (iii) aggravated kidnapping under Section 76-5-302;
- 22651 (iv) human trafficking for labor under Section 76-5-308;
- 22652 (v) human smuggling under Section 76-5-308.3;
- 22653 (vi) human trafficking of a child for labor under Subsection 76-5-308.5(4)(a);
- 22654 (vii) aggravated human trafficking under Section 76-5-310;
- 22655 (viii) aggravated human smuggling under Section 76-5-310.1;
- 22656 (ix) human trafficking of a vulnerable adult for labor under Section 76-5-311; or
- 22657 (x) attempting, soliciting, or conspiring to commit a felony offense listed in
- 22658 Subsections (11)(a)(i) through (ix);
- 22659 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
- 22660 commit a crime in another jurisdiction, including a state, federal, or military court,
- 22661 that is substantially equivalent to the offenses listed in Subsection (11)(a); and
- 22662 (ii)(A) who is a Utah resident; or
- 22663 (B) who is not a Utah resident but is in this state for a total of 10 days in a
- 22664 12-month period, regardless of whether the offender intends to permanently
- 22665 reside in this state;
- 22666 (c)(i)(A) who is required to register as a kidnap offender in another jurisdiction
- 22667 of original conviction;
- 22668 (B) who is required to register as a kidnap offender by a state, federal, or military
- 22669 court; or
- 22670 (C) who would be required to register as a kidnap offender if residing in the

- 22671 jurisdiction of the conviction regardless of the date of the conviction or a  
 22672 previous registration requirement; and
- 22673 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of  
 22674 whether the offender intends to permanently reside in this state;
- 22675 (d)(i)(A) who is a nonresident regularly employed or working in this state; or  
 22676 (B) who is a student in this state; and
- 22677 (ii)(A) who was convicted of one or more offenses listed in Subsection (11)(a) or  
 22678 any substantially equivalent offense in another jurisdiction; or  
 22679 (B) who is required to register in the individual's state of residence based on a  
 22680 conviction for an offense that is not substantially equivalent to an offense listed  
 22681 in Subsection (11)(a);
- 22682 (e) who is found not guilty by reason of insanity in this state or in any other jurisdiction  
 22683 of one or more offenses listed in Subsection (11)(a); or
- 22684 (f)(i) who is adjudicated under Section 80-6-701 for one or more offenses listed in  
 22685 Subsection (11)(a); and
- 22686 (ii) who has been committed to the division for secure care, as defined in Section  
 22687 80-1-102, for that offense if:
- 22688 (A) the individual remains in the division's custody until 30 days before the  
 22689 individual's 21st birthday;
- 22690 (B) the juvenile court extended the juvenile court's jurisdiction over the individual  
 22691 under Section 80-6-605 and the individual remains in the division's custody  
 22692 until 30 days before the individual's 25th birthday; or
- 22693 (C) the individual is moved from the division's custody to the custody of the  
 22694 department before expiration of the division's jurisdiction over the individual.
- 22695 (12) "Natural parent" means a minor's biological or adoptive parent, including the minor's  
 22696 noncustodial parent.
- 22697 (13) "Offender" means a child abuse offender, kidnap offender, or sex offender.
- 22698 (14) "Online identifier" or "Internet identifier":
- 22699 (a) means any electronic mail, chat, instant messenger, social networking, or similar  
 22700 name used for Internet communication; and
- 22701 (b) does not include date of birth, social security number, PIN number, or Internet  
 22702 passwords.
- 22703 (15) "Primary residence" means the location where the offender regularly resides, even if  
 22704 the offender intends to move to another location or return to another location at a future

- 22705 date.
- 22706 (16) "Register" means to comply with the requirements of this chapter and administrative  
22707 rules of the department made under this chapter.
- 22708 (17) "Registration website" means the Sex, Kidnap, and Child Abuse Offender Notification  
22709 and Registration website described in Section 77-41-110 and the information on the  
22710 website.
- 22711 (18) "Secondary residence" means real property that the offender owns or has a financial  
22712 interest in, or a location where the offender stays overnight a total of 10 or more nights  
22713 in a 12-month period when not staying at the offender's primary residence.
- 22714 (19) "Sex offender" means an individual:
- 22715 (a) convicted in this state of:
- 22716 (i) a felony or class A misdemeanor violation of enticing a minor under Section [  
22717 ~~76-4-401~~] 76-5-417;
- 22718 (ii) sexual exploitation of a vulnerable adult under Section 76-5b-202;
- 22719 (iii) human trafficking for sexual exploitation under Section 76-5-308.1;
- 22720 (iv) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5  
22721 (4)(b);
- 22722 (v) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 22723 (vi) human trafficking of a vulnerable adult for sexual exploitation under Section  
22724 76-5-311;
- 22725 (vii) unlawful sexual activity with a minor under Section 76-5-401, except as  
22726 provided in Subsection 76-5-401(3)(b) or (c);
- 22727 (viii) sexual abuse of a minor under Section 76-5-401.1, except as provided in  
22728 Subsection 76-5-401.1(3);
- 22729 (ix) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2;
- 22730 (x) rape under Section 76-5-402;
- 22731 (xi) rape of a child under Section 76-5-402.1;
- 22732 (xii) object rape under Section 76-5-402.2;
- 22733 (xiii) object rape of a child under Section 76-5-402.3;
- 22734 (xiv) a felony violation of forcible sodomy under Section 76-5-403;
- 22735 (xv) sodomy on a child under Section 76-5-403.1;
- 22736 (xvi) forcible sexual abuse under Section 76-5-404;
- 22737 (xvii) sexual abuse of a child under Section 76-5-404.1;
- 22738 (xviii) aggravated sexual abuse of a child under Section 76-5-404.3;

- 22739 (xix) aggravated sexual assault under Section 76-5-405;
- 22740 (xx) custodial sexual relations under Section 76-5-412, when the individual in
- 22741 custody is younger than 18 years old, if the offense is committed on or after May
- 22742 10, 2011;
- 22743 (xxi) sexual exploitation of a minor under Section 76-5b-201;
- 22744 (xxii) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 22745 (xxiii) sexual extortion or aggravated sexual extortion under Section 76-5b-204;
- 22746 (xxiv) incest under Section 76-7-102;
- 22747 (xxv) lewdness under Section [~~76-9-702~~] 76-5-419, if the individual has been
- 22748 convicted of the offense four or more times;
- 22749 (xxvi) sexual battery under Section [~~76-9-702.1~~] 76-5-418, if the individual has been
- 22750 convicted of the offense four or more times;
- 22751 (xxvii) any combination of convictions of lewdness under Section [~~76-9-702~~]
- 22752 76-5-419, and of sexual battery under Section [~~76-9-702.1~~] 76-5-418, that total
- 22753 four or more convictions;
- 22754 (xxviii) lewdness involving a child under Section [~~76-9-702.5~~] 76-5-420;
- 22755 (xxix) a felony or class A misdemeanor violation of:
- 22756 (A) voyeurism under Section [~~76-9-702.7~~] 76-12-306;
- 22757 (B) recorded or photographed voyeurism under Section 76-12-307; or
- 22758 (C) distribution of images obtained through voyeurism under Section 76-12-308;
- 22759 (xxx) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-208;
- 22760 or
- 22761 (xxxi) attempting, soliciting, or conspiring to commit a felony offense listed in this
- 22762 Subsection (19)(a);
- 22763 (b)(i) who has been convicted of a crime, or an attempt, solicitation, or conspiracy to
- 22764 commit a crime in another jurisdiction, including a state, federal, or military court,
- 22765 that is substantially equivalent to the offenses listed in Subsection (19)(a); and
- 22766 (ii)(A) who is a Utah resident; or
- 22767 (B) who is not a Utah resident but is in this state for a total of 10 days in a
- 22768 12-month period, regardless of whether the offender intends to permanently
- 22769 reside in this state;
- 22770 (c)(i)(A) who is required to register as a sex offender in another jurisdiction of
- 22771 original conviction;
- 22772 (B) who is required to register as a sex offender by a state, federal, or military



- 22773 court; or
- 22774 (C) who would be required to register as a sex offender if residing in the
- 22775 jurisdiction of the original conviction regardless of the date of the conviction or
- 22776 a previous registration requirement; and
- 22777 (ii) who is in this state for a total of 10 days in a 12-month period, regardless of
- 22778 whether the offender intends to permanently reside in this state;
- 22779 (d)(i)(A) who is a nonresident regularly employed or working in this state; or
- 22780 (B) who is a student in this state; and
- 22781 (ii)(A) who was convicted of one or more offenses listed in Subsection (19)(a) or
- 22782 a substantially equivalent offense in another jurisdiction; or
- 22783 (B) who is required to register in the individual's jurisdiction of residence based
- 22784 on a conviction for an offense that is not substantially equivalent to an offense
- 22785 listed in Subsection (19)(a);
- 22786 (e) who is found not guilty by reason of insanity in this state, or in another jurisdiction of
- 22787 one or more offenses listed in Subsection (19)(a); or
- 22788 (f)(i) who is adjudicated under Section 80-6-701 for one or more offenses listed in
- 22789 Subsection (19)(a); and
- 22790 (ii) who has been committed to the division for secure care, as defined in Section
- 22791 80-1-102, for that offense if:
- 22792 (A) the individual remains in the division's custody until 30 days before the
- 22793 individual's 21st birthday;
- 22794 (B) the juvenile court extended the juvenile court's jurisdiction over the individual
- 22795 under Section 80-6-605 and the individual remains in the division's custody
- 22796 until 30 days before the individual's 25th birthday; or
- 22797 (C) the individual is moved from the division's custody to the custody of the
- 22798 department before expiration of the division's jurisdiction over the individual.
- 22799 (20) "Traffic offense" does not include a violation of Title 41, Chapter 6a, Part 5, Driving
- 22800 Under the Influence and Reckless Driving.
- 22801 (21) "Vehicle" means a motor vehicle, an aircraft, or a watercraft subject to registration in
- 22802 any jurisdiction.
- 22803 Section 500. Section **77-41-106** is amended to read:
- 22804 **77-41-106 (Effective 05/07/25). Offenses requiring lifetime registration.**
- 22805 Offenses referred to in Subsection 77-41-105(3)(c)(i) requiring lifetime
- 22806 registration are:

- 22807 (1) an offense listed in Subsection 77-41-102(1), (11), or (19) if, at the time of the  
 22808 conviction for the offense, the offender has previously been convicted of an offense  
 22809 listed in Subsection 77-41-102(1), (11), or (19) or has previously been required to  
 22810 register as a sex offender, kidnap offender, or child abuse offender for an offense  
 22811 committed as a juvenile;
- 22812 (2) a conviction for a following offense, including attempting, soliciting, or conspiring to  
 22813 commit a felony of:
- 22814 (a) child kidnapping under Section 76-5-301.1, except if the offender is a natural parent  
 22815 of the victim;
- 22816 (b) rape under Section 76-5-402;
- 22817 (c) rape of a child under Section 76-5-402.1;
- 22818 (d) object rape under Section 76-5-402.2;
- 22819 (e) object rape of a child under Section 76-5-402.3;
- 22820 (f) sodomy on a child under Section 76-5-403.1;
- 22821 (g) aggravated sexual abuse of a child under Section 76-5-404.3; or
- 22822 (h) aggravated sexual assault under Section 76-5-405;
- 22823 (3) human trafficking for sexual exploitation under Section 76-5-308.1;
- 22824 (4) human trafficking of a child for sexual exploitation under Subsection 76-5-308.5(4)(b);
- 22825 (5) aggravated human trafficking for sexual exploitation under Section 76-5-310;
- 22826 (6) human trafficking of a vulnerable adult for sexual exploitation under Section 76-5-311;
- 22827 (7) aggravated kidnapping under Section 76-5-302, except if the offender is a natural parent  
 22828 of the victim;
- 22829 (8) forcible sodomy under Section 76-5-403;
- 22830 (9) sexual abuse of a child under Section 76-5-404.1;
- 22831 (10) sexual exploitation of a minor under Section 76-5b-201;
- 22832 (11) aggravated sexual exploitation of a minor under Section 76-5b-201.1;
- 22833 (12) aggravated sexual extortion under Subsection 76-5b-204(2)(b); or
- 22834 (13) aggravated exploitation of prostitution under Section [~~76-10-1306~~] 76-5d-208, on or  
 22835 after May 10, 2011; or
- 22836 (14) a felony violation of enticing a minor under Section [~~76-4-401~~] 76-5-417 if the offender  
 22837 enticed the minor to engage in sexual activity that is one of the offenses described in  
 22838 Subsections (2) through (13).

22839 Section 501. Section **77-41-112** is amended to read:

22840 **77-41-112 (Effective 05/07/25). Removal from registry -- Requirements --**

22841 **Procedure.**

- 22842 (1) An offender who is required to register with the Sex, Kidnap, and Child Abuse Offender  
22843 Registry may petition the court for an order removing the offender from the Sex,  
22844 Kidnap, and Child Abuse Offender Registry if:
- 22845 (a)(i) the offender was convicted of an offense described in Subsection (2);
  - 22846 (ii) at least five years have passed after the day on which the offender's sentence for  
22847 the offense terminated;
  - 22848 (iii) the offense is the only offense for which the offender was required to register;
  - 22849 (iv) the offender has not been convicted of another offense, excluding a traffic  
22850 offense, since the day on which the offender was convicted of the offense for  
22851 which the offender is required to register, as evidenced by a certificate of  
22852 eligibility issued by the bureau;
  - 22853 (v) the offender successfully completed all treatment ordered by the court or the  
22854 Board of Pardons and Parole relating to the offense; and
  - 22855 (vi) the offender has paid all restitution ordered by the court or the Board of Pardons  
22856 and Parole relating to the offense;
- 22857 (b)(i) the offender is required to register in accordance with Subsection 77-41-105
- 22858 (3)(a);
  - 22859 (ii) at least 10 years have passed after the later of:
    - 22860 (A) the day on which the offender was placed on probation;
    - 22861 (B) the day on which the offender was released from incarceration to parole;
    - 22862 (C) the day on which the offender's sentence was terminated without parole;
    - 22863 (D) the day on which the offender entered a community-based residential  
22864 program; or
    - 22865 (E) for a minor, as defined in Section 80-1-102, the day on which the division's  
22866 custody of the offender was terminated;
  - 22867 (iii) the offender has not been convicted of another offense that is a class A  
22868 misdemeanor, felony, or capital felony within the most recent 10-year period after  
22869 the date described in Subsection (1)(b)(ii), as evidenced by a certificate of  
22870 eligibility issued by the bureau;
  - 22871 (iv) the offender successfully completed all treatment ordered by the court or the  
22872 Board of Pardons and Parole relating to the offense; and
  - 22873 (v) the offender has paid all restitution ordered by the court or the Board of Pardons  
22874 and Parole relating to the offense; or

- 22875 (c)(i) the offender is required to register in accordance with Subsection 77-41-105  
22876 (3)(c);  
22877 (ii) at least 20 years have passed after the later of:  
22878 (A) the day on which the offender was placed on probation;  
22879 (B) the day on which the offender was released from incarceration to parole;  
22880 (C) the day on which the offender's sentence was terminated without parole;  
22881 (D) the day on which the offender entered a community-based residential  
22882 program; or  
22883 (E) for a minor, as defined in Section 80-1-102, the day on which the division's  
22884 custody of the offender was terminated;  
22885 (iii) the offender has not been convicted of another offense that is a class A  
22886 misdemeanor, felony, or capital felony within the most recent 20-year period after  
22887 the date described in Subsection (1)(c)(ii), as evidenced by a certificate of  
22888 eligibility issued by the bureau;  
22889 (iv) the offender completed all treatment ordered by the court or the Board of  
22890 Pardons and Parole relating to the offense;  
22891 (v) the offender has paid all restitution ordered by the court or the Board of Pardons  
22892 and Parole relating to the offense; and  
22893 (vi) the offender submits to an evidence-based risk assessment to the court, with the  
22894 offender's petition, that:  
22895 (A) meets the standards for the current risk assessment, score, and risk level  
22896 required by the Board of Pardons and Parole for parole termination requests;  
22897 (B) is completed within the six months before the date on which the petition is  
22898 filed; and  
22899 (C) describes the evidence-based risk assessment of the current level of risk to the  
22900 safety of the public posed by the offender.  
22901 (2) The offenses referred to in Subsection (1)(a)(i) are:  
22902 (a) enticing a minor under Section ~~76-4-401~~ 76-5-417, if the offense is a class A  
22903 misdemeanor;  
22904 (b) kidnapping under Section 76-5-301;  
22905 (c) unlawful detention under Section 76-5-304, if the conviction of violating Section  
22906 76-5-304 is the only conviction for which the offender is required to register;  
22907 (d) unlawful sexual activity with a minor under Section 76-5-401, if, at the time of the  
22908 offense, the offender is not more than 10 years older than the victim;

- 22909 (e) sexual abuse of a minor under Section 76-5-401.1, if, at the time of the offense, the  
 22910 offender is not more than 10 years older than the victim;
- 22911 (f) unlawful sexual conduct with a 16 or 17 year old under Section 76-5-401.2, and at  
 22912 the time of the offense, the offender is not more than 15 years older than the victim;
- 22913 (g) voyeurism under Section ~~[76-9-702.7]~~ 76-12-306 or recorded or photographed  
 22914 voyeurism under Section 76-12-307, if the offense is a class A misdemeanor; or
- 22915 (h) an offense for which an individual is required to register under Subsection 77-41-102  
 22916 (1)(c), (11)(c), or (19)(c), if the offense is not substantially equivalent to an offense  
 22917 described in Subsection 77-41-102(1)(a), (11)(a), or (19)(a).
- 22918 (3)(a)(i) An offender seeking removal from the Sex, Kidnap, and Child Abuse  
 22919 Offender Registry under this section shall apply for a certificate of eligibility from  
 22920 the bureau.
- 22921 (ii) An offender who intentionally or knowingly provides false or misleading  
 22922 information to the bureau when applying for a certificate of eligibility is guilty of  
 22923 a class B misdemeanor and subject to prosecution under Section 76-8-504.6.
- 22924 (iii) Regardless of whether the offender is prosecuted, the bureau may deny a  
 22925 certificate of eligibility to an offender who provides false information on an  
 22926 application.
- 22927 (b)(i) The bureau shall:
- 22928 (A) perform a check of records of governmental agencies, including national  
 22929 criminal databases, to determine whether an offender is eligible to receive a  
 22930 certificate of eligibility; and
- 22931 (B) determine whether the offender meets the requirements described in  
 22932 Subsection (1)(a)(ii), (a)(v), (a)(vi), (b)(ii), (b)(iv), (b)(v), (c)(ii), (c)(iv), or  
 22933 (c)(v).
- 22934 (ii) If the offender meets the requirements described in Subsection (1)(a), (b), or (c),  
 22935 the bureau shall issue a certificate of eligibility to the offender, which is valid for a  
 22936 period of 90 days after the day on which the bureau issues the certificate.
- 22937 (4)(a)(i) The bureau shall charge application and issuance fees for a certificate of  
 22938 eligibility in accordance with the process in Section 63J-1-504.
- 22939 (ii) The application fee shall be paid at the time the offender submits an application  
 22940 for a certificate of eligibility to the bureau.
- 22941 (iii) If the bureau determines that the issuance of a certificate of eligibility is  
 22942 appropriate, the offender will be charged an additional fee for the issuance of a

- 22943 certificate of eligibility.
- 22944 (b) Funds generated under this Subsection (4) shall be deposited into the General Fund  
22945 as a dedicated credit by the department to cover the costs incurred in determining  
22946 eligibility.
- 22947 (5)(a) The offender shall file the petition, including original information, the court  
22948 docket, the certificate of eligibility from the bureau, and the document from the  
22949 department described in Subsection (3)(b)(iv) with the court, and deliver a copy of  
22950 the petition to the office of the prosecutor.
- 22951 (b) Upon receipt of a petition for removal from the Sex, Kidnap, and Child Abuse  
22952 Offender Registry, the office of the prosecutor shall provide notice of the petition by  
22953 first-class mail to the victim at the most recent address of record on file or, if the  
22954 victim is still a minor under 18 years old, to the parent or guardian of the victim.
- 22955 (c) The notice described in Subsection (5)(b) shall include a copy of the petition, state  
22956 that the victim has a right to object to the removal of the offender from the registry,  
22957 and provide instructions for registering an objection with the court.
- 22958 (d) The office of the prosecutor shall provide the following, if available, to the court  
22959 within 30 days after the day on which the office receives the petition:
- 22960 (i) presentencing report;
- 22961 (ii) an evaluation done as part of sentencing; and
- 22962 (iii) other information the office of the prosecutor determines the court should  
22963 consider.
- 22964 (e) The victim, or the victim's parent or guardian if the victim is a minor under 18 years  
22965 old, may respond to the petition by filing a recommendation or objection with the  
22966 court within 45 days after the day on which the petition is mailed to the victim.
- 22967 (6)(a) The court shall:
- 22968 (i) review the petition and all documents submitted with the petition; and
- 22969 (ii) hold a hearing if requested by the prosecutor or the victim.
- 22970 (b)(i) Except as provided in Subsections (6)(b)(ii) and (iii), the court may grant the  
22971 petition and order removal of the offender from the registry if the court determines  
22972 that the offender has met the requirements described in Subsection (1)(a) or (b)  
22973 and removal is not contrary to the interests of the public.
- 22974 (ii) When considering a petition filed under Subsection (1)(c), the court shall  
22975 determine whether the offender has demonstrated, by clear and convincing  
22976 evidence, that the offender is rehabilitated and does not pose a threat to the safety

- 22977 of the public.
- 22978 (iii) In making the determination described in Subsection (6)(b)(ii), the court may
- 22979 consider:
- 22980 (A) the nature and degree of violence involved in the offense that requires
- 22981 registration;
- 22982 (B) the age and number of victims of the offense that requires registration;
- 22983 (C) the age of the offender at the time of the offense that requires registration;
- 22984 (D) the offender's performance while on supervision for the offense that requires
- 22985 registration;
- 22986 (E) the offender's stability in employment and housing;
- 22987 (F) the offender's community and personal support system;
- 22988 (G) other criminal and relevant noncriminal behavior of the offender both before
- 22989 and after the offense that requires registration;
- 22990 (H) the level of risk posed by the offender as evidenced by the evidence-based risk
- 22991 assessment described in Subsection (1)(c)(vi); and
- 22992 (I) any other relevant factors.
- 22993 (c) In determining whether removal is contrary to the interests of the public, the court
- 22994 may not consider removal unless the offender has substantially complied with all
- 22995 registration requirements under this chapter at all times.
- 22996 (d) If the court grants the petition, the court shall forward a copy of the order directing
- 22997 removal of the offender from the registry to the department and the office of the
- 22998 prosecutor.
- 22999 (e)(i) Except as provided in Subsection (6)(e)(ii), if the court denies the petition, the
- 23000 offender may not submit another petition for three years.
- 23001 (ii) If the offender files a petition under Subsection (1)(c) and the court denies the
- 23002 petition, the offender may not submit another petition for eight years.
- 23003 (7) The court shall notify the victim and the Sex, Kidnap, and Child Abuse Offender
- 23004 Registry office in the department of the court's decision within three days after the day
- 23005 on which the court issues the court's decision in the same manner described in
- 23006 Subsection (5).
- 23007 (8) Except as provided in Subsection (9), an offender required to register under Subsection
- 23008 77-41-105(3)(b) may petition for early removal from the registry under Subsection (1)(b)
- 23009 if the offender:
- 23010 (a) meets the requirements of Subsections (1)(b)(ii) through (v);

- 23011 (b) has resided in this state for at least 183 days in a year for two consecutive years; and  
 23012 (c) intends to primarily reside in this state.
- 23013 (9) An offender required to register under Subsection 77-41-105(3)(b) for life may petition  
 23014 for early removal from the registry under Subsection (1)(c) if:  
 23015 (a) the offense requiring the offender to register is substantially equivalent to an offense  
 23016 listed in Section 77-41-106;  
 23017 (b) the offender meets the requirements of Subsections (1)(c)(ii) through (vi);  
 23018 (c) the offender has resided in this state for at least 183 days in a year for two  
 23019 consecutive years; and  
 23020 (d) the offender intends to primarily reside in this state.
- 23021 Section 502. Section **77-41-113** is amended to read:  
 23022 **77-41-113 (Effective 05/07/25). Removal for offenses or convictions for which**  
 23023 **registration is no longer required.**
- 23024 (1) The department shall automatically remove an individual who is currently on the Sex,  
 23025 Kidnap, and Child Abuse Offender Registry because of a conviction if:  
 23026 (a) the only offense or offenses for which the individual is on the registry are listed in  
 23027 Subsection (2); or  
 23028 (b) the department receives a formal notification or order from the court or the Board of  
 23029 Pardons and Parole that the conviction for the offense or offenses for which the  
 23030 individual is on the registry have been reversed, vacated, or pardoned.
- 23031 (2) The offenses described in Subsection (1)(a) are:  
 23032 (a) a class B or class C misdemeanor for enticing a minor under Section [~~76-4-401~~]  
 23033 76-5-417;  
 23034 (b) kidnapping under Subsection 76-5-301(2)(a) or (b);  
 23035 (c) child kidnapping under Section 76-5-301.1, if the offender was the natural parent of  
 23036 the child victim;  
 23037 (d) unlawful detention under Section 76-5-304;  
 23038 (e) a third degree felony for unlawful sexual intercourse before 1986, or a class B  
 23039 misdemeanor for unlawful sexual intercourse, under Section 76-5-401; or  
 23040 (f) sodomy, but not forcible sodomy, under Section 76-5-403.
- 23041 (3)(a) The department shall notify an individual who has been removed from the  
 23042 registry in accordance with Subsection (1).  
 23043 (b) The notice described in Subsection (3)(a) shall include a statement that the individual  
 23044 is no longer required to register as a sex offender or kidnap offender.



