

PENALTY FOR FALSE STATEMENT DURING DRUG ARREST

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Ken Ivory

Senate Sponsor: Keith Grover

LONG TITLE

General Description:

This bill modifies offenses related to giving false information to a law enforcement officer.

Highlighted Provisions:

This bill:

- makes it a crime for an actor arrested for a crime to falsely claim the actor ingested drugs before the arrest; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a coordination clause.

Utah Code Sections Affected:

AMENDS:

76-8-506, as last amended by Laws of Utah 2005, Chapter 92

Utah Code Sections affected by Coordination Clause:

76-8-506, as last amended by Laws of Utah 2005, Chapter 92

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

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section **76-8-506** is amended to read:

76-8-506 . Providing false information to law enforcement officers, government agencies, or specified professionals.

[A person] An actor is guilty of a class B misdemeanor if[he]:

- (1) the actor knowingly gives or causes to be given false information to [any] a peace officer or [any] a state or local government agency or personnel with a purpose of inducing the

- 29 recipient of the information to believe that another person has committed an offense;
- 30 (2) the actor knowingly gives or causes to be given to [~~any~~] a peace officer, [~~any~~] a state or
- 31 local government agency or personnel, or to [~~any person~~] an individual licensed in this
- 32 state to practice social work, psychology, or marriage and family therapy, information
- 33 concerning the commission of an offense, knowing that the offense did not occur or
- 34 knowing that [~~he~~] the actor has no information relating to the offense or danger; [~~or~~]
- 35 (3) the actor knowingly gives or causes to be given false information to [~~any~~] a state or local
- 36 government agency or personnel with a purpose of inducing a change in the [~~person's~~]
- 37 actor's licensing or certification status or the licensing or certification status of another
- 38 person; or
- 39 (4) (a) at the time of the actor's arrest for an offense, the actor states to a law
- 40 enforcement officer that the actor ingested drugs before the actor's arrest;
- 41 (b) the law enforcement officer, based on the actor's statement described in Subsection
- 42 (4)(a), takes the actor to a health care facility for medical treatment; and
- 43 (c) a medical examination of the actor demonstrates that the actor's statement described
- 44 in Subsection (4)(a) was false.

45 Section 2. **Effective date.**

46 This bill takes effect on May 1, 2024.

47 Section 3. **Coordinating H.B. 211 with H.B. 15.**

48 If H.B. 211, Penalty for False Statement During Drug Arrest, and H.B. 15, Criminal

49 Code Recodification and Cross References, both pass and become law, the

50 Legislature intends that, on May 1, 2024, Section 76-8-506 be amended to read:

51 "76-8-506. Providing false information to a law enforcement [~~officers~~] officer,

52 government [~~agencies~~] agency, or specified [~~professionals~~] professional.

53 [A person is guilty of a class B misdemeanor if he:]

54 (1) [~~-~~] Terms defined in Sections 76-1-101.5, 76-8-101, and 76-8-501 apply to this

55 section.

56 (2) An actor commits providing false information to a law enforcement officer,

57 government agency, or specified professional if:

58 (a) the actor knowingly gives or causes to be given:

59 (i) [~~-~~] false information to [~~any~~] a peace officer or [~~any~~] state or local government

60 agency or personnel with a purpose of inducing the recipient of the information to

61 believe that another person has committed an offense;

62 [~~(2) knowingly gives or causes to be given to any~~] (ii) information concerning the

63 commission of an offense to a peace officer, [~~any~~] a state or local government agency
64 or personnel, or to [~~any person~~] an individual licensed in this state to practice social
65 work, psychology, or marriage and family therapy, [~~information concerning the~~
66 ~~commission of an offense,~~]knowing that the offense did not occur or knowing that [
67 he-] the actor has no information relating to the offense or danger; or
68 [~~(3) knowingly gives or causes to be given~~] (iii) false information to [~~any~~] a state
69 or local government agency or personnel with a purpose of inducing a change in the [
70 person's-] actor's licensing or certification status or the licensing or certification status
71 of another person; or
72 (b) (i) at the time of the actor's arrest for an offense, the actor states to a law
73 enforcement officer that the actor ingested drugs before the actor's arrest;
74 (ii) the law enforcement officer, based on the actor's statement described in
75 Subsection (2)(b)(i), takes the actor to a health care facility for medical treatment; and
76 (iii) a medical examination of the actor demonstrates that the actor's statement
77 described in Subsection (2)(b)(i) was false.
78 (3) A violation of Subsection (2) is a class B misdemeanor."