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ECONOMIC INTERRUPTION AMENDMENTS
2024 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Matt MacPherson
Senate Sponsor: Luz Escamilla

LONG TITLE

General Description:

This bill addresses the economic interruption of a business or governmental entity due to property damage or theft.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ creates a crime for property damage resulting in economic interruption of a business or governmental entity;
- ▶ creates a sentencing enhancement for property damage resulting in economic interruption of a business or governmental entity when the defendant has previous convictions of that same offense;
- ▶ creates a crime for theft resulting in economic interruption of a business or governmental entity; and
- ▶ creates a sentencing enhancement for theft resulting in economic interruption of a business or governmental entity when the defendant has previous convictions of that same offense.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

- 76-6-113**, Utah Code Annotated 1953
- 76-6-414**, Utah Code Annotated 1953

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

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

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

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

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

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

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

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

(B) the employees of the business or governmental entity being unable to perform labor for the business or governmental entity for at least one day.

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

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

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

(b) the actor's actions under Subsection (2)(a) cause an economic interruption for the business or governmental entity.

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

(4) It is not a defense under this section that the actor did not know that the victim is a business or governmental entity.

(5) If the trier of facts finds that the actor committed a violation of Subsection (2), the actor is guilty of:

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

(b) a second degree felony if the actor has at least three prior convictions for a violation of Subsection (2) within five years before the day on which the actor committed the most recent violation of Subsection (2).

(6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction

- 62 that is from a separate criminal episode than:
63 (a) the most recent violation of Subsection (2); and
64 (b) any other prior conviction that is used to enhance the penalty for the most recent
65 violation of Subsection (2).
66 (7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include
67 notice in the information or indictment that the offense is subject to an enhancement
68 under Subsection (5).

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

70 **76-6-414 . Theft resulting in economic interruption -- Enhanced penalties.**

- 71 (1) (a) As used in this section:
72 (i) "Business" means the same as that term is defined in Section 76-6-113.
73 (ii) "Governmental entity" means the same as that term is defined in Section 76-6-113.
74 (iii) "Economic interruption" means the same as that term is defined in Section
75 76-6-113.
76 (b) Terms defined in Sections 76-1-101.5 and 76-6-401 apply to this section.
77 (2) An actor commits theft resulting in economic interruption if:
78 (a) the actor intentionally, knowingly, recklessly, or negligently obtains or exercises
79 unauthorized control over a business's or governmental entity's property with the
80 intent to deprive the business or governmental entity of the property; and
81 (b) the actor's actions under Subsection (2)(a) cause an economic interruption for the
82 business or governmental entity.
83 (3) A violation of Subsection (2) is a class A misdemeanor.
84 (4) It is not a defense under this section that the actor did not know that the victim is a
85 business or governmental entity.
86 (5) If the trier of facts finds that the actor committed a violation of Subsection (2), the actor
87 is guilty of:
88 (a) a third degree felony if the actor has two prior convictions for a violation of
89 Subsection (2) within five years before the day on which the actor committed the
90 most recent violation of Subsection (2); and
91 (b) a second degree felony if the actor has at least three prior convictions for a violation
92 of Subsection (2) within five years before the day on which the actor committed the
93 most recent violation of Subsection (2).
94 (6) A prior conviction used for a penalty enhancement under Subsection (5) is a conviction
95 that is from a separate criminal episode than:

- 96 (a) the most recent violation of Subsection (2); and
97 (b) any other prior conviction that is used to enhance the penalty for the most recent
98 violation of Subsection (2).
99 (7) The prosecuting attorney, or the grand jury if an indictment is returned, shall include
100 notice in the information or indictment that the offense is subject to an enhancement
101 under Subsection (5).

102 Section 3. **Effective date.**

103 This bill takes effect on May 1, 2024.