- 23045 (4) An individual who is currently on the Sex, Kidnap, and Child Abuse Offender Registry  
 23046 may submit a request to the department to be removed from the registry if the individual  
 23047 believes that the individual qualifies for removal under this section.
- 23048 (5) The department, upon receipt of a request for removal from the registry shall:  
 23049 (a) check the registry for the individual's current status;  
 23050 (b) determine whether the individual qualifies for removal based upon this section; and  
 23051 (c) notify the individual in writing of the department's determination and whether the  
 23052 individual:  
 23053 (i) qualifies for removal from the registry; or  
 23054 (ii) does not qualify for removal.
- 23055 (6) If the department determines that the individual qualifies for removal from the registry,  
 23056 the department shall remove the offender from the registry.
- 23057 (7) If the department determines that the individual does not qualify for removal from the  
 23058 registry, the department shall provide an explanation in writing for the department's  
 23059 determination. The department's determination is final and not subject to administrative  
 23060 review.
- 23061 (8) Neither the department nor an employee of the department may be civilly liable for a  
 23062 determination made in good faith in accordance with this section.
- 23063 (9)(a) The department shall provide a response to a request for removal within 30 days  
 23064 of receipt of the request.
- 23065 (b) If the response under Subsection (9)(a) cannot be provided within 30 days, the  
 23066 department shall notify the individual that the response may be delayed up to 30  
 23067 additional days.
- 23068 Section 503. Section **77-42-105** is amended to read:  
 23069 **77-42-105 (Effective 05/07/25). Registerable offenses.**
- 23070 A person shall be required to register with the Office of the Attorney General for a  
 23071 conviction of any of the following offenses as a second degree felony:
- 23072 (1) Section 61-1-1 or Section 61-1-2, securities fraud;  
 23073 (2) Section 76-6-405, theft by deception;  
 23074 (3) Section 76-6-513, unlawful dealing of property by fiduciary;  
 23075 (4) Section 76-6-521, insurance fraud;  
 23076 (5) Section 76-6-1203, mortgage fraud;  
 23077 (6) Section [~~76-10-1801~~] 76-6-525, communications fraud;  
 23078 (7) Section [~~76-10-1903~~] 76-9-1602, money laundering;

23079 (8) Section 76-9-1603, accepting the proceeds of unlawful activity; and  
23080 [(8)] (9) Section [76-10-1603,] 76-17-407, prohibited conduct concerning a pattern of  
23081 unlawful activity, if at least one of the unlawful activities used to establish the pattern of  
23082 unlawful activity is an offense listed in Subsections (1) through (7).

23083 Section 504. Section **78A-2-203** is amended to read:

23084 **78A-2-203 (Effective 05/07/25). Rules -- Right to make -- Limitation -- Security.**

23085 (1) Every court of record may make rules, not inconsistent with law, for its own  
23086 government and the government of its officers; but such rules must neither impose any  
23087 tax or charge upon any legal proceeding nor give any allowance to any officer for  
23088 service.

23089 (2)(a) The judicial council may provide, through the rules of judicial administration, for  
23090 security in or about a courthouse or courtroom, or establish a secure area as  
23091 prescribed in Section 76-8-311.1.

23092 (b)(i) If the council establishes a secure area under Subsection (2)(a), it shall provide  
23093 a secure firearms storage area on site so that persons with lawfully carried  
23094 firearms may store them while they are in the secure area.

23095 (ii) The entity operating the facility with the secure area shall be responsible for the  
23096 firearms while they are stored in the storage area referred to in Subsection (2)(b)(i).

23097 (iii) The entity may not charge a fee to individuals for storage of their firearms under  
23098 Subsection (2)(b)(i).

23099 (3)(a) Unless authorized by the rules of judicial administration, any person who  
23100 knowingly or intentionally possesses a firearm, ammunition, or dangerous weapon  
23101 within a secure area established by the judicial council under this section is guilty of  
23102 a third degree felony.

23103 (b) Any person is guilty of violating Section [76-10-306] 76-15-210 who transports,  
23104 possesses, distributes, or sells an explosive, chemical, or incendiary device, as  
23105 defined by Section [76-10-306] 76-15-210, within a secure area, established by the  
23106 Judicial Council under this section.

23107 Section 505. Section **78A-5a-103** is amended to read:

23108 **78A-5a-103 (Effective 05/07/25). Concurrent jurisdiction of the Business and**  
23109 **Chancery Court -- Exceptions.**

23110 (1) The Business and Chancery Court has jurisdiction, concurrent with the district court,  
23111 over an action:

23112 (a) seeking monetary damages of at least \$300,000 or seeking solely equitable relief; and

- 23113 (b)(i) with a claim arising from:
- 23114 (A) a breach of a contract;
- 23115 (B) a breach of a fiduciary duty;
- 23116 (C) a dispute over the internal affairs or governance of a business organization;
- 23117 (D) the sale, merger, or dissolution of a business organization;
- 23118 (E) the sale of substantially all of the assets of a business organization;
- 23119 (F) the receivership or liquidation of a business organization;
- 23120 (G) a dispute over liability or indemnity between or among owners of the same
- 23121 business organization;
- 23122 (H) a dispute over liability or indemnity of an officer or owner of a business
- 23123 organization;
- 23124 (I) a tortious or unlawful act committed against a business organization, including
- 23125 an act of unfair competition, tortious interference, or misrepresentation or fraud;
- 23126 (J) a dispute between a business organization and an insurer regarding a
- 23127 commercial insurance policy;
- 23128 (K) a contract or transaction governed by Title 70A, Uniform Commercial Code;
- 23129 (L) the misappropriation of trade secrets under Title 13, Chapter 24, Uniform
- 23130 Trade Secrets Act;
- 23131 (M) the misappropriation of intellectual property;
- 23132 (N) a noncompete agreement, a nonsolicitation agreement, or a nondisclosure or
- 23133 confidentiality agreement, regardless of whether the agreement is oral or
- 23134 written;
- 23135 (O) a relationship between a franchisor and a franchisee;
- 23136 (P) the purchase or sale of a security or an allegation of security fraud;
- 23137 (Q) a dispute over a blockchain, blockchain technology, or a decentralized
- 23138 autonomous organization;
- 23139 (R) a violation of [~~Title 76, Chapter 10, Part 31, Utah Antitrust Act~~] Title 76,
- 23140 Chapter 16, Part 5, Antitrust Offenses; or
- 23141 (S) a contract with a forum selection clause for a chancery, business, or
- 23142 commercial court of this state or any other state;
- 23143 (ii) with a malpractice claim concerning services that a professional provided to a
- 23144 business organization;
- 23145 (iii) that is a shareholder derivative action; or
- 23146 (iv) seeking a declaratory judgment as described in Title 78B, Chapter 6, Part 4,

- 23147 Declaratory Judgments.
- 23148 (2) Except as provided in Subsection (3), the Business and Chancery Court may exercise  
23149 supplemental jurisdiction over any claim in an action that is within the jurisdiction of the  
23150 Business and Chancery Court under Subsection (1) if the claim arises from the same set  
23151 of facts or circumstances as the action.
- 23152 (3) The Business and Chancery Court may not exercise supplemental jurisdiction over:
- 23153 (a) any claim arising from:
- 23154 (i) a consumer contract;
- 23155 (ii) a personal injury, including a personal injury relating to or arising out of health  
23156 care rendered or which should have been rendered by the health care provider;
- 23157 (iii) a violation of Title 13, Chapter 7, Civil Rights;
- 23158 (iv) Title 20A, Election Code;
- 23159 (v) Title 63G, Chapter 4, Administrative Procedures Act;
- 23160 (vi) Title 78B, Chapter 6, Part 1, Utah Adoption Act;
- 23161 (vii) Title 78B, Chapter 6, Part 5, Eminent Domain;
- 23162 (viii) Title 78B, Chapter 6, Part 8, Forcible Entry and Detainer, unless the claim is  
23163 brought against a commercial tenant;
- 23164 (ix) Title 78B, Chapter 7, Protective Orders and Stalking Injunctions;
- 23165 (x) Title 78B, Chapter 13, Utah Uniform Child Custody Jurisdiction and Enforcement  
23166 Act;
- 23167 (xi) Title 78B, Chapter 14, Utah Uniform Interstate Family Support Act;
- 23168 (xii) Title 78B, Chapter 15, Utah Uniform Parentage Act;
- 23169 (xiii) Title 78B, Chapter 16, Utah Uniform Child Abduction Prevention Act;
- 23170 (xiv) Title 78B, Chapter 20, Uniform Deployed Parents Custody, Parent-time, and  
23171 Visitation Act;
- 23172 (xv) Title 81, Utah Domestic Relations Code; or
- 23173 (b) any action in which a governmental entity is a party; or
- 23174 (c) any criminal matter, unless the criminal matter is an act or omission of contempt that  
23175 occurs in an action before the Business and Chancery Court.
- 23176 (4) Notwithstanding Subsection (3), the Business and Chancery Court may exercise  
23177 supplemental jurisdiction over a claim that is barred under Subsection (3):
- 23178 (a) if the claim is a compulsory counterclaim;
- 23179 (b) if there would be a material risk of inconsistent outcomes if the claim were tried in a  
23180 separate action; or

- 23181 (c) solely to resolve a request for a provisional remedy related to the claim before the  
 23182 Business and Chancery Court transfers the claim as described in Subsection (5).
- 23183 (5) If an action contains a claim for which the Business and Chancery Court may not  
 23184 exercise supplemental jurisdiction under this section, the Business and Chancery Court  
 23185 shall bifurcate the action and transfer any claim for which the Business and Chancery  
 23186 Court does not have jurisdiction to a court with jurisdiction under Title 78A, Judiciary  
 23187 and Judicial Administration.
- 23188 (6) Before the Business and Chancery Court transfers a claim as described in Subsection (5),  
 23189 the Business and Chancery Court may resolve:
- 23190 (a) all claims for which the Business and Chancery Court has jurisdiction; and  
 23191 (b) any request for a provisional remedy related to a claim that is being transferred.
- 23192 Section 506. Section **78B-4-511** is amended to read:
- 23193 **78B-4-511 (Effective 05/07/25). Regulation of firearms reserved to state --**  
 23194 **Lawsuits prohibited.**
- 23195 (1) As prescribed by Section [~~76-10-500~~] 53-5a-102, all authority to regulate firearms is  
 23196 reserved to the state through the Legislature.
- 23197 (2) A person who lawfully designs, manufactures, markets, advertises, transports, or sells  
 23198 firearms or ammunition to the public may not be sued by the state or any of its political  
 23199 subdivisions for the subsequent use, whether lawfully or unlawfully, of the firearm or  
 23200 ammunition, unless the suit is based on the breach of a contract or warranty for a firearm  
 23201 or ammunition purchased by the state or political subdivision.
- 23202 Section 507. Section **78B-5-505** is amended to read:
- 23203 **78B-5-505 (Effective 05/07/25). Property exempt from execution.**
- 23204 (1)(a) An individual is entitled to exemption of the following property:
- 23205 (i) a burial plot for the individual and the individual's family;  
 23206 (ii) health aids reasonably necessary to enable the individual or a dependent to work  
 23207 or sustain health;  
 23208 (iii) benefits that the individual or the individual's dependent have received or are  
 23209 entitled to receive from any source because of:
- 23210 (A) disability;  
 23211 (B) illness; or  
 23212 (C) unemployment;
- 23213 (iv) benefits paid or payable for medical, surgical, or hospital care to the extent that  
 23214 the benefits are used by an individual or the individual's dependent to pay for that

- 23215 care;
- 23216 (v) veterans benefits;
- 23217 (vi) money or property received, and rights to receive money or property for child
- 23218 support;
- 23219 (vii) money or property received, and rights to receive money or property for alimony
- 23220 or separate maintenance, to the extent reasonably necessary for the support of the
- 23221 individual and the individual's dependents;
- 23222 (viii)(A) one:
- 23223 (I) clothes washer and dryer;
- 23224 (II) refrigerator;
- 23225 (III) freezer;
- 23226 (IV) stove;
- 23227 (V) microwave oven; and
- 23228 (VI) sewing machine;
- 23229 (B) all carpets in use;
- 23230 (C) provisions sufficient for 12 months actually provided for individual or family
- 23231 use;
- 23232 (D) all wearing apparel of every individual and dependent, not including jewelry
- 23233 or furs; and
- 23234 (E) all beds and bedding for every individual or dependent;
- 23235 (ix) except for works of art held by the debtor as part of a trade or business, works of
- 23236 art:
- 23237 (A) depicting the debtor or the debtor and the debtor's resident family; or
- 23238 (B) produced by the debtor or the debtor and the debtor's resident family;
- 23239 (x) proceeds of insurance, a judgment, or a settlement, or other rights accruing as a
- 23240 result of bodily injury of the individual or of the wrongful death or bodily injury
- 23241 of another individual of whom the individual was or is a dependent to the extent
- 23242 that those proceeds are compensatory;
- 23243 (xi) the proceeds or benefits of any life insurance contracts or policies paid or
- 23244 payable to the debtor or any trust of which the debtor is a beneficiary upon the
- 23245 death of the spouse or children of the debtor, provided that the contract or policy
- 23246 has been owned by the debtor for a continuous unexpired period of one year;
- 23247 (xii) the proceeds or benefits of any life insurance contracts or policies paid or
- 23248 payable to the spouse or children of the debtor or any trust of which the spouse or

- 23249 children are beneficiaries upon the death of the debtor, provided that the contract  
23250 or policy has been in existence for a continuous unexpired period of one year;
- 23251 (xiii) proceeds and avails of any unexpired life insurance contracts owned by the  
23252 debtor or any revocable grantor trust created by the debtor, excluding any  
23253 payments made on the contract during the one year immediately preceding a  
23254 creditor's levy or execution;
- 23255 (xiv) except as provided in Subsection (1)(b), and except for a judgment described in  
23256 Subsection 75-7-503(2)(c), any money or other assets held for or payable to the  
23257 individual as an owner, participant, or beneficiary from or an interest of the  
23258 individual as an owner, participant, or beneficiary in a fund or account, including  
23259 an inherited fund or account, in a retirement plan or arrangement that is described  
23260 in Section 401(a), 401(h), 401(k), 403(a), 403(b), 408, 408A, 409, 414(d), 414(e),  
23261 or 457, Internal Revenue Code, including an owner's, a participant's, or a  
23262 beneficiary's interest that arises by inheritance, designation, appointment, or  
23263 otherwise;
- 23264 (xv) the interest of or any money or other assets payable to an alternate payee under a  
23265 qualified domestic relations order as those terms are defined in Section 414(p),  
23266 Internal Revenue Code;
- 23267 (xvi) unpaid earnings of the household of the filing individual due as of the date of  
23268 the filing of a bankruptcy petition in the amount of 1/24 of the Utah State annual  
23269 median family income for the household size of the filing individual as  
23270 determined by the Utah State Annual Median Family Income reported by the  
23271 United States Census Bureau and as adjusted based upon the Consumer Price  
23272 Index for All Urban Consumers for an individual whose unpaid earnings are paid  
23273 more often than once a month or, if unpaid earnings are not paid more often than  
23274 once a month, then in the amount of 1/12 of the Utah State annual median family  
23275 income for the household size of the individual as determined by the Utah State  
23276 Annual Median Family Income reported by the United States Census Bureau and  
23277 as adjusted based upon the Consumer Price Index for All Urban Consumers;
- 23278 (xvii) except for curio or relic firearms, as defined in Section ~~[76-10-501]~~ 76-11-101,  
23279 any three of the following:
- 23280 (A) one handgun and ammunition for the handgun not exceeding 1,000 rounds;  
23281 (B) one shotgun and ammunition for the shotgun not exceeding 1,000 rounds; and  
23282 (C) one shoulder arm and ammunition for the shoulder arm not exceeding 1,000

- 23283 rounds; and
- 23284 (xviii) money, not exceeding \$200,000, in the aggregate, that an individual deposits,  
23285 more than 18 months before the day on which the individual files a petition for  
23286 bankruptcy or an action is filed by a creditor against the individual, as applicable,  
23287 in all tax-advantaged accounts for saving for higher education costs on behalf of a  
23288 particular individual that meets the requirements of Section 529, Internal Revenue  
23289 Code.
- 23290 (b)(i) Any money, asset, or other interest in a fund or account that is exempt from a  
23291 claim of a creditor of the owner, beneficiary, or participant under Subsection  
23292 (1)(a)(xiv) does not cease to be exempt after the owner's, participant's, or  
23293 beneficiary's death by reason of a direct transfer or eligible rollover to an inherited  
23294 individual retirement account as defined in Section 408(d)(3), Internal Revenue  
23295 Code.
- 23296 (ii) Subsections (1)(a)(xiv) and (1)(b)(i) apply to all inherited individual retirement  
23297 accounts without regard to the date on which the account was created.
- 23298 (c)(i) The exemption granted by Subsection (1)(a)(xiv) does not apply to:
- 23299 (A) an alternate payee under a qualified domestic relations order, as those terms  
23300 are defined in Section 414(p), Internal Revenue Code; or
- 23301 (B) amounts contributed or benefits accrued by or on behalf of a debtor within one  
23302 year before the debtor files for bankruptcy, except amounts directly rolled over  
23303 from other funds that are exempt from attachment under this section.
- 23304 (ii) The exemptions in Subsections (1)(a)(xi), (xii), and (xiii) do not apply to the  
23305 secured creditor's interest in proceeds and avails of any matured or unmatured life  
23306 insurance contract assigned or pledged as collateral for repayment of a loan or  
23307 other legal obligation.
- 23308 (2)(a) Disability benefits, as described in Subsection (1)(a)(iii)(A), and veterans  
23309 benefits, as described in Subsection (1)(a)(v), may be garnished on behalf of a victim  
23310 who is a child if the person receiving the benefits has been convicted of a felony sex  
23311 offense against the victim and ordered by the sentencing court to pay restitution to  
23312 the victim.
- 23313 (b) The exemption from execution under this Subsection (2) shall be reinstated upon  
23314 payment of the restitution in full.
- 23315 (3) The exemptions under this section do not limit items that may be claimed as exempt  
23316 under Section 78B-5-506.



23317 (4)(a) The exemptions described in Subsections (1)(a)(iii), (iv), (vi), (vii), (x), (xii), (xiii),  
 23318 (xiv), (xv), (xvii), and (xviii) do not apply to a civil accounts receivable or a civil  
 23319 judgment of restitution for an individual who is found in contempt under Section  
 23320 78B-6-317.

23321 (b) Subsection (4)(a) does not apply to the benefits described in Subsection (1)(a)(iii) if  
 23322 the individual's dependent received, or is entitled to receive, the benefits.

23323 Section 508. Section **78B-6-111** is amended to read:

23324 **78B-6-111 (Effective 05/07/25). Criminal sexual offenses.**

23325 An unmarried biological father is not entitled to notice of an adoption proceeding,  
 23326 nor is the consent of an unmarried biological father required in connection with an adoption  
 23327 proceeding, in cases where it is shown that the child who is the subject of the proceeding was  
 23328 conceived as a result of conduct that constitutes a sexual offense under Title 76, Chapter 5,  
 23329 Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, or  
 23330 under the laws of the state where the child was conceived, regardless of whether the unmarried  
 23331 biological father is formally charged with or convicted of a criminal offense.

23332 Section 509. Section **78B-6-1101** is amended to read:

23333 **78B-6-1101 (Effective 05/07/25). Definitions -- Nuisance -- Right of action --**  
 23334 **Agriculture operations.**

23335 (1) A nuisance is anything that is injurious to health, indecent, offensive to the senses, or an  
 23336 obstruction to the free use of property, so as to interfere with the comfortable enjoyment  
 23337 of life or property. A nuisance may be the subject of an action.

23338 (2) A nuisance may include the following:

23339 (a) drug houses and drug dealing as provided in Section 78B-6-1107;

23340 (b) gambling as provided in [~~Title 76, Chapter 10, Part 11, Gambling~~] Title 76, Chapter  
 23341 9, Part 14, Gambling;

23342 (c) criminal activity committed in concert with three or more persons as provided in  
 23343 Section 76-3-203.1;

23344 (d) criminal activity committed for the benefit of, at the direction of, or in association  
 23345 with any criminal street gang as defined in Section 76-9-802;

23346 (e) criminal activity committed to gain recognition, acceptance, membership, or  
 23347 increased status with a criminal street gang as defined in Section 76-9-802;

23348 (f) party houses that frequently create conditions defined in Subsection (1); and

23349 (g) prostitution as provided in [~~Title 76, Chapter 10, Part 13, Prostitution~~] Title 76,  
 23350 Chapter 5d, Prostitution.

- 23351 (3) A nuisance under this part includes tobacco smoke that drifts into a residential unit a  
 23352 person rents, leases, or owns, from another residential or commercial unit and the smoke:  
 23353 (a) drifts in more than once in each of two or more consecutive seven-day periods; and  
 23354 (b) creates any of the conditions under Subsection (1).
- 23355 (4) Subsection (3) does not apply to:  
 23356 (a) a residential rental unit available for temporary rental, such as for a vacation, or  
 23357 available for only 30 or fewer days at a time; or  
 23358 (b) a hotel or motel room.
- 23359 (5) Subsection (3) does not apply to a unit that is part of a timeshare development, as  
 23360 defined in Section 57-19-2, or subject to a timeshare interest as defined in Section  
 23361 57-19-2.
- 23362 (6) An action may be brought by a person whose property is injuriously affected, or whose  
 23363 personal enjoyment is lessened by the nuisance.
- 23364 (7) An action for nuisance against an agricultural operation is governed by Title 4, Chapter  
 23365 44, Agricultural Operations Nuisances Act.
- 23366 (8) "Critical infrastructure materials operations" means the same as that term is defined in  
 23367 Section 10-9a-901.
- 23368 (9) "Manufacturing facility" means a factory, plant, or other facility including its  
 23369 appurtenances, where the form of raw materials, processed materials, commodities, or  
 23370 other physical objects is converted or otherwise changed into other materials,  
 23371 commodities, or physical objects or where such materials, commodities, or physical  
 23372 objects are combined to form a new material, commodity, or physical object.
- 23373 Section 510. Section **78B-6-1103** is amended to read:  
 23374 **78B-6-1103 (Effective 05/07/25). Manufacturing facility in operation over three**  
 23375 **years -- Limited application of restrictions.**
- 23376 (1) Notwithstanding Sections [~~76-10-803~~] 76-9-1301 and 78B-6-1101, a manufacturing  
 23377 facility or operation may not be considered a nuisance, private or public, by virtue of  
 23378 any changed circumstance in land uses near the facility after it has been in operation for  
 23379 more than three years if the manufacturing facility or operation was not a nuisance at the  
 23380 time it began operation. The manufacturing facility may not increase the condition  
 23381 asserted to be a nuisance. The provisions of this Subsection (1) do not apply if a  
 23382 nuisance results from the negligent or improper operation of a manufacturing facility.
- 23383 (2) The provisions of Subsection (1) may not affect or defeat the right of any person to  
 23384 recover damages for any injuries or damage sustained because of any pollution of, or

23385 change in the condition of, the waters of any stream or the overflow of the lands of any  
23386 person.

23387 (3) Any and all ordinances now or in the future adopted by any county or municipal  
23388 corporation in which a manufacturing facility is located and which makes its operation a  
23389 nuisance or providing for an abatement as a nuisance in the circumstances set forth in  
23390 this section are null and void. The provisions of this Subsection (3) may not apply  
23391 whenever a nuisance results from the negligent or improper operation of a  
23392 manufacturing facility.

23393 Section 511. Section **78B-6-1107** is amended to read:

23394 **78B-6-1107 (Effective 05/07/25). Nuisance -- Drug houses and drug dealing --**  
23395 **Gambling -- Group criminal activity -- Party house -- Prostitution -- Weapons --**  
23396 **Abatement by eviction.**

23397 (1) Every building or place is a nuisance where:

- 23398 (a) the unlawful sale, manufacture, service, storage, distribution, dispensing, or  
23399 acquisition occurs of any controlled substance, precursor, or analog specified in Title  
23400 58, Chapter 37, Utah Controlled Substances Act;
- 23401 (b) gambling is permitted to be played, conducted, or dealt upon as prohibited in [~~Title~~  
23402 ~~76, Chapter 10, Part 11, Gambling~~] Title 76, Chapter 9, Part 14, Gambling, which  
23403 creates the conditions of a nuisance as defined in Subsection 78B-6-1101(1);
- 23404 (c) criminal activity is committed in concert with three or more persons as provided in  
23405 Section 76-3-203.1;
- 23406 (d) criminal activity is committed for the benefit of, at the direction of, or in association  
23407 with any criminal street gang as defined in Section 76-9-802;
- 23408 (e) criminal activity is committed to gain recognition, acceptance, membership, or  
23409 increased status with a criminal street gang as defined in Section 76-9-802;
- 23410 (f) parties occur frequently which create the conditions of a nuisance as defined in  
23411 Subsection 78B-6-1101(1);
- 23412 (g) prostitution or promotion of prostitution is regularly carried on by one or more  
23413 persons as provided in [~~Title 76, Chapter 10, Part 13, Prostitution~~] Title 76, Chapter  
23414 5d, Prostitution; and
- 23415 (h) a violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] Title 76, Chapter 11, Weapons,  
23416 occurs on the premises.

23417 (2) It is a defense to nuisance under Subsection (1)(a) if the defendant can prove that the  
23418 defendant is lawfully entitled to possession of a controlled substance.

- 23419 (3) Sections 78B-6-1108 through 78B-6-1114 govern only an abatement by eviction of the  
 23420 nuisance as defined in Subsection (1).
- 23421 Section 512. Section **78B-6-1701** is amended to read:
- 23422 **78B-6-1701 (Effective 05/07/25). Cause of action for identity theft.**
- 23423 (1) A petitioner who has been injured by a violation of Section 76-6-1102, Identity Fraud,  
 23424 or Section [~~76-10-1801~~] 76-6-525, Communications Fraud, may recover from the  
 23425 perpetrator:
- 23426 (a) compensatory damages in the amount of \$1,000 or up to three times the amount of  
 23427 actual damages, whichever is greater;
- 23428 (b) attorney fees; and
- 23429 (c) court costs.
- 23430 (2) Actual damages may include:
- 23431 (a) replacement or reissuance costs for checks and any personal identification documents;
- 23432 (b) the value of the petitioner's time spent:
- 23433 (i) repairing their credit history or rating; and
- 23434 (ii) attending civil or administrative hearings necessary to resolve any debt, lien, or  
 23435 other obligation arising from the offense;
- 23436 (c) lost wages; and
- 23437 (d) any other verifiable costs the court may choose to include.
- 23438 (3) The court may award punitive damages in addition to compensatory damages.
- 23439 (4) A perpetrator who is not tried or found not guilty of a violation of Section 76-6-1102,  
 23440 Identity Fraud, or Section [~~76-10-1801~~] 76-6-525, Communications Fraud, may be found  
 23441 liable under this section if the court finds by a preponderance of the evidence that the  
 23442 perpetrator participated in a violation and the petitioner was injured as a result.
- 23443 (5)(a) A perpetrator who is found guilty of a violation of Section 76-6-1102, Identity  
 23444 Fraud, or Section [~~76-10-1801~~] 76-6-525, Communications Fraud, shall be found  
 23445 liable under this section.
- 23446 (b) If restitution was ordered in the criminal action, the amount ordered shall be  
 23447 deducted from any damages awarded under this section.
- 23448 Section 513. Section **78B-6-2102** is amended to read:
- 23449 **78B-6-2102 (Effective 05/07/25). Exemptions.**
- 23450 (1) If the conditions of Subsection (2) are met, this part does not apply to:
- 23451 (a) the following, as defined in the Communications Act of 1934, as amended:
- 23452 (i) an interactive computer service;

- 23453 (ii) a telecommunications service, information service, or mobile service, including a  
 23454 commercial mobile service; or  
 23455 (iii) a multichannel video programming distributor;  
 23456 (b) an Internet service provider;  
 23457 (c) a provider of an electronic communications service;  
 23458 (d) a distributor of Internet-based video services;  
 23459 (e) a [~~host~~] hosting company as defined in Section [~~76-10-1230~~] 76-5c-401; or  
 23460 (f) a distributor of electronic or computerized game software that users manipulate  
 23461 through interactive devices.

- 23462 (2) This part does not apply to an entity described in Subsection (1) if:  
 23463 (a) the distribution of pornographic material by the entity occurs only incidentally  
 23464 through the entity's function of:  
 23465 (i) transmitting or routing data from one person to another person;  
 23466 (ii) providing a connection between one person and another person; or  
 23467 (iii) providing data storage space or data caching to a person; and  
 23468 (b) the entity does not intentionally aid or abet in the distribution of the pornographic  
 23469 material.

23470 Section 514. Section **78B-6-2105** is amended to read:

23471 **78B-6-2105 (Effective 05/07/25). Civil action for enforcement -- Penalties.**

- 23472 (1) A person who distributes or otherwise provides pornographic material to consumers  
 23473 may not distribute any obscene material or performance as defined in Section [  
 23474 ~~76-10-1203~~] 76-5c-101 without first giving a clear and reasonable warning of the  
 23475 harmful impact of exposing minors to the material or performance.  
 23476 (2) The warning of the harm shall be prominently displayed in the following form:  
 23477 STATE OF UTAH WARNING  
 23478 Exposing minors to obscene material may damage or negatively impact minors.  
 23479 (3)(a) For print publications created after May 12, 2020, the warning in Subsection (2)  
 23480 shall be placed in clear, readable type on the cover of each publication which  
 23481 includes material as defined in Section [~~76-10-1201~~] 76-5c-101.  
 23482 (b) For digital publications:  
 23483 (i) the warning in Subsection (2) shall be displayed in searchable text format and for  
 23484 at least five seconds prior to the display of any video or each image which  
 23485 includes material as defined in Section [~~76-10-1201~~] 76-5c-101; or  
 23486 (ii) if the website complies with Subsection 78B-6-2103(3), it is not required to

- 23487 display the warning in Subsection (2) prior to each video or image contained on  
23488 the website.
- 23489 (4) A person who violates this section shall be liable for a civil penalty not to exceed  
23490 \$2,500 per violation, plus filing fees and attorney fees, in addition to any other penalty  
23491 established by law, and enjoined from further violations.
- 23492 (5) The civil penalty may be assessed and recovered in a civil action brought in any court of  
23493 competent jurisdiction.
- 23494 (6) Each of the following violations shall create a separate liability per violation:
- 23495 (a) the sale or display of potentially harmful content without the warning required in  
23496 Subsection (2), in accordance with Subsection (3); or
- 23497 (b) the absence of the following searchable text within the website's metadata -  
23498 utahobscenitywarning.
- 23499 (7) The determination by a court as to whether a person is distributing material the state  
23500 considers to be obscene material or performance as defined in Section 78B-6-1203 shall  
23501 be proven by clear and convincing evidence. All other elements of proof shall be proven  
23502 by a preponderance of the evidence.
- 23503 (8) The court, in ordering payment, shall specify each amount for the civil penalty, filing  
23504 fees, and attorney fees.
- 23505 (9) In assessing the amount of a civil penalty for a violation of this chapter, the court shall  
23506 consider all of the following:
- 23507 (a) the nature and extent of the violation;
- 23508 (b) the number and severity of the violations;
- 23509 (c) the economic effect of the penalty on the violator;
- 23510 (d) whether the violator took good faith measures to comply with this chapter and when  
23511 those measures were taken;
- 23512 (e) the willfulness of the violator's misconduct;
- 23513 (f) the deterrent effect that the imposition of the penalty would have on both the violator  
23514 and the regulated community as a whole; and
- 23515 (g) any other factor that the court determines justice requires.
- 23516 (10) Actions pursuant to this section may be brought by the attorney general's office in the  
23517 name of the people of the state or by a private person in accordance with Subsection (11).
- 23518 (11) A private person may bring an action in the public interest pursuant to this section if:
- 23519 (a) the person has served notice of an alleged violation of Section 78B-6-2103 on the  
23520 alleged violator and the attorney general's office;

- 23521 (b) the attorney general's office has not provided a letter to the noticing party within 60  
23522 days of receipt of the notice of an alleged violation indicating that:
- 23523 (i) an action is currently being pursued or will be pursued by the attorney general's  
23524 office regarding the violation; or
- 23525 (ii) the attorney general believes that there is no merit to the action; and
- 23526 (c) the alleged violator has not responded to the notice of alleged violation or returned  
23527 the proof of compliance form provided in Subsection (17).
- 23528 (12) If a lawsuit is commenced, the plaintiff may include additional violations in the claim  
23529 that are discovered through the discovery process.
- 23530 (13) Notice of the alleged violation shall be executed by the attorney for the noticing party,  
23531 or by the noticing party, if the noticing party is not represented by an attorney, and  
23532 include a notice of alleged violation. The notice of alleged violation shall:
- 23533 (a) state that the person executing the notice believes that there is a violation; and  
23534 (b) provide factual information sufficient to establish the basis for the alleged violation.
- 23535 (14) A person who serves a notice of alleged violation identified in Subsection (13) shall  
23536 complete and provide to the alleged violator at the time the notice of alleged violation is  
23537 served, a notice of special compliance procedure and proof of compliance form pursuant  
23538 to Subsection (17). The person may file an action against the alleged violator, or recover  
23539 from the alleged violator if:
- 23540 (a) the notice of alleged violation alleges that the alleged violator failed to provide a  
23541 clear and reasonable warning as required under Subsection (1); and
- 23542 (b) within 14 days after receipt of the notice of alleged violation, the alleged violator has  
23543 not:
- 23544 (i) corrected the alleged violation and all similar violations known to the alleged  
23545 violator;
- 23546 (ii) agreed to pay a penalty for the alleged violation in the amount of \$500 per  
23547 violation; and
- 23548 (iii) notified, in writing, the noticing party that the violation has been corrected.
- 23549 (15) The written notice required in Subsection (14)(b)(iii) shall be the notice of special  
23550 compliance procedure and proof of compliance form specified in Subsection (17). The  
23551 alleged violator shall deliver the civil penalty to the noticing party within 30 days of  
23552 receipt of the notice of alleged violation.
- 23553 (16) The attorney general shall review the notice of alleged violation and may confer with  
23554 the noticing party. If the attorney general believes there is no merit to the action, the

23555 attorney general shall, within 45 days of receipt of the notice of alleged violation,  
23556 provide a letter to the noticing party and the alleged violator stating that the attorney  
23557 general believes there is no merit to the action.

23558 (17) The notice required to be provided to an alleged violator pursuant to Subsection (14) shall  
23559 be presented as follows:

- 23560 Date:
- 23561 Name of Noticing Party or attorney for Noticing Party:
- 23562 Address:
- 23563 Phone number:

23564 SPECIAL COMPLIANCE PROCEDURE  
23565 PROOF OF COMPLIANCE

23566 You are receiving this form because the Noticing Party listed above has alleged that  
23567 you are in violation of Utah Code Section 78B-6-2103.

23568 The Noticing Party may bring legal proceedings against you for the alleged violation  
23569 checked below if:

- 23570 (1) you have not actually taken the corrective steps that you have certified in this  
23571 form;
- 23572 (2) the Noticing Party has not received this form at the address shown above,  
23573 accurately completed by you, postmarked within 14 days of your receiving this notice; and
- 23574 (3) the Noticing Party does not receive the required \$500 penalty payment for each  
23575 violation alleged from you at the address shown above postmarked within 30 days of your  
23576 receiving this notice.

23577 PART 1: TO BE COMPLETED BY THE NOTICING PARTY OR ATTORNEY  
23578 FOR THE NOTICING PARTY

23579 This notice of alleged violation is for failure to warn against an exposure to minors of  
23580 materials considered harmful to minors. (provide complete description of violation, including  
23581 when and where observed)

- 23582 Date:
- 23583 Name of Noticing Party or attorney for Noticing Party:
- 23584 Address:
- 23585 Phone number:

23586 PART 2: TO BE COMPLETED BY THE ALLEGED VIOLATOR OR  
23587 AUTHORIZED REPRESENTATIVE

23588 Certification of Compliance



23589 Accurate completion of this form will demonstrate that you are now in compliance  
 23590 with Utah Code Section 78B-6-2103, for the alleged violation listed above. You must  
 23591 complete and submit the form below to the Noticing Party at the address shown above,  
 23592 postmarked within 14 days of you receiving this notice.

23593 I hereby agree to pay, within 30 days of receipt of this notice, a penalty of \$500 for  
 23594 each violation alleged to the Noticing Party only and certify that I have complied with by  
 23595 (check only one of the following):

23596  Posting a warning or warnings, and attaching a copy of that warning and a  
 23597 photograph accurately showing its placement on the print or digital publication.

23598  Eliminating the alleged exposure, and attaching a statement accurately describing  
 23599 how the alleged exposure has been eliminated.

23600 CERTIFICATION

23601 My statements on this form, and on any attachments to it, are true, complete, and  
 23602 correct to the best of my knowledge and belief and are made in good faith. I have carefully  
 23603 read the instructions to complete this form. I understand that if I make a false statement on this  
 23604 form, I may be subject to additional penalties under Utah Code [~~Section 76-10-1206~~] Sections  
 23605 76-5c-205 and 76-5c-206.

23606 Signature of alleged violator or authorized representative:

23607 Date:

23608 Name and title of signatory:

23609 (18) An alleged violator may satisfy the conditions set forth in Subsection (17) only one  
 23610 time for a specific violation.

23611 (19) Notwithstanding Subsection (17), the attorney general may file an action pursuant to  
 23612 Subsection (10) against an alleged violator. In any action, the amount of any civil  
 23613 penalty for a violation shall be reduced to reflect any payment made by the alleged  
 23614 violator to a private person in accordance with Subsection (17) for the same alleged  
 23615 violation.

23616 (20) Payments shall be made in accordance with this section.

23617 (a) A civil penalty ordered by the court shall be paid to the plaintiff as directed by the  
 23618 court.

23619 (b) A penalty paid in accordance with the special compliance procedure in Subsection  
 23620 (17) shall be made directly to the noticing party.

23621 (21) The Utah Office for Victims of Crime shall receive 50% of any penalty paid in  
 23622 accordance with this section. Funds received shall be deposited into the Crime Victim

- 23623       Reparations Fund created in Section 63M-7-526. The penalty amount upon which the  
23624       50% is calculated may not include attorney fees or costs awarded by the court.
- 23625       (a) If the penalty is paid to a noticing party in accordance with Subsection (17), the  
23626       noticing party shall remit the required amount along with a copy of the Special  
23627       Compliance Procedure document.
- 23628       (b) If a civil penalty is ordered by the court, the plaintiff shall remit the required amount  
23629       along with a copy of the court order.
- 23630       (22) The attorney general's office shall provide to the Utah Office for Victims of Crime a  
23631       copy of all notices of alleged violations to which the attorney general's office did not  
23632       respond with a letter of no merit in accordance with Subsection (16).
- 23633       (23) The court shall provide to the Utah Office for Victims of Crime a copy of the court's  
23634       order for payment.
- 23635       (24) The Utah Office for Victims of Crime shall:
- 23636       (a) maintain a record of documents and payments submitted pursuant to Subsections (21),  
23637       (22), and (23);
- 23638       (b) create and provide to the Legislature in odd-numbered years beginning November  
23639       2021, a report containing the following for the previous two years:
- 23640       (i) the number of notices of alleged violations received from the attorney general's  
23641       office;
- 23642       (ii) the number of court orders received; and
- 23643       (iii) the total amount received and deposited into the Crime Victim Reparations Fund.
- 23644       (25) This section does not apply to:
- 23645       (a) a person portrayed in obscene or pornographic material that is created, duplicated, or  
23646       distributed without the person's knowledge or consent; or
- 23647       (b) a person who is coerced or blackmailed into distributing obscene or pornographic  
23648       material.
- 23649       (26) Beginning May 1, 2025, and at each five-year interval, the dollar amount of the civil  
23650       penalty provided in Subsection (4) shall be adjusted by the Judicial Council based on the  
23651       change in the annual Consumer Price Index for the most recent five-year period ending  
23652       on December 31 of the previous year, and rounded to the nearest five dollars. The  
23653       attorney general shall publish the dollar amount of the civil penalty together with the  
23654       date of the next scheduled adjustment.
- 23655       Section 515. Section **78B-6-2301** is amended to read:
- 23656       **78B-6-2301 (Effective 05/07/25). Definitions.**

23657 As used in this part:

- 23658 (1) "Directive" means an ordinance, regulation, measure, rule, enactment, order, or policy  
 23659 issued, enacted, or required by a local or state governmental entity.
- 23660 (2) "Firearm" means the same as that term is defined in Section ~~[53-5a-102]~~ 53-5a-102.1.
- 23661 (3) "Legislative firearm preemption" means the preemption provided for in ~~[Sections~~  
 23662 ~~53-5a-102 and 76-10-500]~~ Section 53-5a-102.
- 23663 (4) "Local or state governmental entity" means:
- 23664 (a) a department, commission, board, council, agency, institution, officer, corporation,  
 23665 fund, division, office, committee, authority, laboratory, library, unit, bureau, panel, or  
 23666 other administrative unit of the state, including the Utah Board of Higher Education,  
 23667 each institution of higher education, and the boards of trustees of each higher  
 23668 education institution; or
- 23669 (b) a county, city, town, special district, local education agency, public school, school  
 23670 district, charter school, special service district under Title 17D, Chapter 1, Special  
 23671 Service District Act, an entity created by interlocal cooperation agreement under Title  
 23672 11, Chapter 13, Interlocal Cooperation Act, or any other governmental entity  
 23673 designated in statute as a political subdivision of the state.

23674 Section 516. Section **78B-7-502** is amended to read:

23675 **78B-7-502 (Effective 05/07/25). Definitions.**

23676 As used in this part:

- 23677 (1) "Ex parte sexual violence protective order" means an order issued without notice to the  
 23678 respondent under this part.
- 23679 (2) "Protective order" means:
- 23680 (a) a sexual violence protective order; or
- 23681 (b) an ex parte sexual violence protective order.
- 23682 (3) "Sexual violence" means the commission or the attempt to commit:
- 23683 (a) any sexual offense described in:
- 23684 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 23685 76-5-418, 76-5-419, or 76-5-420; or
- 23686 (ii) Title 76, Chapter 5b, Part 2, Sexual Exploitation;
- 23687 (b) human trafficking for sexual exploitation under Section 76-5-308.1; or
- 23688 (c) aggravated human trafficking for forced sexual exploitation under Section 76-5-310.
- 23689 (4) "Sexual violence protective order" means an order issued under this part after a hearing  
 23690 on the petition, of which the petitioner and respondent have been given notice.

23691 Section 517. Section **78B-7-801** is amended to read:

23692 **78B-7-801 (Effective 05/07/25). Definitions.**

23693 As used in this part:

23694 (1)(a) "Jail release agreement" means a written agreement that is entered into by an  
23695 individual who is arrested or issued a citation, regardless of whether the individual is  
23696 booked into jail:

23697 (i) under which the arrested or cited individual agrees to not engage in any of the  
23698 following:

23699 (A) telephoning, contacting, or otherwise communicating with the alleged victim,  
23700 directly or indirectly;

23701 (B) threatening or harassing the alleged victim; or

23702 (C) knowingly entering onto the premises of the alleged victim's residence or on  
23703 premises temporarily occupied by the alleged victim, unless, after a law  
23704 enforcement officer or the law enforcement officer's employing agency notifies  
23705 or attempts to notify the alleged victim, the individual enters the premises  
23706 while accompanied by a law enforcement officer for the purpose of retrieving  
23707 the individual's personal belongings; and

23708 (ii) that specifies other conditions of release from jail or arrest.

23709 (b) "Jail release agreement" includes a written agreement that includes the conditions  
23710 described in Section (1)(a) entered into by a minor who is taken into custody or  
23711 placed in detention or a shelter facility under Section 80-6-201.

23712 (2) "Jail release court order" means a written court order that:

23713 (a) orders an arrested or cited individual not to engage in any of the following:

23714 (i) telephoning, contacting, or otherwise communicating with the alleged victim,  
23715 directly or indirectly;

23716 (ii) threatening or harassing the alleged victim; or

23717 (iii) knowingly entering onto the premises of the alleged victim's residence or on  
23718 premises temporarily occupied by the alleged victim, unless, after a law  
23719 enforcement officer or the law enforcement officer's employing agency notifies or  
23720 attempts to notify the alleged victim, the individual enters the premises while  
23721 accompanied by a law enforcement officer for the purpose of retrieving the  
23722 individual's personal belongings; and

23723 (b) specifies other conditions of release from jail.

23724 (3) "Minor" means the same as that term is defined in Section 80-1-102.

- 23725 (4) "Offense against a child or vulnerable adult" means the commission or attempted  
 23726 commission of an offense described in:
- 23727 (a) Section 76-5-109, child abuse;
- 23728 (b) Section 76-5-109.2, aggravated child abuse;
- 23729 (c) Section 76-5-109.3, child abandonment;
- 23730 (d) Section 76-5-110, abuse or neglect of a child with a disability;
- 23731 (e) Section 76-5-111, abuse of a vulnerable adult;
- 23732 (f) Section 76-5-111.2, aggravated abuse of a vulnerable adult;
- 23733 (g) Section 76-5-111.3, personal dignity exploitation of a vulnerable adult;
- 23734 (h) Section 76-5-111.4, financial exploitation of a vulnerable adult;
- 23735 (i) Section 76-5-114, commission of domestic violence in the presence of a child; or
- 23736 (j) Section [~~76-9-702.1~~] 76-5-418, sexual battery.
- 23737 (5) "Qualifying offense" means:
- 23738 (a) domestic violence;
- 23739 (b) an offense against a child or vulnerable adult; or
- 23740 (c) the commission or attempted commission of an offense described in Section [  
 23741 ~~76-9-702.1~~] 76-5-418 or Title 76, Chapter 5, Part 4, Sexual Offenses, not  
 23746 including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420.  
 23747 Section 518. Section **78B-8-503** is amended to read:
- 23748 **78B-8-503 (Effective 05/07/25). Definitions.**
- 23749 As used in this part:
- 23750 (1) "Prevail" means to obtain favorable final judgment, the right to all appeals having been  
 23751 exhausted, on the merits, on substantially all counts or charges in the action and with  
 23752 respect to the most significant issue or set of issues presented, but does not include the  
 23753 settlement of any action, either by stipulation, consent decree or otherwise, whether or  
 23754 not settlement occurs before or after any hearing or trial.
- 23755 (2) "Reasonable litigation expenses" means court costs, administrative hearing costs,  
 23756 attorney fees, and witness fees of all necessary witnesses, not in excess of \$25,000  
 23757 which a court finds were reasonably incurred in opposing action covered under this part.
- 23758 (3) "Small business" means a commercial or business entity, including a sole  
 23759 proprietorship, which does not have more than 250 employees, but does not include an  
 23760 entity which is a subsidiary or affiliate of another entity which is not a small business.
- 23761 (4) "State" means any department, board, institution, hospital, college, or university of the  
 23762 state of Utah or any political subdivision thereof, except with respect to actions brought

23763 under [~~Title 76, Chapter 10, Part 31, Utah Antitrust Act~~] Title 76, Chapter 16, Part 5,  
23764 Antitrust Offenses.

23765 Section 519. Section **78B-9-104** is amended to read:

23766 **78B-9-104 (Effective 05/07/25). Grounds for relief -- Retroactivity of rule.**

- 23767 (1) Unless precluded by Section 78B-9-106 or 78B-9-107, an individual who has been  
23768 convicted and sentenced for a criminal offense may file an action in the district court of  
23769 original jurisdiction for postconviction relief to vacate or modify the conviction or  
23770 sentence upon the following grounds:
- 23771 (a) the conviction was obtained or the sentence was imposed in violation of the United  
23772 States Constitution or Utah Constitution;
  - 23773 (b) the conviction was obtained or the sentence was imposed under a statute that is in  
23774 violation of the United States Constitution or Utah Constitution, or the conduct for  
23775 which the petitioner was prosecuted is constitutionally protected;
  - 23776 (c) the sentence was imposed or probation was revoked in violation of the controlling  
23777 statutory provisions;
  - 23778 (d) the petitioner had ineffective assistance of counsel in violation of the United States  
23779 Constitution or Utah Constitution;
  - 23780 (e) newly discovered material evidence exists that requires the court to vacate the  
23781 conviction or sentence, because:
    - 23782 (i) neither the petitioner nor petitioner's counsel knew of the evidence at the time of  
23783 trial or sentencing or in time to include the evidence in any previously filed  
23784 post-trial motion or postconviction proceeding, and the evidence could not have  
23785 been discovered through the exercise of reasonable diligence;
    - 23786 (ii) the material evidence is not merely cumulative of evidence that was known;
    - 23787 (iii) the material evidence is not merely impeachment evidence; and
    - 23788 (iv) viewed with all the other evidence, the newly discovered material evidence  
23789 demonstrates that no reasonable trier of fact could have found the petitioner guilty  
23790 of the offense or subject to the sentence received;
  - 23791 (f) the petitioner can prove that:
    - 23792 (i) biological evidence, as that term is defined in Section 77-11c-101, relevant to the  
23793 petitioner's conviction was not preserved in accordance with Title 77, Chapter  
23794 11c, Part 4, Preservation of Biological Evidence for Violent Felony Offenses;
    - 23795 (ii)(A) the biological evidence described in Subsection (1)(f)(i) was not tested  
23796 previously; or

- 23797 (B) if the biological evidence described in Subsection (1)(f)(i) was tested  
 23798 previously, there is a material change in circumstance, including a scientific or  
 23799 technological advance, that would make it plausible that a test of the biological  
 23800 evidence described in Subsection (1)(f)(i) would produce a favorable test result  
 23801 for the petitioner; and
- 23802 (iii) a favorable result described in Subsection (1)(f)(ii), which is presumed for  
 23803 purposes of the petitioner's action under this section, when viewed with all the  
 23804 other evidence, demonstrates a reasonable probability of a more favorable  
 23805 outcome at trial for the petitioner;
- 23806 (g) the petitioner can prove entitlement to relief under a rule announced by the United  
 23807 States Supreme Court, the Utah Supreme Court, or the Utah Court of Appeals after  
 23808 conviction and sentence became final on direct appeal, and that:
- 23809 (i) the rule was dictated by precedent existing at the time the petitioner's conviction  
 23810 or sentence became final; or
- 23811 (ii) the rule decriminalizes the conduct that comprises the elements of the crime for  
 23812 which the petitioner was convicted; or
- 23813 (h) the petitioner committed any of the following offenses while subject to force, fraud,  
 23814 or coercion, as defined in Section 76-5-308:
- 23815 (i) Section 58-37-8, possession of a controlled substance;
- 23816 (ii) Section ~~[76-10-1304]~~ 76-5d-206, aiding prostitution;
- 23817 (iii) Section 76-6-206, criminal trespass;
- 23818 (iv) Section 76-6-413, theft;
- 23819 (v) Section 76-6-502, possession of forged writing or device for writing;
- 23820 (vi) any offense in Title 76, Chapter 6, Part 6, Retail Theft;
- 23821 (vii) Subsection 76-6-1105(2)(a)(i)(A), unlawful possession of another's  
 23822 identification document;
- 23823 (viii) Section ~~[76-9-702]~~ 76-5-419, lewdness;
- 23824 (ix) Section ~~[76-10-1302]~~ 76-5d-202, prostitution;~~[-or]~~
- 23825 (x) Section ~~[76-10-1313]~~ 76-5d-209, sexual solicitation; or
- 23826 (xi) Section 76-5d-210, sexual solicitation of a child.
- 23827 (2) The court may not grant relief from a conviction or sentence unless in light of the facts  
 23828 proved in the postconviction proceeding, viewed with the evidence and facts introduced  
 23829 at trial or during sentencing:
- 23830 (a) the petitioner establishes that there would be a reasonable likelihood of a more

- 23831 favorable outcome; or
- 23832 (b) if the petitioner challenges the conviction or the sentence on grounds that the  
23833 prosecutor knowingly failed to correct false testimony at trial or at sentencing, the  
23834 petitioner establishes that the false testimony, in any reasonable likelihood, could  
23835 have affected the judgment of the fact finder.
- 23836 (3)(a) The court may not grant relief from a conviction based on a claim that the  
23837 petitioner is innocent of the crime for which convicted except as provided in Part 3,  
23838 Postconviction Testing of DNA, or Part 4, Postconviction Determination of Factual  
23839 Innocence.
- 23840 (b) Claims under Part 3, Postconviction Testing of DNA, or Part 4, Postconviction  
23841 Determination of Factual Innocence, of this chapter may not be filed as part of a  
23842 petition under this part, but shall be filed separately and in conformity with the  
23843 provisions of Part 3, Postconviction Testing of DNA, or Part 4, Postconviction  
23844 Determination of Factual Innocence.
- 23845 Section 520. Section **80-1-102** is amended to read:
- 23846 **80-1-102 (Effective 05/07/25). Juvenile Code definitions.**
- 23847 Except as provided in Section 80-6-1103, as used in this title:
- 23848 (1)(a) "Abuse" means:
- 23849 (i)(A) nonaccidental harm of a child;
- 23850 (B) threatened harm of a child;
- 23851 (C) sexual exploitation;
- 23852 (D) sexual abuse; or
- 23853 (E) human trafficking of a child in violation of Section 76-5-308.5; or
- 23854 (ii) that a child's natural parent:
- 23855 (A) intentionally, knowingly, or recklessly causes the death of another parent of  
23856 the child;
- 23857 (B) is identified by a law enforcement agency as the primary suspect in an  
23858 investigation for intentionally, knowingly, or recklessly causing the death of  
23859 another parent of the child; or
- 23860 (C) is being prosecuted for or has been convicted of intentionally, knowingly, or  
23861 recklessly causing the death of another parent of the child.
- 23862 (b) "Abuse" does not include:
- 23863 (i) reasonable discipline or management of a child, including withholding privileges;
- 23864 (ii) conduct described in Section 76-2-401; or



- 23865 (iii) the use of reasonable and necessary physical restraint or force on a child:
- 23866 (A) in self-defense;
- 23867 (B) in defense of others;
- 23868 (C) to protect the child; or
- 23869 (D) to remove a weapon in the possession of a child for any of the reasons
- 23870 described in Subsections (1)(b)(iii)(A) through (C).
- 23871 (2) "Abused child" means a child who has been subjected to abuse.
- 23872 (3)(a) "Adjudication" means, except as provided in Subsection (3)(b):
- 23873 (i) for a delinquency petition or criminal information under Chapter 6, Juvenile
- 23874 Justice:
- 23875 (A) a finding by the juvenile court that the facts alleged in a delinquency petition
- 23876 or criminal information alleging that a minor committed an offense have been
- 23877 proved;
- 23878 (B) an admission by a minor in the juvenile court as described in Section 80-6-306;
- 23879 or
- 23880 (C) a plea of no contest by minor in the juvenile court; or
- 23881 (ii) for all other proceedings under this title, a finding by the juvenile court that the
- 23882 facts alleged in the petition have been proved.
- 23883 (b) "Adjudication" does not include:
- 23884 (i) an admission by a minor described in Section 80-6-306 until the juvenile court
- 23885 enters the minor's admission; or
- 23886 (ii) a finding of not competent to proceed in accordance with Section 80-6-402.
- 23887 (4)(a) "Adult" means an individual who is 18 years old or older.
- 23888 (b) "Adult" does not include an individual:
- 23889 (i) who is 18 years old or older; and
- 23890 (ii) who is a minor.
- 23891 (5) "Attorney guardian ad litem" means the same as that term is defined in Section
- 23892 78A-2-801.
- 23893 (6) "Board" means the Board of Juvenile Court Judges.
- 23894 (7) "Child" means, except as provided in Section 80-2-905, an individual who is under 18
- 23895 years old.
- 23896 (8) "Child and family plan" means a written agreement between a child's parents or
- 23897 guardian and the Division of Child and Family Services as described in Section 80-3-307.
- 23898 (9) "Child placing" means the same as that term is defined in Section 26B-2-101.

- 23899 (10) "Child-placing agency" means the same as that term is defined in Section 26B-2-101.
- 23900 (11) "Child protection team" means a team consisting of:
- 23901 (a) the child welfare caseworker assigned to the case;
- 23902 (b) if applicable, the child welfare caseworker who made the decision to remove the
- 23903 child;
- 23904 (c) a representative of the school or school district where the child attends school;
- 23905 (d) if applicable, the law enforcement officer who removed the child from the home;
- 23906 (e) a representative of the appropriate Children's Justice Center, if one is established
- 23907 within the county where the child resides;
- 23908 (f) if appropriate, and known to the division, a therapist or counselor who is familiar
- 23909 with the child's circumstances;
- 23910 (g) if appropriate, a representative of law enforcement selected by the chief of police or
- 23911 sheriff in the city or county where the child resides; and
- 23912 (h) any other individuals determined appropriate and necessary by the team coordinator
- 23913 and chair.
- 23914 (12)(a) "Chronic abuse" means repeated or patterned abuse.
- 23915 (b) "Chronic abuse" does not mean an isolated incident of abuse.
- 23916 (13)(a) "Chronic neglect" means repeated or patterned neglect.
- 23917 (b) "Chronic neglect" does not mean an isolated incident of neglect.
- 23918 (14) "Clandestine laboratory operation" means the same as that term is defined in Section
- 23919 58-37d-3.
- 23920 (15) "Commit" or "committed" means, unless specified otherwise:
- 23921 (a) with respect to a child, to transfer legal custody; and
- 23922 (b) with respect to a minor who is at least 18 years old, to transfer custody.
- 23923 (16) "Community-based program" means a nonsecure residential or nonresidential program,
- 23924 designated to supervise and rehabilitate juvenile offenders, that prioritizes the least
- 23925 restrictive setting, consistent with public safety, and operated by or under contract with
- 23926 the Division of Juvenile Justice and Youth Services.
- 23927 (17) "Community placement" means placement of a minor in a community-based program
- 23928 described in Section 80-5-402.
- 23929 (18) "Correctional facility" means:
- 23930 (a) a county jail; or
- 23931 (b) a secure correctional facility as defined in Section 64-13-1.
- 23932 (19) "Criminogenic risk factors" means evidence-based factors that are associated with a

- 23933 minor's likelihood of reoffending.
- 23934 (20) "Department" means the Department of Health and Human Services created in Section  
23935 26B-1-201.
- 23936 (21) "Dependent child" or "dependency" means a child who is without proper care through  
23937 no fault of the child's parent, guardian, or custodian.
- 23938 (22) "Deprivation of custody" means transfer of legal custody by the juvenile court from a  
23939 parent or a previous custodian to another person, agency, or institution.
- 23940 (23) "Detention" means home detention or secure detention.
- 23941 (24) "Detention facility" means a facility, established by the Division of Juvenile Justice  
23942 and Youth Services in accordance with Section 80-5-501, for minors held in detention.
- 23943 (25) "Detention risk assessment tool" means an evidence-based tool established under  
23944 Section 80-5-203 that:
- 23945 (a) assesses a minor's risk of failing to appear in court or reoffending before  
23946 adjudication; and
- 23947 (b) is designed to assist in making a determination of whether a minor shall be held in  
23948 detention.
- 23949 (26) "Developmental immaturity" means incomplete development in one or more domains  
23950 that manifests as a functional limitation in the minor's present ability to:
- 23951 (a) consult with counsel with a reasonable degree of rational understanding; and  
23952 (b) have a rational as well as factual understanding of the proceedings.
- 23953 (27) "Disposition" means an order by a juvenile court, after the adjudication of a minor,  
23954 under Section 80-3-405 or 80-4-305 or Chapter 6, Part 7, Adjudication and Disposition.
- 23955 (28) "Educational neglect" means that, after receiving a notice of compulsory education  
23956 violation under Section 53G-6-202, the parent or guardian fails to make a good faith  
23957 effort to ensure that the child receives an appropriate education.
- 23958 (29) "Educational series" means an evidence-based instructional series:
- 23959 (a) obtained at a substance abuse program that is approved by the Division of Integrated  
23960 Healthcare in accordance with Section 26B-5-104; and
- 23961 (b) designed to prevent substance use or the onset of a mental health disorder.
- 23962 (30) "Emancipated" means the same as that term is defined in Section 80-7-102.
- 23963 (31) "Evidence-based" means a program or practice that has had multiple randomized  
23964 control studies or a meta-analysis demonstrating that the program or practice is effective  
23965 for a specific population or has been rated as effective by a standardized program  
23966 evaluation tool.

- 23967 (32) "Forensic evaluator" means the same as that term is defined in Section 77-15-2.
- 23968 (33) "Formal probation" means a minor is:
- 23969 (a) supervised in the community by, and reports to, a juvenile probation officer or an
- 23970 agency designated by the juvenile court; and
- 23971 (b) subject to return to the juvenile court in accordance with Section 80-6-607.
- 23972 (34) "Group rehabilitation therapy" means psychological and social counseling of one or
- 23973 more individuals in the group, depending upon the recommendation of the therapist.
- 23974 (35) "Guardian" means a person appointed by a court to make decisions regarding a minor,
- 23975 including the authority to consent to:
- 23976 (a) marriage;
- 23977 (b) enlistment in the armed forces;
- 23978 (c) major medical, surgical, or psychiatric treatment; or
- 23979 (d) legal custody, if legal custody is not vested in another individual, agency, or
- 23980 institution.
- 23981 (36) "Guardian ad litem" means the same as that term is defined in Section 78A-2-801.
- 23982 (37) "Harm" means:
- 23983 (a) physical or developmental injury or damage;
- 23984 (b) emotional damage that results in a serious impairment in the child's growth,
- 23985 development, behavior, or psychological functioning;
- 23986 (c) sexual abuse; or
- 23987 (d) sexual exploitation.
- 23988 (38) "Home detention" means placement of a minor:
- 23989 (a) if prior to a disposition, in the minor's home, or in a surrogate home with the consent
- 23990 of the minor's parent, guardian, or custodian, under terms and conditions established
- 23991 by the Division of Juvenile Justice and Youth Services or the juvenile court; or
- 23992 (b) if after a disposition, and in accordance with Section 78A-6-353 or 80-6-704, in the
- 23993 minor's home, or in a surrogate home with the consent of the minor's parent,
- 23994 guardian, or custodian, under terms and conditions established by the Division of
- 23995 Juvenile Justice and Youth Services or the juvenile court.
- 23996 (39)(a) "Incest" means engaging in sexual intercourse with an individual whom the
- 23997 perpetrator knows to be the perpetrator's ancestor, descendant, brother, sister, uncle,
- 23998 aunt, nephew, niece, or first cousin.
- 23999 (b) "Incest" includes:
- 24000 (i) blood relationships of the whole or half blood, regardless of whether the

- 24001 relationship is legally recognized;
- 24002 (ii) relationships of parent and child by adoption; and
- 24003 (iii) relationships of stepparent and stepchild while the marriage creating the
- 24004 relationship of a stepparent and stepchild exists.
- 24005 (40) "Indian child" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 24006 (41) "Indian tribe" means the same as that term is defined in 25 U.S.C. Sec. 1903.
- 24007 (42) "Indigent defense service provider" means the same as that term is defined in Section
- 24008 78B-22-102.
- 24009 (43) "Indigent defense services" means the same as that term is defined in Section
- 24010 78B-22-102.
- 24011 (44) "Indigent individual" means the same as that term is defined in Section 78B-22-102.
- 24012 (45)(a) "Intake probation" means a minor is:
- 24013 (i) monitored by a juvenile probation officer; and
- 24014 (ii) subject to return to the juvenile court in accordance with Section 80-6-607.
- 24015 (b) "Intake probation" does not include formal probation.
- 24016 (46) "Intellectual disability" means a significant subaverage general intellectual functioning
- 24017 existing concurrently with deficits in adaptive behavior that constitutes a substantial
- 24018 limitation to the individual's ability to function in society.
- 24019 (47) "Juvenile offender" means:
- 24020 (a) a serious youth offender; or
- 24021 (b) a youth offender.
- 24022 (48) "Juvenile probation officer" means a probation officer appointed under Section
- 24023 78A-6-205.
- 24024 (49) "Juvenile receiving center" means a nonsecure, nonresidential program established by
- 24025 the Division of Juvenile Justice and Youth Services, or under contract with the Division
- 24026 of Juvenile Justice and Youth Services, that is responsible for minors taken into
- 24027 temporary custody under Section 80-6-201.
- 24028 (50) "Legal custody" means a relationship embodying:
- 24029 (a) the right to physical custody of the minor;
- 24030 (b) the right and duty to protect, train, and discipline the minor;
- 24031 (c) the duty to provide the minor with food, clothing, shelter, education, and ordinary
- 24032 medical care;
- 24033 (d) the right to determine where and with whom the minor shall live; and
- 24034 (e) the right, in an emergency, to authorize surgery or other extraordinary care.

- 24035 (51) "Licensing Information System" means the Licensing Information System maintained  
24036 by the Division of Child and Family Services under Section 80-2-1002.
- 24037 (52) "Management Information System" means the Management Information System  
24038 developed by the Division of Child and Family Services under Section 80-2-1001.
- 24039 (53) "Mental illness" means:
- 24040 (a) a psychiatric disorder that substantially impairs an individual's mental, emotional,  
24041 behavioral, or related functioning; or
- 24042 (b) the same as that term is defined in:
- 24043 (i) the current edition of the Diagnostic and Statistical Manual of Mental Disorders  
24044 published by the American Psychiatric Association; or
- 24045 (ii) the current edition of the International Statistical Classification of Diseases and  
24046 Related Health Problems.
- 24047 (54) "Minor" means, except as provided in Sections 80-6-501, 80-6-901, and 80-7-102:
- 24048 (a) a child; or
- 24049 (b) an individual:
- 24050 (i)(A) who is at least 18 years old and younger than 21 years old; and
- 24051 (B) for whom the Division of Child and Family Services has been specifically  
24052 ordered by the juvenile court to provide services because the individual was an  
24053 abused, neglected, or dependent child or because the individual was  
24054 adjudicated for an offense;
- 24055 (ii)(A) who is at least 18 years old and younger than 25 years old; and
- 24056 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
24057 Subsection 78A-6-103(1)(b); or
- 24058 (iii)(A) who is at least 18 years old and younger than 21 years old; and
- 24059 (B) whose case is under the jurisdiction of the juvenile court in accordance with  
24060 Subsection 78A-6-103(1)(c).
- 24061 (55) "Mobile crisis outreach team" means the same as that term is defined in Section  
24062 26B-5-101.
- 24063 (56) "Molestation" means that an individual, with the intent to arouse or gratify the sexual  
24064 desire of any individual, touches the anus, buttocks, pubic area, or genitalia of any child,  
24065 or the breast of a female child, or takes indecent liberties with a child as defined in  
24066 Section 76-5-401.1.
- 24067 (57)(a) "Natural parent" means, except as provided in Section 80-3-302, a minor's  
24068 biological or adoptive parent.

- 24069 (b) "Natural parent" includes the minor's noncustodial parent.
- 24070 (58)(a) "Neglect" means action or inaction causing:
- 24071 (i) abandonment of a child, except as provided in Chapter 4, Part 5, Safe
- 24072 Relinquishment of a Newborn Child;
- 24073 (ii) lack of proper parental care of a child by reason of the fault or habits of the
- 24074 parent, guardian, or custodian;
- 24075 (iii) failure or refusal of a parent, guardian, or custodian to provide proper or
- 24076 necessary subsistence or medical care, or any other care necessary for the child's
- 24077 health, safety, morals, or well-being;
- 24078 (iv) a child to be at risk of being neglected or abused because another child in the
- 24079 same home is neglected or abused;
- 24080 (v) abandonment of a child through an unregulated child custody transfer under
- 24081 Section 78B-24-203; or
- 24082 (vi) educational neglect.
- 24083 (b) "Neglect" does not include:
- 24084 (i) a parent or guardian legitimately practicing religious beliefs and who, for that
- 24085 reason, does not provide specified medical treatment for a child;
- 24086 (ii) a health care decision made for a child by the child's parent or guardian, unless
- 24087 the state or other party to a proceeding shows, by clear and convincing evidence,
- 24088 that the health care decision is not reasonable and informed;
- 24089 (iii) a parent or guardian exercising the right described in Section 80-3-304; or
- 24090 (iv) permitting a child, whose basic needs are met and who is of sufficient age and
- 24091 maturity to avoid harm or unreasonable risk of harm, to engage in independent
- 24092 activities, including:
- 24093 (A) traveling to and from school, including by walking, running, or bicycling;
- 24094 (B) traveling to and from nearby commercial or recreational facilities;
- 24095 (C) engaging in outdoor play;
- 24096 (D) remaining in a vehicle unattended, except under the conditions described in
- 24097 Subsection [~~76-10-2202(2)~~] 76-5-115(2);
- 24098 (E) remaining at home unattended; or
- 24099 (F) engaging in a similar independent activity.
- 24100 (59) "Neglected child" means a child who has been subjected to neglect.
- 24101 (60) "Nonjudicial adjustment" means closure of the case by the assigned juvenile probation
- 24102 officer, without an adjudication of the minor's case under Section 80-6-701, upon the

- 24103 consent in writing of:
- 24104 (a) the assigned juvenile probation officer; and
- 24105 (b)(i) the minor; or
- 24106 (ii) the minor and the minor's parent, guardian, or custodian.
- 24107 (61) "Not competent to proceed" means that a minor, due to a mental illness, intellectual
- 24108 disability or related condition, or developmental immaturity, lacks the ability to:
- 24109 (a) understand the nature of the proceedings against the minor or of the potential
- 24110 disposition for the offense charged; or
- 24111 (b) consult with counsel and participate in the proceedings against the minor with a
- 24112 reasonable degree of rational understanding.
- 24113 (62) "Parole" means a conditional release of a juvenile offender from residency in secure
- 24114 care to live outside of secure care under the supervision of the Division of Juvenile
- 24115 Justice and Youth Services, or another person designated by the Division of Juvenile
- 24116 Justice and Youth Services.
- 24117 (63) "Physical abuse" means abuse that results in physical injury or damage to a child.
- 24118 (64)(a) "Probation" means a legal status created by court order, following an
- 24119 adjudication under Section 80-6-701, whereby the minor is permitted to remain in the
- 24120 minor's home under prescribed conditions.
- 24121 (b) "Probation" includes intake probation or formal probation.
- 24122 (65) "Prosecuting attorney" means:
- 24123 (a) the attorney general and any assistant attorney general;
- 24124 (b) any district attorney or deputy district attorney;
- 24125 (c) any county attorney or assistant county attorney; and
- 24126 (d) any other attorney authorized to commence an action on behalf of the state.
- 24127 (66) "Protective custody" means the shelter of a child by the Division of Child and Family
- 24128 Services from the time the child is removed from the home until the earlier of:
- 24129 (a) the day on which the shelter hearing is held under Section 80-3-301; or
- 24130 (b) the day on which the child is returned home.
- 24131 (67) "Protective services" means expedited services that are provided:
- 24132 (a) in response to evidence of neglect, abuse, or dependency of a child;
- 24133 (b) to a cohabitant who is neglecting or abusing a child, in order to:
- 24134 (i) help the cohabitant develop recognition of the cohabitant's duty of care and of the
- 24135 causes of neglect or abuse; and
- 24136 (ii) strengthen the cohabitant's ability to provide safe and acceptable care; and



- 24137 (c) in cases where the child's welfare is endangered:
- 24138 (i) to bring the situation to the attention of the appropriate juvenile court and law
- 24139 enforcement agency;
- 24140 (ii) to cause a protective order to be issued for the protection of the child, when
- 24141 appropriate; and
- 24142 (iii) to protect the child from the circumstances that endanger the child's welfare
- 24143 including, when appropriate:
- 24144 (A) removal from the child's home;
- 24145 (B) placement in substitute care; and
- 24146 (C) petitioning the court for termination of parental rights.
- 24147 (68) "Protective supervision" means a legal status created by court order, following an
- 24148 adjudication on the ground of abuse, neglect, or dependency, whereby:
- 24149 (a) the minor is permitted to remain in the minor's home; and
- 24150 (b) supervision and assistance to correct the abuse, neglect, or dependency is provided
- 24151 by an agency designated by the juvenile court.
- 24152 (69)(a) "Related condition" means a condition that:
- 24153 (i) is found to be closely related to intellectual disability;
- 24154 (ii) results in impairment of general intellectual functioning or adaptive behavior
- 24155 similar to that of an intellectually disabled individual;
- 24156 (iii) is likely to continue indefinitely; and
- 24157 (iv) constitutes a substantial limitation to the individual's ability to function in society.
- 24158 (b) "Related condition" does not include mental illness, psychiatric impairment, or
- 24159 serious emotional or behavioral disturbance.
- 24160 (70)(a) "Residual parental rights and duties" means the rights and duties remaining with
- 24161 a parent after legal custody or guardianship, or both, have been vested in another
- 24162 person or agency, including:
- 24163 (i) the responsibility for support;
- 24164 (ii) the right to consent to adoption;
- 24165 (iii) the right to determine the child's religious affiliation; and
- 24166 (iv) the right to reasonable parent-time unless restricted by the court.
- 24167 (b) If no guardian has been appointed, "residual parental rights and duties" includes the
- 24168 right to consent to:
- 24169 (i) marriage;
- 24170 (ii) enlistment; and

- 24171 (iii) major medical, surgical, or psychiatric treatment.
- 24172 (71) "Runaway" means a child, other than an emancipated child, who willfully leaves the  
24173 home of the child's parent or guardian, or the lawfully prescribed residence of the child,  
24174 without permission.
- 24175 (72) "Secure care" means placement of a minor, who is committed to the Division of  
24176 Juvenile Justice and Youth Services for rehabilitation, in a facility operated by, or under  
24177 contract with, the Division of Juvenile Justice and Youth Services, that provides 24-hour  
24178 supervision and confinement of the minor.
- 24179 (73) "Secure care facility" means a facility, established in accordance with Section 80-5-503,  
24180 for juvenile offenders in secure care.
- 24181 (74) "Secure detention" means temporary care of a minor who requires secure custody in a  
24182 physically restricting facility operated by, or under contract with, the Division of  
24183 Juvenile Justice and Youth Services:
- 24184 (a) before disposition of an offense that is alleged to have been committed by the minor;  
24185 or
- 24186 (b) under Section 80-6-704.
- 24187 (75) "Serious youth offender" means an individual who:
- 24188 (a) is at least 14 years old, but under 25 years old;
- 24189 (b) committed a felony listed in Subsection 80-6-503(1) and the continuing jurisdiction  
24190 of the juvenile court was extended over the individual's case until the individual was  
24191 25 years old in accordance with Section 80-6-605; and
- 24192 (c) is committed by the juvenile court to the Division of Juvenile Justice and Youth  
24193 Services for secure care under Sections 80-6-703 and 80-6-705.
- 24194 (76) "Severe abuse" means abuse that causes or threatens to cause serious harm to a child.
- 24195 (77) "Severe neglect" means neglect that causes or threatens to cause serious harm to a  
24196 child.
- 24197 (78)(a) "Severe type of child abuse or neglect" means, except as provided in Subsection  
24198 (78)(b):
- 24199 (i) if committed by an individual who is 18 years old or older:
- 24200 (A) chronic abuse;
- 24201 (B) severe abuse;
- 24202 (C) sexual abuse;
- 24203 (D) sexual exploitation;
- 24204 (E) abandonment;

- 24205 (F) chronic neglect; or
- 24206 (G) severe neglect; or
- 24207 (ii) if committed by an individual who is under 18 years old:
- 24208 (A) causing serious physical injury, as defined in Subsection 76-5-109(1), to
- 24209 another child that indicates a significant risk to other children; or
- 24210 (B) sexual behavior with or upon another child that indicates a significant risk to
- 24211 other children.
- 24212 (b) "Severe type of child abuse or neglect" does not include:
- 24213 (i) the use of reasonable and necessary physical restraint by an educator in
- 24214 accordance with Subsection 53G-8-302(2) or Section 76-2-401;
- 24215 (ii) an individual's conduct that is justified under Section 76-2-401 or constitutes the
- 24216 use of reasonable and necessary physical restraint or force in self-defense or
- 24217 otherwise appropriate to the circumstances to obtain possession of a weapon or
- 24218 other dangerous object in the possession or under the control of a child or to
- 24219 protect the child or another individual from physical injury; or
- 24220 (iii) a health care decision made for a child by a child's parent or guardian, unless,
- 24221 subject to Subsection (78)(c), the state or other party to the proceeding shows, by
- 24222 clear and convincing evidence, that the health care decision is not reasonable and
- 24223 informed.
- 24224 (c) Subsection (78)(b)(iii) does not prohibit a parent or guardian from exercising the
- 24225 right to obtain a second health care opinion.
- 24226 (79) "Sexual abuse" means:
- 24227 (a) an act or attempted act of sexual intercourse, sodomy, incest, or molestation by an
- 24228 adult directed towards a child;
- 24229 (b) an act or attempted act of sexual intercourse, sodomy, incest, or molestation
- 24230 committed by a child towards another child if:
- 24231 (i) there is an indication of force or coercion;
- 24232 (ii) the children are related, as described in Subsection (39), including siblings by
- 24233 marriage while the marriage exists or by adoption;
- 24234 (iii) there have been repeated incidents of sexual contact between the two children,
- 24235 unless the children are 14 years old or older; or
- 24236 (iv) there is a disparity in chronological age of four or more years between the two
- 24237 children;
- 24238 (c) engaging in any conduct with a child that would constitute an offense under any of

- 24239 the following, regardless of whether the individual who engages in the conduct is  
 24240 actually charged with, or convicted of, the offense:
- 24241 (i) Title 76, Chapter 5, Part 4, Sexual Offenses, not including Section 76-5-417,  
 24242 76-5-418, 76-5-419, or 76-5-420, and except for Section 76-5-401, if the alleged  
 24243 perpetrator of an offense described in Section 76-5-401 is a minor;
- 24244 (ii) child bigamy, Section 76-7-101.5;
- 24245 (iii) incest, Section 76-7-102;
- 24246 (iv) lewdness, Section [~~76-9-702~~] 76-5-419;
- 24247 (v) sexual battery, Section [~~76-9-702.1~~] 76-5-418;
- 24248 (vi) lewdness involving a child, Section [~~76-9-702.5; or~~] 76-5-420;
- 24249 (vii) voyeurism, Section [~~76-9-702.7~~] 76-12-306;
- 24250 (viii) recorded or photographed voyeurism, Section 76-12-307; or  
 24251 (ix) distribution of images obtained through voyeurism, Section 76-12-308; or
- 24252 (d) subjecting a child to participate in or threatening to subject a child to participate in a  
 24253 sexual relationship, regardless of whether that sexual relationship is part of a legal or  
 24254 cultural marriage.
- 24255 (80) "Sexual exploitation" means knowingly:
- 24256 (a) employing, using, persuading, inducing, enticing, or coercing any child to:
- 24257 (i) pose in the nude for the purpose of sexual arousal of any individual; or  
 24258 (ii) engage in any sexual or simulated sexual conduct for the purpose of  
 24259 photographing, filming, recording, or displaying in any way the sexual or  
 24260 simulated sexual conduct;
- 24261 (b) displaying, distributing, possessing for the purpose of distribution, or selling material  
 24262 depicting a child:
- 24263 (i) in the nude, for the purpose of sexual arousal of any individual; or  
 24264 (ii) engaging in sexual or simulated sexual conduct; or
- 24265 (c) engaging in any conduct that would constitute an offense under Section 76-5b-201,  
 24266 sexual exploitation of a minor, or Section 76-5b-201.1, aggravated sexual  
 24267 exploitation of a minor, regardless of whether the individual who engages in the  
 24268 conduct is actually charged with, or convicted of, the offense.
- 24269 (81) "Shelter" means the temporary care of a child in a physically unrestricted facility  
 24270 pending a disposition or transfer to another jurisdiction.
- 24271 (82) "Shelter facility" means a nonsecure facility that provides shelter for a minor.
- 24272 (83) "Significant risk" means a risk of harm that is determined to be significant in

- 24273 accordance with risk assessment tools and rules established by the Division of Child and  
 24274 Family Services in accordance with Title 63G, Chapter 3, Utah Administrative  
 24275 Rulemaking Act, that focus on:
- 24276 (a) age;
  - 24277 (b) social factors;
  - 24278 (c) emotional factors;
  - 24279 (d) sexual factors;
  - 24280 (e) intellectual factors;
  - 24281 (f) family risk factors; and
  - 24282 (g) other related considerations.
- 24283 (84) "Single criminal episode" means the same as that term is defined in Section 76-1-401.  
 24284 (85) "Status offense" means an offense that would not be an offense but for the age of the  
 24285 offender.
- 24286 (86) "Substance abuse" means, except as provided in Section 80-2-603, the misuse or  
 24287 excessive use of alcohol or other drugs or substances.
- 24288 (87) "Substantiated" or "substantiation" means a judicial finding based on a preponderance  
 24289 of the evidence, and separate consideration of each allegation made or identified in the  
 24290 case, that abuse, neglect, or dependency occurred .
- 24291 (88) "Substitute care" means:
- 24292 (a) the placement of a minor in a family home, group care facility, or other placement  
 24293 outside the minor's own home, either at the request of a parent or other responsible  
 24294 relative, or upon court order, when it is determined that continuation of care in the  
 24295 minor's own home would be contrary to the minor's welfare;
  - 24296 (b) services provided for a minor in the protective custody of the Division of Child and  
 24297 Family Services, or a minor in the temporary custody or custody of the Division of  
 24298 Child and Family Services, as those terms are defined in Section 80-2-102; or
  - 24299 (c) the licensing and supervision of a substitute care facility.
- 24300 (89) "Supported" means a finding by the Division of Child and Family Services based on  
 24301 the evidence available at the completion of an investigation, and separate consideration  
 24302 of each allegation made or identified during the investigation, that there is a reasonable  
 24303 basis to conclude that abuse, neglect, or dependency occurred.
- 24304 (90) "Termination of parental rights" means the permanent elimination of all parental rights  
 24305 and duties, including residual parental rights and duties, by court order.
- 24306 (91) "Therapist" means:

- 24307 (a) an individual employed by a state division or agency for the purpose of conducting  
24308 psychological treatment and counseling of a minor in the division's or agency's  
24309 custody; or
- 24310 (b) any other individual licensed or approved by the state for the purpose of conducting  
24311 psychological treatment and counseling.
- 24312 (92) "Threatened harm" means actions, inactions, or credible verbal threats, indicating that  
24313 the child is at an unreasonable risk of harm or neglect.
- 24314 (93) "Ungovernable" means a child in conflict with a parent or guardian, and the conflict:  
24315 (a) results in behavior that is beyond the control or ability of the child, or the parent or  
24316 guardian, to manage effectively;
- 24317 (b) poses a threat to the safety or well-being of the child, the child's family, or others; or  
24318 (c) results in the situations described in Subsections (93)(a) and (b).
- 24319 (94) "Unsubstantiated" means a judicial finding that there is insufficient evidence to  
24320 conclude that abuse, neglect, or dependency occurred.
- 24321 (95) "Unsupported" means a finding by the Division of Child and Family Services at the  
24322 completion of an investigation, after the day on which the Division of Child and Family  
24323 Services concludes the alleged abuse, neglect, or dependency is not without merit, that  
24324 there is insufficient evidence to conclude that abuse, neglect, or dependency occurred.
- 24325 (96) "Validated risk and needs assessment" means an evidence-based tool that assesses a  
24326 minor's risk of reoffending and a minor's criminogenic needs.
- 24327 (97) "Without merit" means a finding at the completion of an investigation by the Division  
24328 of Child and Family Services, or a judicial finding, that the alleged abuse, neglect, or  
24329 dependency did not occur, or that the alleged perpetrator was not responsible for the  
24330 abuse, neglect, or dependency.
- 24331 (98) "Youth offender" means an individual who is:  
24332 (a) at least 12 years old, but under 21 years old; and  
24333 (b) committed by the juvenile court to the Division of Juvenile Justice and Youth  
24334 Services for secure care under Sections 80-6-703 and 80-6-705.
- 24335 Section 521. Section **80-2-301** is amended to read:  
24336 **80-2-301 (Effective 05/07/25). Division responsibilities.**
- 24337 (1) The division is the child, youth, and family services authority of the state.  
24338 (2) The division shall:  
24339 (a) administer services to minors and families, including:  
24340 (i) child welfare services;

- 24341 (ii) domestic violence services; and
- 24342 (iii) all other responsibilities that the Legislature or the executive director of the
- 24343 department may assign to the division;
- 24344 (b) provide the following services:
- 24345 (i) financial and other assistance to an individual adopting a child with special needs
- 24346 under Sections 80-2-806 through 80-2-809, not to exceed the amount the division
- 24347 would provide for the child as a legal ward of the state;
- 24348 (ii) non-custodial and in-home services in accordance with Section 80-2-306,
- 24349 including:
- 24350 (A) services designed to prevent family break-up; and
- 24351 (B) family preservation services;
- 24352 (iii) reunification services to families whose children are in substitute care in
- 24353 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
- 24354 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 24355 (iv) protective supervision of a family, upon court order, in an effort to eliminate
- 24356 abuse or neglect of a child in that family;
- 24357 (v) shelter care in accordance with this chapter, Chapter 2a, Removal and Protective
- 24358 Custody of a Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 24359 (vi) domestic violence services, in accordance with the requirements of federal law;
- 24360 (vii) protective services to victims of domestic violence and the victims' children, in
- 24361 accordance with this chapter, Chapter 2a, Removal and Protective Custody of a
- 24362 Child, and Chapter 3, Abuse, Neglect, and Dependency Proceedings;
- 24363 (viii) substitute care for dependent, abused, and neglected children;
- 24364 (ix) services for minors who are victims of human trafficking or human smuggling,
- 24365 as described in Sections 76-5-308 through 76-5-310.1, or who have engaged in
- 24366 prostitution or sexual solicitation, as defined in Sections ~~[76-10-1302]~~ 76-5d-202
- 24367 and ~~[76-10-1313]~~ 76-5d-210;
- 24370 and
- 24371 (x) training for staff and providers involved in the administration and delivery of
- 24372 services offered by the division in accordance with this chapter and Chapter 2a,
- 24373 Removal and Protective Custody of a Child;
- 24374 (c) establish standards for all:
- 24375 (i) contract providers of out-of-home care for minors and families;
- 24376 (ii) facilities that provide substitute care for dependent, abused, or neglected children

- 24377 placed in the custody of the division; and
- 24378 (iii) direct or contract providers of domestic violence services described in
- 24379 Subsection (2)(b)(vi);
- 24380 (d) have authority to:
- 24381 (i) contract with a private, nonprofit organization to recruit and train foster care
- 24382 families and child welfare volunteers in accordance with Section 80-2-405;
- 24383 (ii) approve facilities that meet the standards established under Subsection (2)(c) to
- 24384 provide substitute care for dependent, abused, or neglected children placed in the
- 24385 custody of the division; and
- 24386 (iii) approve an individual to provide short-term relief care to a foster parent if the
- 24387 individual:
- 24388 (A) provides the relief care for less than six consecutive nights;
- 24389 (B) provides the relief care in the short-term relief care provider's home;
- 24390 (C) is direct access qualified, as that term is defined in Section 26B-2-120; and
- 24391 (D) is an immediate family member or relative, as those terms are defined in
- 24392 Section 80-3-102, of the foster parent;
- 24393 (e) cooperate with the federal government in the administration of child welfare and
- 24394 domestic violence programs and other human service activities assigned by the
- 24395 department;
- 24396 (f) in accordance with Subsection (5)(a), promote and enforce state and federal laws
- 24397 enacted for the protection of abused, neglected, or dependent children, in accordance
- 24398 with this chapter and Chapter 2a, Removal and Protective Custody of a Child, unless
- 24399 administration is expressly vested in another division or department of the state;
- 24400 (g) cooperate with the Workforce Development Division within the Department of
- 24401 Workforce Services in meeting the social and economic needs of an individual who is
- 24402 eligible for public assistance;
- 24403 (h) compile relevant information, statistics, and reports on child and family service
- 24404 matters in the state;
- 24405 (i) prepare and submit to the department, the governor, and the Legislature reports of the
- 24406 operation and administration of the division in accordance with the requirements of
- 24407 Sections 80-2-1102 and 80-2-1103;
- 24408 (j) within appropriations from the Legislature, provide or contract for a variety of
- 24409 domestic violence services and treatment methods;
- 24410 (k) enter into contracts for programs designed to reduce the occurrence or recurrence of



- 24411 abuse and neglect in accordance with Section 80-2-503;
- 24412 (l) seek reimbursement of funds the division expends on behalf of a child in the
- 24413 protective custody, temporary custody, or custody of the division, from the child's
- 24414 parent or guardian in accordance with an order for child support under Section
- 24415 78A-6-356;
- 24416 (m) ensure regular, periodic publication, including electronic publication, regarding the
- 24417 number of children in the custody of the division who:
- 24418 (i) have a permanency goal of adoption; or
- 24419 (ii) have a final plan of termination of parental rights, under Section 80-3-409, and
- 24420 promote adoption of the children;
- 24421 (n) subject to Subsections (5) and (7), refer an individual receiving services from the
- 24422 division to the local substance abuse authority or other private or public resource for
- 24423 a court-ordered drug screening test;
- 24424 (o) report before November 30, 2020, and every third year thereafter, to the Social
- 24425 Services Appropriations Subcommittee regarding:
- 24426 (i) the daily reimbursement rate that is provided to licensed foster parents based on
- 24427 level of care;
- 24428 (ii) the amount of money spent on daily reimbursements for licensed foster parents
- 24429 during the previous fiscal year; and
- 24430 (iii) any recommended changes to the division's budget to support the daily
- 24431 reimbursement rates described in Subsection (2)(o)(i);
- 24432 (p) when a division child welfare caseworker identifies a safety concern with the foster
- 24433 home, cooperate with the Office of Licensing and make a recommendation to the
- 24434 Office of Licensing concerning whether the foster home's license should be placed on
- 24435 conditions, suspended, or revoked; and
- 24436 (q) perform other duties and functions required by law.
- 24437 (3)(a) The division may provide, directly or through contract, services that include the
- 24438 following:
- 24439 (i) adoptions;
- 24440 (ii) day-care services;
- 24441 (iii) out-of-home placements for minors;
- 24442 (iv) health-related services;
- 24443 (v) homemaking services;
- 24444 (vi) home management services;

- 24445 (vii) protective services for minors;
- 24446 (viii) transportation services; or
- 24447 (ix) domestic violence services.
- 24448 (b) The division shall monitor services provided directly by the division or through
- 24449 contract to ensure compliance with applicable law and rules made in accordance with
- 24450 Title 63G, Chapter 3, Utah Administrative Rulemaking Act.
- 24451 (c)(i) Except as provided in Subsection (3)(c)(ii), if the division provides a service
- 24452 through a private contract, the division shall post the name of the service provider
- 24453 on the division's website.
- 24454 (ii) Subsection (3)(c)(i) does not apply to a foster parent placement.
- 24455 (4)(a) The division may:
- 24456 (i) receive gifts, grants, devises, and donations;
- 24457 (ii) encourage merchants and service providers to:
- 24458 (A) donate goods or services; or
- 24459 (B) provide goods or services at a nominal price or below cost;
- 24460 (iii) distribute goods to applicants or consumers of division services free or for a
- 24461 nominal charge and tax free; and
- 24462 (iv) appeal to the public for funds to meet needs of applicants or consumers of
- 24463 division services that are not otherwise provided by law, including Sub-for-Santa
- 24464 programs, recreational programs for minors, and requests for household
- 24465 appliances and home repairs.
- 24466 (b) If requested by the donor and subject to state and federal law, the division shall use a
- 24467 gift, grant, devise, donation, or proceeds from the gift, grant, devise, or donation for
- 24468 the purpose requested by the donor.
- 24469 (5)(a) In carrying out the requirements of Subsection (2)(f), the division shall:
- 24470 (i) cooperate with the juvenile courts, the Division of Juvenile Justice and Youth
- 24471 Services, and with all public and private licensed child welfare agencies and
- 24472 institutions to develop and administer a broad range of services and support;
- 24473 (ii) take the initiative in all matters involving the protection of abused or neglected
- 24474 children, if adequate provisions have not been made or are not likely to be made;
- 24475 and
- 24476 (iii) make expenditures necessary for the care and protection of the children described
- 24477 in Subsection (5)(a)(ii), within the division's budget.
- 24478 (b) If an individual is referred to a local substance abuse authority or other private or

- 24479 public resource for court-ordered drug screening under Subsection (2)(n), the court  
 24480 shall order the individual to pay all costs of the tests unless:
- 24481 (i) the cost of the drug screening is specifically funded or provided for by other  
 24482 federal or state programs;
  - 24483 (ii) the individual is a participant in a drug court; or
  - 24484 (iii) the court finds that the individual is an indigent individual.
- 24485 (6) Except to the extent provided by rules made in accordance with Title 63G, Chapter 3,  
 24486 Utah Administrative Rulemaking Act, the division is not required to investigate  
 24487 domestic violence in the presence of a child, as described in Section 76-5-114.
- 24488 (7)(a) Except as provided in Subsection (7)(b), the division may not:
- 24489 (i) require a parent who has a child in the custody of the division to pay for some or  
 24490 all of the cost of any drug testing the parent is required to undergo; or
  - 24491 (ii) refer an individual who is receiving services from the division for drug testing by  
 24492 means of a hair, fingernail, or saliva test that is administered to detect the presence  
 24493 of drugs.
- 24494 (b) Notwithstanding Subsection (7)(a)(ii), the division may refer an individual who is  
 24495 receiving services from the division for drug testing by means of a saliva test if:
- 24496 (i) the individual consents to drug testing by means of a saliva test; or
  - 24497 (ii) the court, based on a finding that a saliva test is necessary in the circumstances,  
 24498 orders the individual to complete drug testing by means of a saliva test.
- 24499 Section 522. Section **80-4-302** is amended to read:
- 24500 **80-4-302 (Effective 05/07/25). Evidence of grounds for termination.**
- 24501 (1) In determining whether a parent or parents have abandoned a child, it is prima facie  
 24502 evidence of abandonment that the parent or parents:
- 24503 (a) although having legal custody of the child, have surrendered physical custody of the  
 24504 child, and for a period of six months following the surrender have not manifested to  
 24505 the child or to the person having the physical custody of the child a firm intention to  
 24506 resume physical custody or to make arrangements for the care of the child;
  - 24507 (b) have failed to communicate with the child by mail, telephone, or otherwise for six  
 24508 months;
  - 24509 (c) failed to have shown the normal interest of a natural parent, without just cause; or
  - 24510 (d) have abandoned an infant, as described in Section 80-4-203.
- 24511 (2) In determining whether a parent or parents are unfit or have neglected a child the  
 24512 juvenile court shall consider:

- 24513 (a) emotional illness, mental illness, or mental deficiency of the parent that renders the  
24514 parent unable to care for the immediate and continuing physical or emotional needs  
24515 of the child for extended periods of time;
- 24516 (b) conduct toward a child of a physically, emotionally, or sexually cruel or abusive  
24517 nature;
- 24518 (c) habitual or excessive use of intoxicating liquors, controlled substances, or dangerous  
24519 drugs that render the parent unable to care for the child;
- 24520 (d) repeated or continuous failure to provide the child with adequate food, clothing,  
24521 shelter, education, or other care necessary for the child's physical, mental, and  
24522 emotional health and development by a parent or parents who are capable of  
24523 providing that care;
- 24524 (e) whether the parent is incarcerated as a result of conviction of a felony, and the  
24525 sentence is of such length that the child will be deprived of a normal home for more  
24526 than one year;
- 24527 (f) a history of violent behavior;
- 24528 (g) whether the parent has intentionally exposed the child to:
- 24529 (i) pornography; or  
24530 (ii) material harmful to a minor, as defined in Section ~~[76-10-1201]~~ 76-5c-101; or
- 24535 (h) any other circumstance, conduct, or condition that the court considers relevant in the  
24536 determination of whether a parent or parents are unfit or have neglected the child.
- 24537 (3) Notwithstanding Subsection (2)(c), the juvenile court may not discriminate against a  
24538 parent because of or otherwise consider the parent's lawful possession or consumption of  
24539 cannabis in a medicinal dosage form, a cannabis product, as those terms are defined in  
24540 Section 26B-4-201 or a medical cannabis device, in accordance with Title 26B, Chapter  
24541 4, Part 2, Cannabinoid Research and Medical Cannabis.
- 24542 (4) A parent who, legitimately practicing the parent's religious beliefs, does not provide  
24543 specified medical treatment for a child is not, for that reason alone, a negligent or unfit  
24544 parent.
- 24545 (5)(a) Notwithstanding Subsection (2), a parent may not be considered neglectful or  
24546 unfit because of a health care decision made for a child by the child's parent unless  
24547 the state or other party to the proceeding shows, by clear and convincing evidence,  
24548 that the health care decision is not reasonable and informed.
- 24549 (b) Nothing in Subsection (5)(a) may prohibit a parent from exercising the right to  
24550 obtain a second health care opinion.

- 24551 (6) If a child has been placed in the custody of the division and the parent or parents fail to  
 24552 comply substantially with the terms and conditions of a plan within six months after the  
 24553 date on which the child was placed or the plan was commenced, whichever occurs later,  
 24554 that failure to comply is evidence of failure of parental adjustment.
- 24555 (7) The following circumstances are prima facie evidence of unfitness:
- 24556 (a) sexual abuse, sexual exploitation, injury, or death of a sibling of the child, or of any  
 24557 child, due to known or substantiated abuse or neglect by the parent or parents;
- 24558 (b) conviction of a crime, if the facts surrounding the crime are of such a nature as to  
 24559 indicate the unfitness of the parent to provide adequate care to the extent necessary  
 24560 for the child's physical, mental, or emotional health and development;
- 24561 (c) a single incident of life-threatening or gravely disabling injury to or disfigurement of  
 24562 the child;
- 24563 (d) the parent has committed, aided, abetted, attempted, conspired, or solicited to  
 24564 commit murder or manslaughter of a child or child abuse homicide; or
- 24565 (e) the parent intentionally, knowingly, or recklessly causes the death of another parent  
 24566 of the child, without legal justification.

24567 Section 523. Section **80-6-103** is amended to read:

24568 **80-6-103 (Effective 05/07/25). Notification to a school -- Civil and criminal**  
 24569 **liability.**

- 24570 (1) As used in this section:
- 24571 (a) "School" means a school in a local education agency.
- 24572 (b) "Local education agency" means a school district, a charter school, or the Utah  
 24573 Schools for the Deaf and the Blind.
- 24574 (c) "School official" means the superintendent of a school district or the director of a  
 24575 charter school or designee in which the minor resides or attends school.
- 24576 (d) "Serious offense" means:
- 24577 (i) a violent felony as defined in Section 76-3-203.5;
- 24578 (ii) an offense that is a violation of Title 76, Chapter 6, Part 4, Theft, and the property  
 24579 stolen is a firearm; or
- 24580 (iii) an offense that is a violation of [~~Title 76, Chapter 10, Part 5, Weapons~~] Title 76,  
 24581 Chapter 11, Weapons.
- 24582 (e) "Transferee school official" means the superintendent of a school district or the  
 24583 director of a charter school or designee in which the minor resides or attends school if  
 24584 the minor is admitted to home detention.

- 24585 (2) A notification under this section is provided for a minor's supervision and student safety.
- 24586 (3)(a) If a minor is taken into temporary custody under Section 80-6-201 for a serious  
24587 offense, the peace officer, or other person who has taken the minor into temporary  
24588 custody, shall notify a school official within five days after the day on which the  
24589 minor is taken into temporary custody.
- 24590 (b) A notification under this Subsection (3) shall only disclose:
- 24591 (i) the name of the minor;
- 24592 (ii) the offense for which the minor was taken into temporary custody or admitted to  
24593 detention; and
- 24594 (iii) if available, the name of the victim if the victim resides in the same school  
24595 district as the minor or attends the same school as the minor.
- 24596 (4) After a detention hearing for a minor who is alleged to have committed a serious  
24597 offense, the juvenile court shall order a juvenile probation officer to notify a school  
24598 official, or a transferee school official, and the appropriate local law enforcement agency  
24599 of the juvenile court's decision, including any disposition, order, or no-contact order.
- 24600 (5) If a designated staff member of a detention facility admits a minor to home detention  
24601 under Section 80-6-205 and notifies the juvenile court of that admission, the juvenile  
24602 court shall order a juvenile probation officer to notify a school official, or a transferee  
24603 school official, and the appropriate local law enforcement agency that the minor has  
24604 been admitted to home detention.
- 24605 (6)(a) If the juvenile court adjudicates a minor for a serious offense, the juvenile court  
24606 shall order a juvenile probation officer to notify a school official, or a transferee  
24607 school official, of the adjudication.
- 24608 (b) A notification under this Subsection (6) shall be given to a school official, or a  
24609 transferee school official, within three days after the day on which the minor is  
24610 adjudicated.
- 24611 (c) A notification under this section shall include:
- 24612 (i) the name of the minor;
- 24613 (ii) the offense for which the minor was adjudicated; and
- 24614 (iii) if available, the name of the victim if the victim:
- 24615 (A) resides in the same school district as the minor; or
- 24616 (B) attends the same school as the minor.
- 24617 (7) If the juvenile court orders formal probation under Section 80-6-702, the juvenile court  
24618 shall order a juvenile probation officer to notify the appropriate local law enforcement

- 24619 agency and the school official of the juvenile court's order for formal probation.
- 24620 (8)(a) An employee of the local law enforcement agency, or the school the minor
- 24621 attends, who discloses a notification under this section is not:
- 24622 (i) civilly liable except when the disclosure constitutes fraud or willful misconduct as
- 24623 provided in Section 63G-7-202; and
- 24624 (ii) civilly or criminally liable except when the disclosure constitutes a knowing
- 24625 violation of Section 63G-2-801.
- 24626 (b) An employee of a governmental agency is immune from any criminal liability for
- 24627 failing to provide the information required by this section, unless the employee fails
- 24628 to act due to malice, gross negligence, or deliberate indifference to the consequences.
- 24629 (9)(a) A notification under this section shall be classified as a protected record under
- 24630 Section 63G-2-305.
- 24631 (b) All other records of disclosures under this section are governed by Title 63G,
- 24632 Chapter 2, Government Records Access and Management Act, and the Family
- 24633 Educational Rights and Privacy Act, 20 U.S.C. Sec. 1232g.
- 24634 Section 524. Section **80-6-104** is amended to read:
- 24635 **80-6-104 (Effective 05/07/25). Data collection on offenses committed by minors**
- 24636 **-- Reporting requirement.**
- 24637 (1) As used in this section:
- 24638 (a) "Firearm" means the same as that term is defined in Section ~~[76-10-501]~~ 76-11-101.
- 24639 (b) "Firearm-related offense" means a criminal offense involving a firearm.
- 24640 (c) "School is in session" means the same as that term is defined in Section 53E-3-516.
- 24641 (d) "School-sponsored activity" means the same as that term is defined in Section
- 24642 53E-3-516.
- 24643 (2) Before July 1 of each year, the Administrative Office of the Courts shall submit the
- 24644 following data to the State Commission on Criminal and Juvenile Justice, broken down
- 24645 by judicial district, for the preceding calendar year:
- 24646 (a) the number of referrals to the juvenile court;
- 24647 (b) the number of minors diverted to a nonjudicial adjustment;
- 24648 (c) the number of minors that satisfy the conditions of a nonjudicial adjustment;
- 24649 (d) the number of minors for whom a petition for an offense is filed in the juvenile court;
- 24650 (e) the number of minors for whom an information is filed in the juvenile court;
- 24651 (f) the number of minors bound over to the district court by the juvenile court;
- 24652 (g) the number of petitions for offenses committed by minors that were dismissed by the

- 24653 juvenile court;
- 24654 (h) the number of adjudications in the juvenile court for offenses committed by minors;
- 24655 (i) the number of guilty pleas entered into by minors in the juvenile court;
- 24656 (j) the number of dispositions resulting in secure care, community-based placement,
- 24657 formal probation, and intake probation; and
- 24658 (k) for each minor charged in the juvenile court with a firearm-related offense:
- 24659 (i) the minor's age at the time the offense was committed or allegedly committed;
- 24660 (ii) the minor's zip code at the time that the offense was referred to the juvenile court;
- 24661 (iii) whether the minor is a restricted person under Subsection [76-10-503(1)(a)(iv) or
- 24662 ~~(1)(b)(iii)] 76-11-302(1)(a)(iv) or (1)(b)(iii);~~
- 24663 (iv) the type of offense for which the minor is charged;
- 24664 (v) the outcome of the minor's case in juvenile court, including whether the minor
- 24665 was bound over to the district court or adjudicated by the juvenile court; and
- 24666 (vi) if a disposition was entered by the juvenile court, whether the disposition
- 24667 resulted in secure care, community-based placement, formal probation, or intake
- 24668 probation.
- 24669 (3) The State Commission on Criminal and Juvenile Justice shall track the disposition of a
- 24670 case resulting from a firearm-related offense committed, or allegedly committed, by a
- 24671 minor when the minor is found in possession of a firearm while school is in session or
- 24672 during a school-sponsored activity.
- 24673 (4) In collaboration with the Administrative Office of the Courts, the division, and other
- 24674 agencies, the State Commission on Criminal and Juvenile Justice shall collect data for
- 24675 the preceding calendar year on:
- 24676 (a) the length of time that minors spend in the juvenile justice system, including the total
- 24677 amount of time minors spend under juvenile court jurisdiction, on community
- 24678 supervision, and in each out-of-home placement;
- 24679 (b) recidivism of minors who are diverted to a nonjudicial adjustment and minors for
- 24680 whom dispositions are ordered by the juvenile court, including tracking minors into
- 24681 the adult corrections system;
- 24682 (c) changes in aggregate risk levels from the time minors receive services, are under
- 24683 supervision, and are in out-of-home placement; and
- 24684 (d) dosages of programming.
- 24685 (5) On and before October 1 of each year, the State Commission on Criminal and Juvenile
- 24686 Justice shall prepare and submit a written report to the Judiciary Interim Committee and



- 24687 the Law Enforcement and Criminal Justice Interim Committee that includes:
- 24688 (a) data collected by the State Commission on Criminal and Juvenile Justice under this
- 24689 section;
- 24690 (b) data collected by the State Board of Education under Section 53E-3-516; and
- 24691 (c) recommendations for legislative action with respect to the data described in this
- 24692 Subsection (5).
- 24693 (6) After submitting the written report described in Subsection (5), the State Commission
- 24694 on Criminal and Juvenile Justice may supplement the report at a later time with updated
- 24695 data and information the State Board of Education collects under Section 53E-3-516.
- 24696 (7) Nothing in this section shall be construed to require the disclosure of information or
- 24697 data that is classified as controlled, private, or protected under Title 63G, Chapter 2,
- 24698 Government Records Access and Management Act.
- 24699 Section 525. Section **80-6-302** is amended to read:
- 24700 **80-6-302 (Effective 05/07/25). Citation -- Procedure -- Time limits -- Failure to**
- 24701 **appear.**
- 24702 (1) A petition is not required to commence a proceeding against a minor for an adjudication
- 24703 of an alleged offense if a citation is issued for an offense for which the juvenile court has
- 24704 jurisdiction over and the offense listed in the citation is for:
- 24705 (a) a violation of a wildlife law;
- 24706 (b) a violation of a boating law;
- 24707 (c) a class B or C misdemeanor or an infraction other than a misdemeanor or infraction:
- 24708 (i) for a traffic violation; or
- 24709 (ii) designated as a citable offense by general order of the Board of Juvenile Court
- 24710 Judges;
- 24711 (d) a class B misdemeanor or infraction for a traffic violation where the individual is 15
- 24712 years old or younger at the time the offense was alleged to have occurred;
- 24713 (e) an infraction or misdemeanor designated as a citable offense by a general order of the
- 24714 Board of Juvenile Court Judges; or
- 24715 (f) a violation of Subsection [~~76-10-105(2)~~] 76-9-1106(3)(b).
- 24716 (2) Except as provided in Subsection (6) and Section 80-6-301, a citation for an offense
- 24717 listed in Subsection (1) shall be submitted to the juvenile court within five days of
- 24718 issuance to a minor.
- 24719 (3) A copy of the citation shall contain:
- 24720 (a) the name and address of the juvenile court before which the minor may be required

- 24721 to appear;
- 24722 (b) the name of the minor cited;
- 24723 (c) the statute or local ordinance that the minor is alleged to have violated;
- 24724 (d) a brief description of the offense charged;
- 24725 (e) the date, time, and location at which the offense is alleged to have occurred;
- 24726 (f) the date the citation was issued;
- 24727 (g) the name and badge or identification number of the peace officer or public official
- 24728 who issued the citation;
- 24729 (h) the name of the arresting person if an arrest was made by a private party and the
- 24730 citation was issued in lieu of taking the minor into temporary custody as provided in
- 24731 Section 80-6-201;
- 24732 (i) a statement that the minor and the minor's parent or guardian are to appear when
- 24733 notified by the juvenile court; and
- 24734 (j) the signature of the minor and the minor's parent or guardian, if present, agreeing to
- 24735 appear at the juvenile court when notified by the court.
- 24736 (4) A copy of the citation shall contain space for the following information to be entered if
- 24737 known:
- 24738 (a) the minor's address;
- 24739 (b) the minor's date of birth;
- 24740 (c) the name and address of the child's custodial parent or guardian, if different from the
- 24741 child; and
- 24742 (d) if there is a victim, the victim's name, address, and an estimate of loss, except that
- 24743 this information shall be removed from the documents the minor receives.
- 24744 (5) A citation received by the juvenile court beyond the time designated in Subsection (2)
- 24745 shall include a written explanation for the delay.
- 24746 (6) An offense alleged to have been committed by an enrolled child on school property, or
- 24747 related to school attendance, may only be referred to the prosecuting attorney or the
- 24748 juvenile court in accordance with Section 53G-8-211.
- 24749 (7) If a juvenile court receives a citation described in Subsection (1), a juvenile probation
- 24750 officer shall make a preliminary inquiry as to whether the minor is eligible for a
- 24751 nonjudicial adjustment in accordance with Subsection 80-6-303.5(4).
- 24752 (8)(a) Except as provided in Subsection (8)(b), if a citation is issued to a minor, a
- 24753 prosecuting attorney may commence a proceeding against a minor, without filing a
- 24754 petition, for an adjudication of the offense in the citation only if:

- 24755 (i) the minor is not eligible for, or does not complete, a nonjudicial adjustment; and  
 24756 (ii) the prosecuting attorney conducts an inquiry under Subsection (9).
- 24757 (b) Except as provided in Subsection 80-6-305(2), a prosecuting attorney may not  
 24758 commence a proceeding against an individual for any offense listed in a citation  
 24759 alleged to have occurred before the individual was 12 years old.
- 24760 (9) The prosecuting attorney shall conduct an inquiry to determine, upon reasonable belief,  
 24761 that:
- 24762 (a) the charge listed in the citation is supported by probable cause;  
 24763 (b) admissible evidence will be sufficient to support adjudication beyond a reasonable  
 24764 doubt; and  
 24765 (c) the decision to charge is in the interests of justice.
- 24766 (10) If a proceeding is commenced against a minor under Subsection (8)(a), the minor shall  
 24767 appear at the juvenile court at a date and time established by the juvenile court.
- 24768 (11) If a minor willfully fails to appear before the juvenile court for a proceeding under  
 24769 Subsection (8)(a), the juvenile court may:
- 24770 (a) find the minor in contempt of court; and  
 24771 (b) proceed against the minor as provided in Section 78A-6-353.
- 24772 (12) If a proceeding is commenced under this section, the minor may remit a fine without a  
 24773 personal appearance before the juvenile court with the consent of:
- 24774 (a) the juvenile court; and  
 24775 (b) if the minor is a child, the parent or guardian of the child cited.
- 24776 Section 526. Section **80-6-303.5** is amended to read:
- 24777 **80-6-303.5 (Effective 05/07/25). Preliminary inquiry by juvenile probation**  
 24778 **officer -- Eligibility for nonjudicial adjustment.**
- 24779 (1) If the juvenile court receives a referral for an offense committed by a minor that is, or  
 24780 appears to be, within the juvenile court's jurisdiction, or for the minor being a habitual  
 24781 truant, a juvenile probation officer shall make a preliminary inquiry in accordance with  
 24782 this section to determine whether the minor is eligible to enter into a nonjudicial  
 24783 adjustment.
- 24784 (2) If a minor is referred to the juvenile court for multiple offenses arising from a single  
 24785 criminal episode, and the minor is eligible under this section for a nonjudicial  
 24786 adjustment, the juvenile probation officer shall offer the minor one nonjudicial  
 24787 adjustment for all offenses arising from the single criminal episode.
- 24788 (3)(a) The juvenile probation officer may:

- 24789 (i) conduct a validated risk and needs assessment; and
- 24790 (ii) request that a prosecuting attorney review a referral in accordance with Section
- 24791 80-6-304.5 if:
- 24792 (A) the results of the validated risk and needs assessment indicate the minor is
- 24793 high risk; or
- 24794 (B) the results of the validated risk and needs assessment indicate the minor is
- 24795 moderate risk and the referral is for a class A misdemeanor violation under
- 24796 Sections 76-9-112, 76-12-306, 76-12-307, 76-12-309, or Title 76, Chapter 5,
- 24797 Offenses Against the Individual~~[, or Title 76, Chapter 9, Part 7, Miscellaneous~~
- 24798 ~~Provisions]~~.
- 24799 (b) If the referral involves an offense that is a violation of Section 41-6a-502, the minor
- 24800 shall:
- 24801 (i) undergo a drug and alcohol screening;
- 24802 (ii) if found appropriate by the screening, participate in an assessment; and
- 24803 (iii) if warranted by the screening and assessment, follow the recommendations of the
- 24804 assessment.
- 24805 (4) Except for an offense that is not eligible under Subsection (8), the juvenile probation
- 24806 officer shall offer a nonjudicial adjustment to a minor if:
- 24807 (a) the minor:
- 24808 (i) is referred for an offense that is a misdemeanor, infraction, or status offense;
- 24809 (ii) has no more than two prior adjudications; and
- 24810 (iii) has no more than two prior unsuccessful nonjudicial adjustment attempts;
- 24811 (b) the minor is referred for an offense that is alleged to have occurred before the minor
- 24812 was 12 years old; or
- 24813 (c) the minor is referred for being a habitual truant.
- 24814 (5) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 24815 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 24816 single criminal episode that resulted in a nonjudicial adjustment as one prior nonjudicial
- 24817 adjustment.
- 24818 (6) For purposes of determining a minor's eligibility for a nonjudicial adjustment under
- 24819 Subsection (4), the juvenile probation officer shall treat all offenses arising out of a
- 24820 single criminal episode that resulted in one or more prior adjudications as a single
- 24821 adjudication.
- 24822 (7) Except for a referral that involves an offense described in Subsection (8), the juvenile

- 24823 probation officer may offer a nonjudicial adjustment to a minor who does not meet the  
 24824 criteria described in Subsection (4)(a).
- 24825 (8) The juvenile probation officer may not offer a minor a nonjudicial adjustment if the  
 24826 referral involves:
- 24827 (a) an offense alleged to have occurred when the minor was 12 years old or older that is:
- 24828 (i) a felony offense; or
- 24829 (ii) a misdemeanor violation of:
- 24830 (A) Section 41-6a-502, driving under the influence;
- 24831 (B) Section 76-5-107, threat of violence;
- 24832 (C) Section 76-5-107.1, threats against schools;
- 24833 (D) Section 76-5-112, reckless endangerment creating a substantial risk of death  
 24834 or serious bodily injury;
- 24835 (E) Section 76-5-206, negligent homicide;
- 24836 (F) Section [~~76-9-702.1~~] 76-5-418, sexual battery;
- 24837 (G) Section [~~76-10-505.5~~] 76-11-204, possession of a dangerous weapon, firearm,  
 24838 or short barreled shotgun on or about school premises;
- 24839 (H) Section [~~76-10-506~~] 76-11-205, threatening with or using a dangerous weapon  
 24840 in fight or quarrel;
- 24841 (I) Section [~~76-10-507~~] 76-11-206, possession of a deadly weapon with criminal  
 24842 intent; or
- 24843 (J) Section [~~76-10-509.4~~] 76-11-209, possession of a dangerous weapon by a  
 24844 minor; or
- 24845 (b) an offense alleged to have occurred before the minor is 12 years old that is a felony  
 24846 violation of:
- 24847 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 24848 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 24849 (iii) Section 76-5-203, murder or attempted murder;
- 24850 (iv) Section 76-5-302, aggravated kidnapping;
- 24851 (v) Section 76-5-405, aggravated sexual assault;
- 24852 (vi) Section 76-6-103, aggravated arson;
- 24853 (vii) Section 76-6-203, aggravated burglary;
- 24854 (viii) Section 76-6-302, aggravated robbery; or
- 24855 (ix) Section [~~76-10-508.1~~] 76-11-208, felony discharge of a firearm.
- 24856 (9) The juvenile probation officer shall request that a prosecuting attorney review a referral

- 24857 if:
- 24858 (a) the referral involves an offense described in Subsection (8); or
- 24859 (b) the minor has a current suspended order for custody under Section 80-6-711.
- 24860 Section 527. Section **80-6-304** is amended to read:
- 24861 **80-6-304 (Effective 05/07/25). Nonjudicial adjustments.**
- 24862 (1) For a nonjudicial adjustment, the juvenile probation officer may require a minor to:
- 24863 (a) pay a financial penalty of no more than \$250 to the juvenile court, subject to the
- 24864 terms established under Subsection (4);
- 24865 (b) pay restitution to any victim;
- 24866 (c) complete community or compensatory service;
- 24867 (d) attend counseling or treatment with an appropriate provider;
- 24868 (e) attend substance abuse treatment or counseling;
- 24869 (f) comply with specified restrictions on activities or associations;
- 24870 (g) attend victim-offender mediation if requested by the victim; and
- 24871 (h) comply with any other reasonable action that is in the interest of the minor, the
- 24872 community, or the victim.
- 24873 (2)(a) Within seven days of receiving a referral that appears to be eligible for a
- 24874 nonjudicial adjustment in accordance with Section 80-6-303.5, the juvenile probation
- 24875 officer shall provide an initial notice to reasonably identifiable and locatable victims
- 24876 of the offense contained in the referral.
- 24877 (b) The victim shall be responsible to provide to the juvenile probation officer upon
- 24878 request:
- 24879 (i) invoices, bills, receipts, and any other evidence of injury, loss of earnings, and
- 24880 out-of-pocket loss;
- 24881 (ii) documentation and evidence of compensation or reimbursement from an
- 24882 insurance company or an agency of the state, any other state, or the federal
- 24883 government received as a direct result of the crime for injury, loss of earnings, or
- 24884 out-of-pocket loss; and
- 24885 (iii) proof of identification, including home and work address and telephone numbers.
- 24886 (c) The inability, failure, or refusal of the victim to provide all or part of the requested
- 24887 information shall result in the juvenile probation officer determining restitution based
- 24888 on the best information available.
- 24889 (3) The juvenile probation officer may not predicate acceptance of an offer of a nonjudicial
- 24890 adjustment on an admission of guilt.

- 24891 (4)(a) The juvenile probation officer may not deny a minor an offer of a nonjudicial  
 24892 adjustment due to a minor's inability to pay a financial penalty under Subsection (1).  
 24893 (b) The juvenile probation officer shall base a fee, fine, or the restitution for a  
 24894 nonjudicial adjustment under Subsection (1) upon the ability of the minor's family to  
 24895 pay as determined by a statewide sliding scale developed in accordance with Section  
 24896 63M-7-208.
- 24897 (5)(a) A nonjudicial adjustment may not extend for more than 90 days, unless a juvenile  
 24898 court judge extends the nonjudicial adjustment for an additional 90 days.  
 24899 (b) A juvenile court judge may extend a nonjudicial adjustment beyond the 180 days  
 24900 permitted under Subsection (5)(a):  
 24901 (i) for a minor who is:  
 24902 (A) offered a nonjudicial adjustment for a sexual offense under Title 76, Chapter  
 24903 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419,  
 24904 or 76-5-420, that the minor committed before the minor was 12 years old; or  
 24905 (B) referred to a prosecuting attorney for a sexual offense under Title 76, Chapter  
 24906 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419,  
 24907 or 76-5-420, that the minor committed before the minor was 12 years old; and  
 24908 (ii) the judge determines that:  
 24909 (A) the nonjudicial adjustment requires specific treatment for the sexual offense;  
 24910 (B) the treatment cannot be completed within 180 days after the day on which the  
 24911 minor entered into the nonjudicial adjustment; and  
 24912 (C) the treatment is necessary based on a clinical assessment that is  
 24913 developmentally appropriate for the minor.
- 24914 (c) If a juvenile court judge extends a minor's nonjudicial adjustment under Subsection  
 24915 (5)(b), the judge may extend the nonjudicial adjustment until the minor completes the  
 24916 specific treatment, but the judge may only grant each extension for 90 days at a time.
- 24917 (6) If a minor violates Section [~~76-10-105~~] 76-9-1106, the minor may be required to pay a  
 24918 fine or penalty and participate in a court-approved tobacco education program with a  
 24919 participation fee.  
 24920 Section 528. Section **80-6-305** is amended to read:  
 24921 **80-6-305 (Effective 05/07/25). Petition for a delinquency proceeding --**  
 24922 **Amending a petition -- Continuance.**  
 24923 (1) A prosecuting attorney shall file a petition, in accordance with Utah Rules of Juvenile  
 24924 Procedure, Rule 17, to commence a proceeding against a minor for an adjudication of an

- 24925 alleged offense, except as provided in:
- 24926 (a) Subsection (2);
- 24927 (b) Section 80-6-302;
- 24928 (c) Section 80-6-502; and
- 24929 (d) Section 80-6-503.
- 24930 (2) A prosecuting attorney may not file a petition under Subsection (1) against an individual
- 24931 for an offense alleged to have occurred before the individual was 12 years old, unless:
- 24932 (a) the individual is alleged to have committed a felony violation of:
- 24933 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 24934 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 24935 (iii) Section 76-5-203, murder or attempted murder;
- 24936 (iv) Section 76-5-302, aggravated kidnapping;
- 24937 (v) Section 76-5-405, aggravated sexual assault;
- 24938 (vi) Section 76-6-103, aggravated arson;
- 24939 (vii) Section 76-6-203, aggravated burglary;
- 24940 (viii) Section 76-6-302, aggravated robbery; or
- 24941 (ix) Section [~~76-10-508.1~~] 76-11-208, felony discharge of a firearm; or
- 24942 (b) an offer for a nonjudicial adjustment is made under Section 80-6-303.5 and the
- 24943 minor:
- 24944 (i) declines to accept the offer for the nonjudicial adjustment; or
- 24945 (ii) fails to substantially comply with the conditions agreed upon as part of the
- 24946 nonjudicial adjustment.
- 24947 (3) A juvenile court may dismiss a petition under this section at any stage of the
- 24948 proceedings.
- 24949 (4)(a) When evidence is presented during any proceeding in a minor's case that points to
- 24950 material facts not alleged in the petition, the juvenile court may consider the
- 24951 additional or different material facts raised by the evidence if the parties consent.
- 24952 (b) The juvenile court, on a motion from any interested party or on the court's own
- 24953 motion, shall direct that the petition be amended to conform to the evidence.
- 24954 (c) If an amended petition under Subsection (4)(b) results in a substantial departure from
- 24955 the material facts originally alleged, the juvenile court shall grant a continuance as
- 24956 justice may require in accordance with Utah Rules of Juvenile Procedure, Rule 54.
- 24957 Section 529. Section **80-6-503** is amended to read:
- 24958 **80-6-503 (Effective 05/07/25). Criminal information for a minor in juvenile**



24959 **court -- Extending juvenile court jurisdiction.**

- 24960 (1) If a prosecuting attorney charges a minor with a felony, the prosecuting attorney may  
 24961 file a criminal information in the juvenile court if the minor was a principal actor in an  
 24962 offense and the information alleges:
- 24963 (a)(i) the minor was 16 or 17 years old at the time of the offense; and  
 24964 (ii) the offense for which the minor is being charged is a felony violation of:
- 24965 (A) Section 76-5-103, aggravated assault resulting in serious bodily injury to  
 24966 another;
- 24967 (B) Section 76-5-202, attempted aggravated murder;
- 24968 (C) Section 76-5-203, attempted murder;
- 24969 (D) Section 76-5-302, aggravated kidnapping;
- 24970 (E) Section 76-5-405, aggravated sexual assault;
- 24971 (F) Section 76-6-103, aggravated arson;
- 24972 (G) Section 76-6-203, aggravated burglary;
- 24973 (H) Section 76-6-302, aggravated robbery;
- 24974 (I) Section ~~[76-10-508.1]~~ 76-11-208, felony discharge of a firearm; or  
 24975 (J) an offense other than an offense listed in Subsections (1)(a)(ii)(A) through (I)  
 24976 involving the use of a dangerous weapon if the offense would be a felony had  
 24977 an adult committed the offense, and the minor has been previously adjudicated  
 24978 or convicted of an offense involving the use of a dangerous weapon that would  
 24979 have been a felony if committed by an adult; or
- 24980 (b)(i) the minor was 14 or 15 years old at the time of the offense; and  
 24981 (ii) the offense for which the minor is being charged is a felony violation of:
- 24982 (A) Section 76-5-202, aggravated murder or attempted aggravated murder; or  
 24983 (B) Section 76-5-203, murder or attempted murder.
- 24984 (2) At the time that a prosecuting attorney files an information under this section, a party  
 24985 may file a motion to extend the juvenile court's continuing jurisdiction in accordance  
 24986 with Section 80-6-605.
- 24987 Section 530. Section **80-6-605** is amended to read:
- 24988 **80-6-605 (Effective 05/07/25). Extension of juvenile court jurisdiction --**  
 24989 **Procedure.**
- 24990 (1) At the time that a prosecuting attorney files a petition under Section 80-6-305, or a  
 24991 criminal information under Section 80-6-503, for a felony offense alleged to have been  
 24992 committed by a minor who is 14 years old or older, either party may file a motion to

- 24993 extend the juvenile court's continuing jurisdiction over the minor's case until the minor is  
24994 25 years old if:
- 24995 (a) the minor was the principal actor in the offense; and
- 24996 (b) the petition or information alleges a felony violation of:
- 24997 (i) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 24998 (ii) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 24999 (iii) Section 76-5-203, murder or attempted murder;
- 25000 (iv) Section 76-5-302, aggravated kidnapping;
- 25001 (v) Section 76-5-405, aggravated sexual assault;
- 25002 (vi) Section 76-6-103, aggravated arson;
- 25003 (vii) Section 76-6-203, aggravated burglary;
- 25004 (viii) Section 76-6-302, aggravated robbery;
- 25005 (ix) Section ~~[76-10-508.1]~~ 76-11-208, felony discharge of a firearm; or
- 25006 (x)(A) an offense other than the offenses listed in Subsections (1)(b)(i) through  
25007 (ix) involving the use of a dangerous weapon that would be a felony if  
25008 committed by an adult; and
- 25009 (B) the minor has been previously adjudicated or convicted of an offense  
25010 involving the use of a dangerous weapon that would have been a felony if  
25011 committed by an adult.
- 25012 (2)(a) Notwithstanding Subsection (1), either party may file a motion to extend the  
25013 juvenile court's continuing jurisdiction after a determination by the juvenile court  
25014 that the minor will not be bound over to the district court under Section 80-6-504.
- 25015 (3) The juvenile court shall make a determination on a motion under Subsection (1) or (2)  
25016 at the time of disposition.
- 25017 (4) The juvenile court shall extend the continuing jurisdiction over the minor's case until  
25018 the minor is 25 years old if the juvenile court finds, by a preponderance of the evidence,  
25019 that extending continuing jurisdiction is in the best interest of the minor and the public.
- 25020 (5) In considering whether it is in the best interest of the minor and the public for the court  
25021 to extend jurisdiction over the minor's case until the minor is 25 years old, the juvenile  
25022 court shall consider and base the juvenile court's decision on:
- 25023 (a) whether the protection of the community requires an extension of jurisdiction beyond  
25024 the age of 21;
- 25025 (b) the extent to which the minor's actions in the offense were committed in an  
25026 aggressive, violent, premeditated, or willful manner;

- 25027 (c) the minor's mental, physical, educational, trauma, and social history; and  
 25028 (d) the criminal record and previous history of the minor.
- 25029 (6) The amount of weight that each factor in Subsection (5) is given is in the juvenile  
 25030 court's discretion.
- 25031 (7)(a) The juvenile court may consider written reports and other materials relating to  
 25032 the minor's mental, physical, educational, trauma, and social history.
- 25033 (b) Upon request by the minor, the minor's parent, guardian, or other interested party, the  
 25034 juvenile court shall require the person preparing the report or other material to  
 25035 appear and be subject to both direct and cross-examination.
- 25036 (8) A minor may testify under oath, call witnesses, cross-examine witnesses, and present  
 25037 evidence on the factors described in Subsection (5).
- 25038 Section 531. Section **80-6-608** is amended to read:
- 25039 **80-6-608 (Effective 05/07/25). When photographs, fingerprints, or HIV infection**  
 25040 **tests may be taken -- Distribution -- DNA collection -- Reimbursement.**
- 25041 (1) The division shall take a photograph and fingerprints of a minor who is:  
 25042 (a) 14 years old or older at the time of the alleged commission of an offense that would  
 25043 be a felony if the minor were 18 years old or older; and  
 25044 (b) admitted to a detention facility for the alleged commission of the offense.
- 25045 (2) The juvenile court shall order a minor who is 14 years old or older at the time that the  
 25046 minor is alleged to have committed an offense described in Subsection (2)(a) or (b) to  
 25047 have the minor's fingerprints taken at a detention facility or a local law enforcement  
 25048 agency if the minor is:  
 25049 (a) adjudicated for an offense that would be a class A misdemeanor if the minor were 18  
 25050 years old or older; or  
 25051 (b) adjudicated for an offense that would be a felony if the minor were 18 years old or  
 25052 older and the minor was not admitted to a detention facility.
- 25053 (3) The juvenile court shall take a photograph of a minor who is:  
 25054 (a) 14 years old or older at the time the minor was alleged to have committed an offense  
 25055 that would be a felony or a class A misdemeanor if the minor were 18 years old or  
 25056 older; and  
 25057 (b) adjudicated for the offense described in Subsection (3)(a).
- 25058 (4) If a minor's fingerprints are taken under this section, the minor's fingerprints shall be  
 25059 forwarded to the Bureau of Criminal Identification and may be stored by electronic  
 25060 medium.

- 25061 (5) HIV testing shall be conducted on a minor who is taken into custody after having been  
25062 adjudicated for a sexual offense under Title 76, Chapter 5, Part 4, Sexual Offenses, not  
25063 including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420, upon the request of:
- 25064 (a) the victim;
  - 25065 (b) the parent or guardian of a victim who is younger than 14 years old; or
  - 25066 (c) the guardian of the alleged victim if the victim is a vulnerable adult as defined in  
25067 Section 26B-6-201.
- 25068 (6) HIV testing shall be conducted on a minor against whom a petition has been filed or a  
25069 pickup order has been issued for the commission of any offense under Title 76, Chapter  
25070 5, Part 4, Sexual Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or  
25071 76-5-420:
- 25072 (a) upon the request of:
    - 25073 (i) the victim;
    - 25074 (ii) the parent or guardian of a victim who is younger than 14 years old; or
    - 25075 (iii) the guardian of the alleged victim if the victim is a vulnerable adult as defined in  
25076 Section 26B-6-201; and
  - 25077 (b) in which:
    - 25078 (i) the juvenile court has signed an accompanying arrest warrant, pickup order, or any  
25079 other order based upon probable cause regarding the alleged offense; and
    - 25080 (ii) the juvenile court has found probable cause to believe that the alleged victim has  
25081 been exposed to HIV infection as a result of the alleged offense.
- 25082 (7) HIV tests, photographs, and fingerprints may not be taken of a child who is younger  
25083 than 14 years old without the consent of the juvenile court.
- 25084 (8)(a) Photographs taken under this section may be distributed or disbursed to:
- 25085 (i) state and local law enforcement agencies;
  - 25086 (ii) the judiciary; and
  - 25087 (iii) the division.
- 25088 (b) Fingerprints may be distributed or disbursed to:
- 25089 (i) state and local law enforcement agencies;
  - 25090 (ii) the judiciary;
  - 25091 (iii) the division; and
  - 25092 (iv) agencies participating in the Western Identification Network.
- 25093 (9)(a) A DNA specimen shall be obtained from a minor who is adjudicated by the  
25094 juvenile court as described in Subsection 53-10-403(1)(e).

- 25095 (b) The DNA specimen shall be obtained, in accordance with Subsection 53-10-404(4),  
 25096 by:
- 25097 (i) designated employees of the juvenile court; or  
 25098 (ii) if the minor is committed to the division, designated employees of the division.
- 25099 (c) The responsible agency under Subsection (9)(b) shall ensure that an employee  
 25100 designated to collect the saliva DNA specimens receives appropriate training and that  
 25101 the specimens are obtained in accordance with accepted protocol.
- 25102 (d) Reimbursements paid under Subsection 53-10-404(2)(a) shall be placed in the DNA  
 25103 Specimen Restricted Account created in Section 53-10-407.
- 25104 (e) Payment of the reimbursement is second in priority to payments the minor is ordered  
 25105 to make for restitution under Section 80-6-710 and for treatment ordered under  
 25106 Section 80-3-403.
- 25107 Section 532. Section **80-6-707** is amended to read:
- 25108 **80-6-707 (Effective 05/07/25). Suspension of driving privileges.**
- 25109 (1) This section applies to a minor who:
- 25110 (a) at the time that the minor is adjudicated under Section 80-6-701, is at least the age  
 25111 eligible for a driver license under Section 53-3-204; and
- 25112 (b) is found by the juvenile court to be in actual physical control of a motor vehicle  
 25113 during the commission of the offense for which the minor is adjudicated.
- 25114 (2)(a) Except as otherwise provided by this section, if a minor is adjudicated for a  
 25115 violation of a traffic law by the juvenile court under Section 80-6-701, the juvenile  
 25116 court may:
- 25117 (i) suspend the minor's driving privileges; and  
 25118 (ii) take possession of the minor's driver license.
- 25119 (b) The juvenile court may order any other eligible disposition under Subsection (1),  
 25120 except for a disposition under Section 80-6-703 or 80-6-705.
- 25121 (c) If a juvenile court suspends a minor's driving privileges under Subsection (2)(a):  
 25122 (i) the juvenile court shall prepare and send the order to the Driver License Division  
 25123 of the Department of Public Safety; and  
 25124 (ii) the minor's license shall be suspended under Section 53-3-219.
- 25125 (3) The juvenile court may reduce a suspension period imposed under Section 53-3-219 if:
- 25126 (a)(i) the violation is the minor's first violation of:
- 25127 (A) Section 32B-4-409;  
 25128 (B) Section 32B-4-410;

- 25129 (C) Section 58-37-8;
- 25130 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 25131 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 25132 (F) Subsection 76-5-102.1(2)(b);
- 25133 (G) Subsection 76-5-207(2)(b); or
- 25134 (H) Subsection [~~76-9-701(1)~~] 76-9-110(2); and
- 25135 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 25136 or
- 25137 (B) the minor demonstrates substantial progress in substance use disorder
- 25138 treatment; or
- 25139 (b)(i) the violation is the minor's second or subsequent violation of:
- 25140 (A) Section 32B-4-409;
- 25141 (B) Section 32B-4-410;
- 25142 (C) Section 58-37-8;
- 25143 (D) Title 58, Chapter 37a, Utah Drug Paraphernalia Act;
- 25144 (E) Title 58, Chapter 37b, Imitation Controlled Substances Act;
- 25145 (F) Subsection 76-5-102.1(2)(b);
- 25146 (G) Subsection 76-5-207(2)(b); or
- 25147 (H) Subsection [~~76-9-701(1)~~] 76-9-110(2);
- 25148 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
- 25149 demonstrated substantial progress in substance use disorder treatment; and
- 25150 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
- 25151 juvenile court that the minor has not unlawfully consumed alcohol or drugs for
- 25152 at least a one-year consecutive period during the suspension period imposed
- 25153 under Section 53-3-219; or
- 25154 (B) the minor is under 18 years old and the minor's parent or guardian provides an
- 25155 affidavit or sworn statement to the juvenile court certifying that to the parent or
- 25156 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
- 25157 for at least a one-year consecutive period during the suspension period imposed
- 25158 under Section 53-3-219.
- 25159 (4)(a) If a minor is adjudicated under Section 80-6-701 for a proof of age violation, as
- 25160 defined in Section 32B-4-411:
- 25161 (i) the juvenile court may forward a record of adjudication to the Department of
- 25162 Public Safety for a first or subsequent violation; and

- 25163 (ii) the minor's driving privileges will be suspended:
- 25164 (A) for a period of at least one year under Section 53-3-220 for a first conviction
- 25165 for a violation of Section 32B-4-411; or
- 25166 (B) for a period of two years for a second or subsequent conviction for a violation
- 25167 of Section 32B-4-411.
- 25168 (b) The juvenile court may reduce the suspension period imposed under Subsection
- 25169 (4)(a)(ii)(A) if:
- 25170 (i) the violation is the minor's first violation of Section 32B-4-411; and
- 25171 (ii)(A) the minor completes an educational series as defined in Section 41-6a-501;
- 25172 or
- 25173 (B) the minor demonstrates substantial progress in substance use disorder
- 25174 treatment.
- 25175 (c) The juvenile court may reduce the suspension period imposed under Subsection
- 25176 (4)(a)(ii)(B) if:
- 25177 (i) the violation is the minor's second or subsequent violation of Section 32B-4-411;
- 25178 (ii) the minor has completed an educational series as defined in Section 41-6a-501 or
- 25179 demonstrated substantial progress in substance use disorder treatment; and
- 25180 (iii)(A) the minor is 18 years old or older and provides a sworn statement to the
- 25181 court that the minor has not unlawfully consumed alcohol or drugs for at least a
- 25182 one-year consecutive period during the suspension period imposed under
- 25183 Subsection (4)(a)(ii)(B); or
- 25184 (B) the minor is under 18 years old and has the minor's parent or guardian provide
- 25185 an affidavit or sworn statement to the court certifying that to the parent's or
- 25186 guardian's knowledge the minor has not unlawfully consumed alcohol or drugs
- 25187 for at least a one-year consecutive period during the suspension period imposed
- 25188 under Subsection (4)(a)(ii)(B).
- 25189 (5) When the Department of Public Safety receives the arrest or conviction record of a
- 25190 minor for a driving offense committed while the minor's license is suspended under this
- 25191 section, the Department of Public Safety shall extend the suspension for a like period of
- 25192 time.
- 25193 Section 533. Section **80-6-712** is amended to read:
- 25194 **80-6-712 (Effective 05/07/25). Time periods for supervision of probation or**
- 25195 **placement -- Termination of continuing jurisdiction.**
- 25196 (1) If the juvenile court places a minor on probation under Section 80-6-702, the juvenile

- 25197 court shall establish a period of time for supervision for the minor that is:
- 25198 (a) if the minor is placed on intake probation, no more than three months; or
- 25199 (b) if the minor is placed on formal probation, from four to six months, but may not
- 25200 exceed six months.
- 25201 (2)(a) If the juvenile court commits a minor to the division under Section 80-6-703, and
- 25202 the minor's case is under the jurisdiction of the court, the juvenile court shall
- 25203 establish:
- 25204 (i) for a minor placed out of the home, a period of custody from three to six months,
- 25205 but may not exceed six months; and
- 25206 (ii) for aftercare services if the minor was placed out of the home, a period of
- 25207 supervision from three to four months, but may not exceed four months.
- 25208 (b) A minor may be supervised for aftercare services under Subsection (2)(a)(ii):
- 25209 (i) in the home of a qualifying relative or guardian;
- 25210 (ii) at an independent living program contracted or operated by the division; or
- 25211 (iii) in a family-based setting with approval by the director or the director's designee
- 25212 if the minor does not qualify for an independent living program due to age,
- 25213 disability, or another reason or the minor cannot be placed with a qualifying
- 25214 relative or guardian.
- 25215 (3) If the juvenile court orders a minor to secure care, the authority shall:
- 25216 (a) have jurisdiction over the minor's case; and
- 25217 (b) apply the provisions of Part 8, Commitment and Parole.
- 25218 (4)(a) The juvenile court shall terminate continuing jurisdiction over a minor's case at
- 25219 the end of the time period described in Subsection (1) for probation or Subsection (2)
- 25220 for commitment to the division, unless:
- 25221 (i) termination would interrupt the completion of the treatment program determined
- 25222 to be necessary by the results of a validated risk and needs assessment under
- 25223 Section 80-6-606;
- 25224 (ii) the minor commits a new misdemeanor or felony offense;
- 25225 (iii) the minor has not completed community or compensatory service hours;
- 25226 (iv) there is an outstanding fine; or
- 25227 (v) the minor has not paid restitution in full.
- 25228 (b) The juvenile court shall determine whether a minor has completed a treatment
- 25229 program under Subsection (4)(a)(i) by considering:
- 25230 (i) the recommendations of the licensed service provider for the treatment program;



- 25231 (ii) the minor's record in the treatment program; and
- 25232 (iii) the minor's completion of the goals of the treatment program.
- 25233 (5) Subject to Subsections (6) and (7), if one of the circumstances under Subsection (4)
- 25234 exists the juvenile court may extend supervision for the time needed to address the
- 25235 specific circumstance.
- 25236 (6) If the juvenile court extends supervision solely on the ground that the minor has not yet
- 25237 completed community or compensatory service hours under Subsection (4)(a)(iii), the
- 25238 juvenile court may only extend supervision:
- 25239 (a) one time for no more than three months; and
- 25240 (b) as intake probation.
- 25241 (7)(a) If the juvenile court extends jurisdiction solely on the ground that the minor has
- 25242 not paid restitution in full as described in Subsection (4)(a)(v):
- 25243 (i) the juvenile court may only:
- 25244 (A) extend jurisdiction up to four times for no more than three months at a time;
- 25245 (B) consider the efforts of the minor to pay restitution in full when determining
- 25246 whether to extend jurisdiction under Subsection (7)(a)(i); and
- 25247 (C) make orders concerning the payment of restitution during the period for which
- 25248 jurisdiction is extended;
- 25249 (ii) the juvenile court shall terminate any intake probation or formal probation of the
- 25250 minor; and
- 25251 (iii) a designated staff member of the juvenile court shall submit a report to the
- 25252 juvenile court every three months regarding the minor's efforts to pay restitution.
- 25253 (b) If the juvenile court finds that a minor is not making an effort to pay restitution, the
- 25254 juvenile court shall:
- 25255 (i) terminate jurisdiction over the minor's case; and
- 25256 (ii) record the amount of unpaid restitution as a civil judgment in accordance with
- 25257 Subsection 80-6-709(8).
- 25258 (8) If the juvenile court extends supervision or jurisdiction under this section, the grounds
- 25259 for the extension and the length of any extension shall be recorded in the court records
- 25260 and tracked in the data system used by the Administrative Office of the Courts and the
- 25261 division.
- 25262 (9) If a minor leaves supervision without authorization for more than 24 hours, the
- 25263 supervision period for the minor shall toll until the minor returns.
- 25264 (10) This section does not apply to any minor adjudicated under this chapter for:

- 25265 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 25266 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 25267 (c) Section 76-5-203, murder or attempted murder;
- 25268 (d) Section 76-5-205, manslaughter;
- 25269 (e) Section 76-5-206, negligent homicide;
- 25270 (f) Section 76-5-207, automobile homicide;
- 25271 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication
- 25272 device while operating a motor vehicle;
- 25273 (h) Section 76-5-208, child abuse homicide;
- 25274 (i) Section 76-5-209, homicide by assault;
- 25275 (j) Section 76-5-302, aggravated kidnapping;
- 25276 (k) Section 76-5-405, aggravated sexual assault;
- 25277 (l) a felony violation of Section 76-6-103, aggravated arson;
- 25278 (m) Section 76-6-203, aggravated burglary;
- 25279 (n) Section 76-6-302, aggravated robbery;
- 25280 (o) Section [~~76-10-508.1~~] 76-11-208, felony discharge of a firearm;
- 25281 (p)(i) an offense other than an offense listed in Subsections (10)(a) through (o)
- 25282 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is
- 25283 a felony; and
- 25284 (ii) the minor has been previously adjudicated or convicted of an offense involving
- 25285 the use of a dangerous weapon; or
- 25286 (q) a felony offense other than an offense listed in Subsections (10)(a) through (p) and
- 25287 the minor has been previously committed to the division for secure care.
- 25288 Section 534. Section **80-6-804** is amended to read:
- 25289 **80-6-804 (Effective 05/07/25). Review and termination of secure care.**
- 25290 (1) If a juvenile offender is ordered to secure care under Section 80-6-705, the juvenile
- 25291 offender shall appear before the authority within 45 days after the day on which the
- 25292 juvenile offender is ordered to secure care for review of a treatment plan and to establish
- 25293 parole release guidelines.
- 25294 (2)(a) Except as provided in Subsections (2)(b) and (2)(h), if a juvenile offender is
- 25295 ordered to secure care under Section 80-6-705, the authority shall set a presumptive
- 25296 term of secure care for the juvenile offender from three to six months, but the
- 25297 presumptive term may not exceed six months.
- 25298 (b) If a juvenile offender is ordered to secure care for a misdemeanor offense, the

- 25299 authority may immediately release the juvenile offender on parole if there is a  
25300 treatment program available for the juvenile offender in a community-based setting.
- 25301 (c) Except as provided in Subsection (2)(h), the authority shall release the juvenile  
25302 offender on parole at the end of the presumptive term of secure care unless:
- 25303 (i) termination would interrupt the completion of a treatment program determined to  
25304 be necessary by the results of a validated risk and needs assessment under Section  
25305 80-6-606; or
- 25306 (ii) the juvenile offender commits a new misdemeanor or felony offense.
- 25307 (d) The authority shall determine whether a juvenile offender has completed a treatment  
25308 program under Subsection (2)(c)(i) by considering:
- 25309 (i) the recommendations of the licensed service provider for the treatment program;  
25310 (ii) the juvenile offender's record in the treatment program; and  
25311 (iii) the juvenile offender's completion of the goals of the treatment program.
- 25312 (e) Except as provided in Subsection (2)(h), the authority may extend the length of  
25313 secure care and delay parole release for the time needed to address the specific  
25314 circumstance if one of the circumstances under Subsection (2)(c) exists.
- 25315 (f) The authority shall:
- 25316 (i) record the length of the extension and the grounds for the extension; and  
25317 (ii) report annually the length and grounds of extension to the commission.
- 25318 (g) Records under Subsection (2)(f) shall be tracked in the data system used by the  
25319 juvenile court and the division.
- 25320 (h) If a juvenile offender is ordered to secure care for a misdemeanor offense, the  
25321 authority may not:
- 25322 (i) set a juvenile offender's presumptive term of secure care under Subsection (2)(a)  
25323 that would result in a term of secure care that exceeds a term of incarceration for  
25324 an adult under Section 76-3-204 for the same misdemeanor offense; or
- 25325 (ii) extend the juvenile offender's term of secure care under Subsections (2)(c) and (e)  
25326 if the extension would result in a term of secure care that exceeds the term of  
25327 incarceration for an adult under Section 76-3-204 for the same misdemeanor  
25328 offense.
- 25329 (3)(a) If a juvenile offender is ordered to secure care, the authority shall set a  
25330 presumptive term of parole supervision, including aftercare services, from three to  
25331 four months, but the presumptive term may not exceed four months.
- 25332 (b) If the authority determines that a juvenile offender is unable to return home

- 25333 immediately upon release, the juvenile offender may serve the term of parole:
- 25334 (i) in the home of a qualifying relative or guardian;
- 25335 (ii) at an independent living program contracted or operated by the division; or
- 25336 (iii) in a family-based setting with approval by the director or the director's designee
- 25337 if the minor does not qualify for an independent living program due to age,
- 25338 disability, or another reason or the minor cannot be placed with a qualifying
- 25339 relative or guardian.
- 25340 (c) The authority shall release a juvenile offender from parole and terminate the
- 25341 authority's jurisdiction at the end of the presumptive term of parole, unless:
- 25342 (i) termination would interrupt the completion of a treatment program that is
- 25343 determined to be necessary by the results of a validated risk and needs assessment
- 25344 under Section 80-6-606;
- 25345 (ii) the juvenile offender commits a new misdemeanor or felony offense; or
- 25346 (iii) restitution has not been completed.
- 25347 (d) The authority shall determine whether a juvenile offender has completed a treatment
- 25348 program under Subsection (3)(c)(i) by considering:
- 25349 (i) the recommendations of the licensed service provider;
- 25350 (ii) the juvenile offender's record in the treatment program; and
- 25351 (iii) the juvenile offender's completion of the goals of the treatment program.
- 25352 (e) If one of the circumstances under Subsection (3)(c) exists, the authority may delay
- 25353 parole release only for the time needed to address the specific circumstance.
- 25354 (f) The authority shall:
- 25355 (i) record the grounds for extension of the presumptive length of parole and the
- 25356 length of the extension; and
- 25357 (ii) report annually the extension and the length of the extension to the commission.
- 25358 (g) Records under Subsection (3)(f) shall be tracked in the data system used by the
- 25359 juvenile court and the division.
- 25360 (h) If a juvenile offender leaves parole supervision without authorization for more than
- 25361 24 hours, the term of parole shall toll until the juvenile offender returns.
- 25362 (4) Subsections (2) and (3) do not apply to a juvenile offender ordered to secure care for:
- 25363 (a) Section 76-5-103, aggravated assault resulting in serious bodily injury to another;
- 25364 (b) Section 76-5-202, aggravated murder or attempted aggravated murder;
- 25365 (c) Section 76-5-203, murder or attempted murder;
- 25366 (d) Section 76-5-205, manslaughter;

- 25367 (e) Section 76-5-206, negligent homicide;
- 25368 (f) Section 76-5-207, automobile homicide;
- 25369 (g) Section 76-5-207.5, automobile homicide involving using a wireless communication  
25370 device while operating a motor vehicle;
- 25371 (h) Section 76-5-208, child abuse homicide;
- 25372 (i) Section 76-5-209, homicide by assault;
- 25373 (j) Section 76-5-302, aggravated kidnapping;
- 25374 (k) Section 76-5-405, aggravated sexual assault;
- 25375 (l) a felony violation of Section 76-6-103, aggravated arson;
- 25376 (m) Section 76-6-203, aggravated burglary;
- 25377 (n) Section 76-6-302, aggravated robbery;
- 25378 (o) Section ~~[76-10-508.1]~~ 76-11-208, felony discharge of a firearm;
- 25379 (p)(i) an offense other than an offense listed in Subsections (4)(a) through (o)  
25380 involving the use of a dangerous weapon, as defined in Section 76-1-101.5, that is  
25381 a felony; and
- 25382 (ii) the juvenile offender has been previously adjudicated or convicted of an offense  
25383 involving the use of a dangerous weapon, as defined in Section 76-1-101.5; or
- 25384 (q) an offense other than an offense listed in Subsections (4)(a) through (p) and the  
25385 juvenile offender has been previously ordered to secure care.
- 25386 Section 535. Section **80-6-1002** is amended to read:
- 25387 **80-6-1002 (Effective 05/07/25). Vacatur of an adjudication.**
- 25388 (1)(a) An individual who has been adjudicated for an offense by the juvenile court may  
25389 petition the juvenile court for vacatur of the adjudication if the adjudication was for a  
25390 violation of:
- 25391 (i) Section 76-5-308, human trafficking for labor if the petitioner engaged in the  
25392 human trafficking for labor while subject to force, fraud, or coercion;
- 25393 (ii) Section ~~[76-10-1302]~~ 76-5d-202, prostitution; or
- 25394 (iii) Section ~~[76-10-1304]~~ 76-5d-206, aiding prostitution~~[; or]~~ .
- 25395 ~~[(iv) Section 76-10-1313, sexual solicitation.]~~
- 25396 (b) The petitioner shall include in the petition the relevant juvenile court incident  
25397 number and any agencies known or alleged to have any records related to the offense  
25398 for which vacatur is being sought.
- 25399 (c) The petitioner shall include with the petition the original criminal history report  
25400 obtained from the Bureau of Criminal Identification in accordance with the

- 25401 provisions of Section 53-10-108.
- 25402 (d) The petitioner shall send a copy of the petition to the prosecuting attorney.
- 25403 (2)(a) Upon the filing of a petition, the juvenile court shall:
- 25404 (i) set a date for a hearing; and
- 25405 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,
- 25406 notify the prosecuting attorney and any affected agency identified in the juvenile
- 25407 record:
- 25408 (A) that a petition has been filed; and
- 25409 (B) of the date of the hearing.
- 25410 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice
- 25411 of a petition for vacatur.
- 25412 (ii) At least 30 days before the day on which the hearing is scheduled, a victim shall
- 25413 receive notice of a petition for vacatur if, before the entry of vacatur, the victim, or
- 25414 the victim's next of kin or authorized representative if the victim is a child or an
- 25415 individual who is incapacitated or deceased, submits a written and signed request
- 25416 for notice to the court in the judicial district in which the crime occurred or
- 25417 judgment was entered.
- 25418 (iii) The notice shall include a copy of the petition and statutes and rules applicable to
- 25419 the petition.
- 25420 (c) At the hearing, the petitioner, the prosecuting attorney, a victim, and any other
- 25421 person who may have relevant information about the petitioner may testify.
- 25422 (3)(a) In deciding whether to grant a petition for vacatur of an adjudication of an
- 25423 offense for human trafficking of labor described in Subsection (1)(a)(i), the juvenile
- 25424 court shall consider whether the petitioner acted subject to force, fraud, or coercion at
- 25425 the time of the conduct giving rise to the adjudication.
- 25426 (b) If the juvenile court finds by a preponderance of the evidence that the petitioner was
- 25427 subject to force, fraud, or coercion at the time of the conduct giving rise to the
- 25428 adjudication, the juvenile court shall grant vacatur of the adjudication.
- 25429 (c) If the juvenile court does not find sufficient evidence, the juvenile court shall deny
- 25430 vacatur of the adjudication.
- 25431 (4) If the petition seeks to vacate an adjudication of an offense described in Subsection
- 25432 (1)(a)(ii) through (iv), the juvenile court shall presumptively grant vacatur of the
- 25433 adjudication unless the petitioner acted as a purchaser of any sexual activity.
- 25434 (5)(a) Except as provided in Subsection (5)(b), if the juvenile court grants a vacatur of

25435 an adjudication for an offense described in Subsection (1)(a), the juvenile court shall  
 25436 order expungement of all records in the petitioner's juvenile record pertaining to the  
 25437 incident identified in the petition, including relevant related records contained in the  
 25438 Management Information System and the Licensing Information System.

25439 (b) The juvenile court may not order expungement of any record in the petitioner's  
 25440 juvenile record that contains an adjudication for a violation of:

25441 (i) Section 76-5-202, aggravated murder; or

25442 (ii) Section 76-5-203, murder.

25443 (6)(a) The petitioner shall be responsible for service of the vacatur and expungement  
 25444 order to all affected state, county, and local entities, agencies, and officials.

25445 (b) To avoid destruction or expungement of the records in whole or in part, the agency  
 25446 or entity receiving the vacatur and expungement order shall only expunge all  
 25447 references to the petitioner's name in the records pertaining to the relevant  
 25448 adjudicated juvenile court incident.

25449 (7)(a) Upon entry of a vacatur and expungement order under this section:

25450 (i) the proceedings in the incident identified in the petition are considered never to  
 25451 have occurred; and

25452 (ii) the petitioner may reply to an inquiry on the matter as though the proceedings  
 25453 never occurred.

25454 (b) Upon petition, any record expunged under this section may only be released to or  
 25455 viewed by:

25456 (i) the individual who is the subject of the record; or

25457 (ii) a person named in the petition of vacatur.

25458 Section 536. Section **80-6-1004.1** is amended to read:

25459 **80-6-1004.1 (Effective 05/07/25). Petition to expunge adjudication -- Hearing**  
 25460 **and notice -- Waiver -- Order.**

25461 (1) An individual may petition the juvenile court for an order to expunge the individual's  
 25462 juvenile record if:

25463 (a) the individual was adjudicated for an offense in the juvenile court;

25464 (b) the individual has reached 18 years old; and

25465 (c) at least one year has passed from the day on which:

25466 (i) the juvenile court's continuing jurisdiction was terminated; or

25467 (ii) if the individual was committed to secure care, the individual was unconditionally  
 25468 released from the custody of the division.

- 25469 (2) If a petitioner is 18 years old or older and seeks an expungement under Subsection (1),  
25470 the petition shall include a criminal history report obtained from the Bureau of Criminal  
25471 Identification in accordance with Section 53-10-108.
- 25472 (3) If the juvenile court finds and states on the record the reason why the waiver is  
25473 appropriate, the juvenile court may waive:
- 25474 (a) the age requirement under Subsection (1)(b) for a petition; or  
25475 (b) the one-year requirement under Subsection (1)(c) for a petition.
- 25476 (4)(a) Upon the filing of a petition described in Subsection (1)(a), the juvenile court  
25477 shall:
- 25478 (i) set a date for a hearing; and  
25479 (ii) at least 30 days before the day on which the hearing on the petition is scheduled,  
25480 notify the prosecuting attorney and any affected agency identified in the  
25481 petitioner's juvenile record:
- 25482 (A) that the petition has been filed; and  
25483 (B) of the date of the hearing.
- 25484 (b)(i) The juvenile court shall provide a victim with the opportunity to request notice  
25485 of a petition described in Subsection (1).  
25486 (ii) Upon the victim's request under Subsection (4)(b)(i), the victim shall receive  
25487 notice of the petition at least 30 days before the day on which the hearing is  
25488 scheduled if, before the day on which an expungement order is made, the victim,  
25489 or the victim's next of kin or authorized representative if the victim is a child or an  
25490 individual who is incapacitated or deceased, submits a written and signed request  
25491 for notice to the juvenile court in the judicial district in which the offense occurred  
25492 or judgment is entered.
- 25493 (iii) The notice described in Subsection (4)(b)(ii) shall include a copy of the petition  
25494 and any statutes and rules applicable to the petition.
- 25495 (c) At the hearing, the prosecuting attorney, a victim, and any other individual who may  
25496 have relevant information about the petitioner may testify.
- 25497 (d) The juvenile court may waive the hearing for the petition if:
- 25498 (i)(A) there is no victim; or  
25499 (B) if there is a victim, the victim agrees to the waiver; and  
25500 (ii) the prosecuting attorney agrees to the waiver.
- 25501 (5)(a) Except as provided in Subsection (6), the juvenile court may grant a petition  
25502 described in Subsection (1) and order expungement of the petitioner's juvenile record



- 25503 if the juvenile court finds that the petitioner is rehabilitated to the satisfaction of the  
 25504 court in accordance with Subsection (5)(b).
- 25505 (b) In deciding whether to grant a petition described in Subsection (1), the juvenile court  
 25506 shall consider:
- 25507 (i) whether expungement of the petitioner's juvenile record is in the best interest of  
 25508 the petitioner;
- 25509 (ii) the petitioner's response to programs and treatment;
- 25510 (iii) the nature and seriousness of the conduct for which the petitioner was  
 25511 adjudicated;
- 25512 (iv) the petitioner's behavior subsequent to adjudication;
- 25513 (v) the petitioner's reason for seeking expungement of the petitioner's juvenile record;  
 25514 and
- 25515 (vi) if the petitioner is a restricted person under Subsection ~~[76-10-503(1)(a)(iv) or~~  
 25516 ~~(b)(iii)]~~ 76-11-302(1)(a)(iv) or (1)(b)(iii):
- 25517 (A) whether the offense for which the petitioner is a restricted person was  
 25518 committed with a weapon;
- 25519 (B) whether expungement of the petitioner's juvenile record poses an unreasonable  
 25520 risk to public safety; and
- 25521 (C) the amount of time that has passed since the adjudication of the offense for  
 25522 which the petitioner is a restricted person.
- 25523 (6) The juvenile court may not grant a petition described in Subsection (1) and order  
 25524 expungement of the petitioner's juvenile record if:
- 25525 (a) the petitioner has been convicted of a violent felony within five years before the day  
 25526 on which the petition for expungement is filed;
- 25527 (b) there are delinquency or criminal proceedings pending against the petitioner;
- 25528 (c) the petitioner has not satisfied a judgment of restitution entered by the juvenile court  
 25529 for an adjudication in the petitioner's juvenile record;
- 25530 (d) the petitioner has not satisfied restitution that was a condition of a nonjudicial  
 25531 adjustment in the petitioner's juvenile record; or
- 25532 (e) the petitioner's juvenile record contains an adjudication for a violation of:
- 25533 (i) Section 76-5-202, aggravated murder; or  
 25534 (ii) Section 76-5-203, murder.
- 25535 Section 537. Section **80-6-1004.5** is amended to read:
- 25536 **80-6-1004.5 (Effective 05/07/25). Automatic expungement of successful**

25537 **nonjudicial adjustment -- Effect of successful nonjudicial adjustment.**

- 25538 (1) Except as provided in Subsection (2), the juvenile court shall issue, without a petition,  
 25539 an order to expunge an individual's juvenile record if:
- 25540 (a) the individual has reached 18 years old;
- 25541 (b) the individual's juvenile record consists solely of nonjudicial adjustments;
- 25542 (c) the individual has successfully completed each nonjudicial adjustment; and
- 25543 (d) all nonjudicial adjustments were completed on or after October 1, 2023.
- 25544 (2) An individual's juvenile record is not eligible for expungement under Subsection (1) if  
 25545 the individual's juvenile record contains a nonjudicial adjustment for a violation of:
- 25546 (a) Section 41-6a-502, driving under the influence;
- 25547 (b) Section 76-5-112, reckless endangerment creating a substantial risk of death or  
 25548 serious bodily injury;
- 25549 (c) Section 76-5-206, negligent homicide;
- 25550 (d) Section [~~76-9-702.1~~] 76-5-418, sexual battery;
- 25551 (e) Section [~~76-10-505.5~~] 76-11-204, possession of a dangerous weapon, firearm, or  
 25552 short barreled shotgun on or about school premises; or
- 25553 (f) Section [~~76-10-509.4~~] 76-11-209, possession of a dangerous weapon by a minor.
- 25554 (3) If an individual's juvenile record consists solely of nonjudicial adjustments that were  
 25555 completed before October 1, 2023:
- 25556 (a) any nonjudicial adjustment in the individual's juvenile record is considered to never  
 25557 have occurred if:
- 25558 (i) the individual has reached 18 years old;
- 25559 (ii) the individual has satisfied restitution that was a condition of any nonjudicial  
 25560 adjustment in the individual's juvenile record; and
- 25561 (iii) the nonjudicial adjustment was for an offense that is not an offense described in  
 25562 Subsection (2); and
- 25563 (b) the individual may reply to any inquiry about the nonjudicial adjustment as though  
 25564 there never was a nonjudicial adjustment.
- 25565 Section 538. Section **81-9-202** is amended to read:
- 25566 **81-9-202 (Effective 05/07/25). Advisory guidelines for a custody and parent-time**  
 25567 **arrangement.**
- 25568 (1) In addition to the parent-time schedules provided in Sections 81-9-302 and 81-9-304,  
 25569 the following advisory guidelines are suggested to govern a custody and parent-time  
 25570 arrangement between parents.

- 25571 (2) A parent-time schedule mutually agreed upon by both parents is preferable to a  
25572 court-imposed solution.
- 25573 (3) A parent-time schedule shall be used to maximize the continuity and stability of the  
25574 minor child's life.
- 25575 (4) Each parent shall give special consideration to make the minor child available to attend  
25576 family functions including funerals, weddings, family reunions, religious holidays,  
25577 important ceremonies, and other significant events in the life of the minor child or in the  
25578 life of either parent which may inadvertently conflict with the parent-time schedule.
- 25579 (5)(a) The court shall determine the responsibility for the pick up, delivery, and return  
25580 of the minor child when the parent-time order is entered.
- 25581 (b) The court may change the responsibility described in Subsection (5)(a) at any time a  
25582 subsequent modification is made to the parent-time order.
- 25583 (c) If the noncustodial parent will be providing transportation, the custodial parent shall:  
25584 (i) have the minor child ready for parent-time at the time the minor child is to be  
25585 picked up ; and  
25586 (ii) be present at the custodial home or make reasonable alternate arrangements to  
25587 receive the minor child at the time the minor child is returned.
- 25588 (d) If the custodial parent will be transporting the minor child, the noncustodial parent  
25589 shall:  
25590 (i) be at the appointed place at the time the noncustodial parent is to receive the  
25591 minor child; and  
25592 (ii) have the minor child ready to be picked up at the appointed time and place or  
25593 have made reasonable alternate arrangements for the custodial parent to pick up  
25594 the minor child.
- 25595 (6) A parent may not interrupt regular school hours for a school-age minor child for the  
25596 exercise of parent-time.
- 25597 (7) The court may:  
25598 (a) make alterations in the parent-time schedule to reasonably accommodate the work  
25599 schedule of both parents; and  
25600 (b) increase the parent-time allowed to the noncustodial parent but may not diminish the  
25601 standardized parent-time provided in Sections 81-9-302 and 81-9-304.
- 25602 (8) The court may make alterations in the parent-time schedule to reasonably accommodate  
25603 the distance between the parties and the expense of exercising parent-time.
- 25604 (9) A parent may not withhold parent-time or child support due to the other parent's failure

- 25605 to comply with a court-ordered parent-time schedule.
- 25606 (10)(a) The custodial parent shall notify the noncustodial parent within 24 hours of  
25607 receiving notice of all significant school, social, sports, and community functions in  
25608 which the minor child is participating or being honored.
- 25609 (b) The noncustodial parent is entitled to attend and participate fully in the functions  
25610 described in Subsection (10)(a).
- 25611 (c) The noncustodial parent shall have access directly to all school reports including  
25612 preschool and daycare reports and medical records.
- 25613 (d) A parent shall immediately notify the other parent in the event of a medical  
25614 emergency.
- 25615 (11) Each parent shall provide the other with the parent's current address and telephone  
25616 number, email address, and other virtual parent-time access information within 24 hours  
25617 of any change.
- 25618 (12)(a) Each parent shall permit and encourage, during reasonable hours, reasonable  
25619 and uncensored communications with the minor child, in the form of mail privileges  
25620 and virtual parent-time if the equipment is reasonably available.
- 25621 (b) If the parents cannot agree on whether the equipment is reasonably available, the  
25622 court shall decide whether the equipment for virtual parent-time is reasonably  
25623 available by taking into consideration:
- 25624 (i) the best interests of the minor child;
- 25625 (ii) each parent's ability to handle any additional expenses for virtual parent-time; and  
25626 (iii) any other factors the court considers material.
- 25627 (13)(a) Parental care is presumed to be better care for the minor child than surrogate  
25628 care.
- 25629 (b) The court shall encourage the parties to cooperate in allowing the noncustodial  
25630 parent, if willing and able to transport the minor child, to provide the child care.
- 25631 (c) Child care arrangements existing during the marriage are preferred as are child care  
25632 arrangements with nominal or no charge.
- 25633 (14) Each parent shall:
- 25634 (a) provide all surrogate care providers with the name, current address, and telephone  
25635 number of the other parent; and
- 25636 (b) provide the noncustodial parent with the name, current address, and telephone  
25637 number of all surrogate care providers unless the court for good cause orders  
25638 otherwise.

- 25639 (15)(a) Each parent is entitled to an equal division of major religious holidays  
25640 celebrated by the parents.
- 25641 (b) The parent who celebrates a religious holiday that the other parent does not celebrate  
25642 shall have the right to be together with the minor child on the religious holiday.
- 25643 (16) If the minor child is on a different parent-time schedule than a sibling, based on  
25644 Sections 81-9-302 and 81-9-304, the parents should consider if an upward deviation for  
25645 parent-time with all the minor children so that parent-time is uniform between school  
25646 aged and nonschool aged children, is appropriate.
- 25647 (17)(a) When one or both parents are servicemembers or contemplating joining a  
25648 uniformed service, the parents should resolve issues of custodial responsibility in the  
25649 event of deployment as soon as practicable through reaching a voluntary agreement  
25650 pursuant to Section 78B-20-201 or through court order obtained pursuant to this part.
- 25651 (b) Service members shall ensure their family care plan reflects orders and agreements  
25652 entered and filed pursuant to Title 78B, Chapter 20, Uniform Deployed Parents  
25653 Custody, Parent-time, and Visitation Act.
- 25654 (18) A parent shall immediately notify the other parent if:
- 25655 (a) the parent resides with an individual or provides an individual with access to the  
25656 minor child; and
- 25657 (b) the parent knows that the individual:
- 25658 (i) is required to register as a sex offender or a kidnap offender for an offense against  
25659 a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 25660 (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child  
25661 Abuse Offender Registry; or
- 25662 (iii) has been convicted of:
- 25663 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,  
25664 76-5-114, or 76-5-208;
- 25665 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual  
25666 Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420;
- 25667 (C) an offense for kidnapping or human trafficking of a minor child under Title  
25668 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 25669 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,  
25670 Sexual Exploitation Act; or
- 25671 (E) an offense that is substantially similar to an offense under Subsections  
25672 (18)(b)(iii)(A) through (D).

- 25673 (19)(a) For emergency purposes, whenever the minor child travels with a parent, the  
 25674 parent shall provide the following information to the other parent:
- 25675 (i) an itinerary of travel dates;
  - 25676 (ii) destinations;
  - 25677 (iii) places where the minor child or traveling parent can be reached; and
  - 25678 (iv) the name and telephone number of an available third person who would be  
 25679 knowledgeable of the minor child's location.
- 25680 (b) Unchaperoned travel of a minor child under the age of five years is not  
 25681 recommended.
- 25682 Section 539. Section **81-9-204** is amended to read:
- 25683 **81-9-204 (Effective 05/07/25). Custody and parent-time of a minor child --**  
 25684 **Custody factors -- Preferences.**
- 25685 (1) In a proceeding between parents in which the custody and parent-time of a minor child  
 25686 is at issue, the court shall consider the best interests of the minor child in determining  
 25687 any form of custody and parent-time.
  - 25688 (2) The court shall determine whether an order for custody or parent-time is in the best  
 25689 interests of the minor child by a preponderance of the evidence.
  - 25690 (3) In determining any form of custody and parent-time under Subsection (1), the court  
 25691 shall consider:
    - 25692 (a) for each parent, and in accordance with Section 81-9-104, evidence of domestic  
 25693 violence, physical abuse, or sexual abuse involving the minor child, the parent, or a  
 25694 household member of the parent;
    - 25695 (b) whether the parent has intentionally exposed the minor child to:
      - 25696 (i) pornography; or
      - 25697 (ii) material harmful to minors, as "material" and "harmful to minors" are defined in  
 25698 Section [~~76-10-1201~~] 76-5c-101; and
    - 25699 (c) whether custody and parent-time would endanger the minor child's health or physical  
 25700 or psychological safety.
  - 25701 (4) In determining the form of custody and parent-time that is in the best interests of the  
 25702 minor child, the court may consider, among other factors the court finds relevant, the  
 25703 following for each parent:
    - 25704 (a) evidence of psychological maltreatment;
    - 25705 (b) the parent's demonstrated understanding of, responsiveness to, and ability to meet the  
 25706 developmental needs of the minor child, including the minor child's:

- 25707 (i) physical needs;
- 25708 (ii) emotional needs;
- 25709 (iii) educational needs;
- 25710 (iv) medical needs; and
- 25711 (v) any special needs;
- 25712 (c) the parent's capacity and willingness to function as a parent, including:
- 25713 (i) parenting skills;
- 25714 (ii) co-parenting skills, including:
- 25715 (A) ability to appropriately communicate with the other parent;
- 25716 (B) ability to encourage the sharing of love and affection; and
- 25717 (C) willingness to allow frequent and continuous contact between the minor child
- 25718 and the other parent, except that, if the court determines that the parent is
- 25719 acting to protect the minor child from domestic violence, neglect, or abuse, the
- 25720 parent's protective actions may be taken into consideration; and
- 25721 (iii) ability to provide personal care rather than surrogate care;
- 25722 (d) the past conduct and demonstrated moral character of the parent as described in
- 25723 Subsection (9);
- 25724 (e) the emotional stability of the parent;
- 25725 (f) the parent's inability to function as a parent because of drug abuse, excessive
- 25726 drinking, or other causes;
- 25727 (g) the parent's reason for having relinquished custody or parent-time in the past;
- 25728 (h) duration and depth of desire for custody or parent-time;
- 25729 (i) the parent's religious compatibility with the minor child;
- 25730 (j) the parent's financial responsibility;
- 25731 (k) the child's interaction and relationship with step-parents, extended family members
- 25732 of other individuals who may significantly affect the minor child's best interests;
- 25733 (l) who has been the primary caretaker of the minor child;
- 25734 (m) previous parenting arrangements in which the minor child has been happy and
- 25735 well-adjusted in the home, school, and community;
- 25736 (n) the relative benefit of keeping siblings together;
- 25737 (o) the stated wishes and concerns of the minor child, taking into consideration the
- 25738 minor child's cognitive ability and emotional maturity;
- 25739 (p) the relative strength of the minor child's bond with the parent, meaning the depth,
- 25740 quality, and nature of the relationship between the parent and the minor child; and

- 25741 (q) any other factor the court finds relevant.
- 25742 (5)(a) A minor child may not be required by either party to testify unless the trier of fact  
25743 determines that extenuating circumstances exist that would necessitate the testimony  
25744 of the minor child be heard and there is no other reasonable method to present the  
25745 minor child's testimony.
- 25746 (b)(i) The court may inquire and take into consideration the minor child's desires  
25747 regarding future custody or parent-time schedules, but the expressed desires are  
25748 not controlling and the court may determine the minor child's custody or  
25749 parent-time otherwise.
- 25750 (ii) The desires of a minor child who is 14 years old or older shall be given added  
25751 weight, but is not the single controlling factor.
- 25752 (c)(i) If an interview with a minor child is conducted by the court in accordance with  
25753 Subsection (5)(b), the interview shall be conducted by the court in camera.
- 25754 (ii) The prior consent of the parties may be obtained but is not necessary if the court  
25755 finds that an interview with a minor child is the only method to ascertain the  
25756 minor child's desires regarding custody.
- 25757 (6)(a) Except as provided in Subsection (6)(b), a court may not discriminate against a  
25758 parent due to a disability, as defined in Section 57-21-2, in awarding custody or  
25759 determining whether a substantial change has occurred for the purpose of modifying  
25760 an award of custody.
- 25761 (b) The court may not consider the disability of a parent as a factor in awarding custody  
25762 or modifying an award of custody based on a determination of a substantial change in  
25763 circumstances, unless the court makes specific findings that:
- 25764 (i) the disability significantly or substantially inhibits the parent's ability to provide  
25765 for the physical and emotional needs of the minor child at issue; and
- 25766 (ii) the parent with a disability lacks sufficient human, monetary, or other resources  
25767 available to supplement the parent's ability to provide for the physical and  
25768 emotional needs of the minor child at issue.
- 25769 (c) Nothing in this section may be construed to apply to adoption proceedings under  
25770 Title 78B, Chapter 6, Part 1, Utah Adoption Act.
- 25771 (7) This section does not establish:
- 25772 (a) a preference for either parent solely because of the gender of the parent; or
- 25773 (b) a preference for or against joint physical custody or sole physical custody, but allows  
25774 the court and the family the widest discretion to choose a parenting plan that is in the



- 25775 best interest of the minor child.
- 25776 (8) When an issue before the court involves custodial responsibility in the event of a  
25777 deployment of a parent who is a service member and the service member has not yet  
25778 been notified of deployment, the court shall resolve the issue based on the standards in  
25779 Sections 78B-20-306 through 78B-20-309.
- 25780 (9) In considering the past conduct and demonstrated moral standards of each party under  
25781 Subsection (4)(d) or any other factor a court finds relevant, the court may not:
- 25782 (a)(i) consider or treat a parent's lawful possession or use of cannabis in a medicinal  
25783 dosage form, a cannabis product in a medicinal dosage form, or a medical  
25784 cannabis device, in accordance with Title 4, Chapter 41a, Cannabis Production  
25785 Establishments and Pharmacies, Title 26B, Chapter 4, Part 2, Cannabinoid  
25786 Research and Medical Cannabis, or Subsection 58-37-3.7(2) or (3) any differently  
25787 than the court would consider or treat the lawful possession or use of any  
25788 prescribed controlled substance; or
- 25789 (ii) discriminate against a parent because of the parent's status as a:
- 25790 (A) cannabis production establishment agent, as that term is defined in Section  
25791 4-41a-102;
- 25792 (B) medical cannabis pharmacy agent, as that term is defined in Section 26B-4-201;
- 25793 (C) medical cannabis courier agent, as that term is defined in Section 26B-4-201;
- 25794 or
- 25795 (D) medical cannabis cardholder in accordance with Title 26B, Chapter 4, Part 2,  
25796 Cannabinoid Research and Medical Cannabis; or
- 25797 (b) discriminate against a parent based upon the parent's agreement or disagreement with  
25798 a minor child of the couple's:
- 25799 (i) assertion that the minor child's gender identity is different from the minor child's  
25800 biological sex; or
- 25801 (ii) practice of having or expressing a different gender identity than the minor child's  
25802 biological sex.
- 25803 (10)(a) The court shall consider evidence of domestic violence if evidence of domestic  
25804 violence is presented.
- 25805 (b) The court shall consider as primary, the safety and well-being of the minor child and  
25806 the parent who experiences domestic violence.
- 25807 (c) A court shall consider an order issued by a court in accordance with Title 78B,  
25808 Chapter 7, Part 6, Cohabitant Abuse Protective Orders, as evidence of real harm or

- 25809 substantiated potential harm to the minor child.
- 25810 (d) If a parent relocates because of an act of domestic violence or family violence by the
- 25811 other parent, the court shall make specific findings and orders with regards to the
- 25812 application of Section 81-9-209.
- 25813 (11) Absent a showing by a preponderance of evidence of real harm or substantiated
- 25814 potential harm to the minor child:
- 25815 (a) it is in the best interest of the minor child to have frequent, meaningful, and
- 25816 continuing access to each parent following separation or divorce;
- 25817 (b) each parent is entitled to and responsible for frequent, meaningful, and continuing
- 25818 access with the parent's minor child consistent with the minor child's best interests;
- 25819 and
- 25820 (c) it is in the best interest of the minor child to have both parents actively involved in
- 25821 parenting the minor child.
- 25822 (12) Notwithstanding any other provision of this chapter, the court may not grant custody or
- 25823 parent-time of a minor child to a parent convicted of a sexual offense, as defined in
- 25824 Section 77-37-2, that resulted in the conception of the minor child unless:
- 25825 (a) the nonconvicted biological parent, or the legal guardian of the minor child, consents
- 25826 to custody or parent-time and the court determines it is in the best interest of the
- 25827 minor child to award custody or parent-time to the convicted parent; or
- 25828 (b) after the date of the conviction, the convicted parent and the nonconvicted parent
- 25829 cohabit and establish a mutual custodial environment for the minor child.
- 25830 (13) A denial of custody or parent-time under Subsection (12) does not:
- 25831 (a) terminate the parental rights of the parent denied parent-time or custody; or
- 25832 (b) affect the obligation of the convicted parent to financially support the minor child.
- 25833 Section 540. Section **81-9-208** is amended to read:
- 25834 **81-9-208 (Effective 05/07/25). Modification or termination of a custody or**
- 25835 **parent-time order -- Noncompliance with a parent-time order.**
- 25836 (1) The court has continuing jurisdiction to make subsequent changes to modify:
- 25837 (a) custody of a minor child if there is a showing of a substantial and material change in
- 25838 circumstances since the entry of the order; and
- 25839 (b) parent-time for a minor child if there is a showing that there is a change in
- 25840 circumstances since the entry of the order.
- 25841 (2) A substantial and material change in circumstances under Subsection (1)(a) includes a
- 25842 showing by a parent that the other parent:

- 25843 (a) resides with an individual or provides an individual with access to the minor child;  
 25844 and
- 25845 (b) knows that the individual:
- 25846 (i) is required to register as a sex offender or a kidnap offender for an offense against  
 25847 a minor child under Title 77, Chapter 41, Sex and Kidnap Offender Registry;
- 25848 (ii) is required to register as a child abuse offender under Title 77, Chapter 43, Child  
 25849 Abuse Offender Registry; or
- 25850 (iii) has been convicted of:
- 25851 (A) a child abuse offense under Section 76-5-109, 76-5-109.2, 76-5-109.3,  
 25852 76-5-114, or 76-5-208;
- 25853 (B) a sexual offense against a minor child under Title 76, Chapter 5, Part 4, Sexual  
 25854 Offenses, not including Section 76-5-417, 76-5-418, 76-5-419, or 76-5-420;
- 25855 (C) an offense for kidnapping or human trafficking of a minor child under Title  
 25856 76, Chapter 5, Part 3, Kidnapping, Trafficking, and Smuggling;
- 25857 (D) a sexual exploitation offense against a minor child under Title 76, Chapter 5b,  
 25858 Sexual Exploitation Act; or
- 25859 (E) an offense that is substantially similar to an offense under Subsections  
 25860 (2)(b)(iii)(A) through (D).
- 25861 (3) On the petition of one or both of the parents, or the joint legal or physical custodians if  
 25862 they are not the parents, the court may, after a hearing, modify or terminate an order that  
 25863 established joint legal custody or joint physical custody if:
- 25864 (a) the verified petition or accompanying affidavit initially alleges that admissible  
 25865 evidence will show that there has been a substantial and material change in the  
 25866 circumstances of the minor child or one or both parents or joint legal or physical  
 25867 custodians since the entry of the order to be modified;
- 25868 (b) a modification of the terms and conditions of the order would be an improvement for  
 25869 and in the best interest of the minor child; and
- 25870 (c)(i) both parents have complied in good faith with the dispute resolution procedure  
 25871 in accordance with Subsection 81-9-205(8); or
- 25872 (ii) if no dispute resolution procedure is contained in the order that established joint  
 25873 legal custody or joint physical custody, the court orders the parents to participate  
 25874 in a dispute resolution procedure in accordance with Subsection 81-9-205(13)  
 25875 unless the parents certify that, in good faith, they have used a dispute resolution  
 25876 procedure to resolve their dispute.

- 25877 (4)(a) In determining whether the best interest of a minor child will be served by either  
25878 modifying or terminating the joint legal custody or joint physical custody order, the  
25879 court shall, in addition to other factors the court considers relevant, consider the  
25880 factors described in Sections 81-9-204 and 81-9-205.
- 25881 (b) A court order modifying or terminating an existing joint legal custody or joint  
25882 physical custody order shall contain written findings that:
- 25883 (i) a substantial and material change of circumstance has occurred; and  
25884 (ii) a modification of the terms and conditions of the order would be an improvement  
25885 for and in the best interest of the minor child.
- 25886 (c) The court shall give substantial weight to the existing joint legal custody or joint  
25887 physical custody order when the minor child is thriving, happy, and well-adjusted.
- 25888 (5) The court shall, in every case regarding a petition for termination of a joint legal  
25889 custody or joint physical custody order, consider reasonable alternatives to preserve the  
25890 existing order in accordance with Section 81-9-204.
- 25891 (6) The court may modify the terms and conditions of the existing order in accordance with  
25892 this chapter and may order the parents to file a parenting plan in accordance with  
25893 Section 81-9-203.
- 25894 (7) A parent requesting a modification from sole custody to joint legal custody or joint  
25895 physical custody or both, or any other type of shared parenting arrangement, shall file  
25896 and serve a proposed parenting plan with the petition to modify in accordance with  
25897 Section 81-9-203.
- 25898 (8) If an issue before the court involves custodial responsibility in the event of deployment  
25899 of one or both parents who are service members, and the service member has not yet  
25900 been notified of deployment, the court shall resolve the issue based on the standards in  
25901 Sections 78B-20-306 through 78B-20-309.
- 25902 (9) If the court finds that an action to modify custody or parent-time is filed or answered  
25903 frivolously and, in a manner, designed to harass the other party, the court shall assess  
25904 attorney fees as costs against the offending party.
- 25905 (10) If a petition to modify custody or parent-time provisions of a court order is made and  
25906 denied, the court shall order the petitioner to pay the reasonable attorney fees expended  
25907 by the prevailing party in that action if the court determines that the petition was without  
25908 merit and not asserted or defended against in good faith.
- 25909 (11) If a motion or petition alleges noncompliance with a parent-time order by a parent, or a  
25910 visitation order by a grandparent or other member of the immediate family where a

- 25911 visitation or parent-time right has been previously granted by the court, the court:
- 25912 (a) may award to the prevailing party:
- 25913 (i) actual attorney fees incurred;
- 25914 (ii) the costs incurred by the prevailing party because of the other party's failure to
- 25915 provide or exercise court-ordered visitation or parent-time, including:
- 25916 (A) court costs;
- 25917 (B) child care expenses;
- 25918 (C) transportation expenses actually incurred;
- 25919 (D) lost wages, if ascertainable; or
- 25920 (E) counseling for a parent or a minor child if ordered or approved by the court; or
- 25921 (iii) any other appropriate equitable remedy; and
- 25922 (b) shall award reasonable make-up parent-time to the prevailing party, unless make-up
- 25923 parent-time is not in the best interest of the minor child.

25924 **Section 541. Repealer.**

25925 This bill repeals:

25926 **Section 76-5b-101, Title.**

25927 **Section 76-9-406, Injunctive relief against privacy offenses -- Damages.**

25928 **Section 76-9-505, Libelous matter not privileged.**

25929 **Section 76-9-801, Title.**

25930 **Section 76-9-901, Title.**

25931 **Section 76-9-902, Definitions.**

25932 **Section 76-9-906, Protection of constitutional rights.**

25933 **Section 76-9-907, Training for participating law enforcement officers.**

25934 **Section 76-9-1001, Title.**

25935 **Section 76-10-404, Exemptions.**

25936 **Section 76-10-405, Reimbursement of government response expenses.**

25937 **Section 76-10-500, Uniform law.**

25938 **Section 76-10-512, Target concessions, shooting ranges, competitions, and hunting**

25939 **excepted from prohibitions.**

25940 **Section 76-10-521, Unlawful marking of pistol or revolver.**

25941 **Section 76-10-604, Violations -- Classification of offense.**

25942 **Section 76-10-803, "Public nuisance" defined -- Agricultural operations -- Critical**

25943 **infrastructure materials operations.**

25944 **Section 76-10-1008, Inspections by trade commission.**

- 25945 Section **76-10-1009, Violation as unfair trade practice and unfair competition --**  
 25946 **Investigation and enforcement proceedings by trade commission.**
- 25947 Section **76-10-1010, Action by law enforcement agencies on complaints.**
- 25948 Section **76-10-1101.5, General culpability requirement applicable.**
- 25949 Section **76-10-1106, Duty of prosecuting attorney or law enforcement officer to**  
 25950 **prosecute offenses.**
- 25951 Section **76-10-1108, Seizure and disposition of gambling debts or proceeds.**
- 25952 Section **76-10-1218, Qualification for exhibition and distribution of films required.**
- 25953 Section **76-10-1221, Service of process, notice, or demand on registered agent of film**  
 25954 **distributor.**
- 25955 Section **76-10-1224, Defense to prosecution for distribution or exhibition of**  
 25956 **pornographic film -- Status as projectionist or other employee no defense.**
- 25957 Section **76-10-1225, Prosecution of pornographic film violations by county attorney,**  
 25958 **district attorney, or city attorney.**
- 25959 Section **76-10-1226, Exemptions from application of film distribution act.**
- 25960 Section **76-10-1227, Indecent public displays -- Definitions.**
- 25961 Section **76-10-1229.5, Breast feeding is not violation of this part.**
- 25962 Section **76-10-1234, Rulemaking authority.**
- 25963 Section **76-10-1308, Prosecution.**
- 25964 Section **76-10-1310, Definitions.**
- 25965 Section **76-10-1501, Short title.**
- 25966 Section **76-10-1502, Legislative findings.**
- 25967 Section **76-10-1511, Cumulative and supplemental nature of act.**
- 25968 Section **76-10-1601, Short title.**
- 25969 Section **76-10-1603.5, Violation a felony -- Costs -- Fines -- Divestiture -- Restrictions**  
 25970 **-- Dissolution or reorganization -- Prior restraint.**
- 25971 Section **76-10-1901, Short title.**
- 25972 Section **76-10-1904, Money laundering -- Penalty.**
- 25973 Section **76-10-1907, Separate offenses.**
- 25974 Section **76-10-2001, Definitions.**
- 25975 Section **76-10-2401, Definitions.**
- 25976 Section **76-10-2702, Penalty for littering on a park, recreation area, waterway, or other**  
 25977 **public or private land.**
- 25978 Section **76-10-3003, Corporation guilty of unfair discrimination -- Action by attorney**

25979 **general.**

25980 Section **76-10-3004, Penalty for violation.**

25981 Section **76-10-3101, Title.**

25982 Section **76-10-3113, Conviction as prima facie evidence in action for injunctive relief or**  
25983 **damages.**

25984 Section **76-10-3118, Interpretation of act.**

25985 Section 542. **Effective Date.**

25986 This bill takes effect on May 7, 2025.